



# INROADS

January – March 2011

*For internal circulation only*



**International Women's Day**

## On 8 March 2011,

International Women's Day marks its 100<sup>th</sup> anniversary. And that means 100 years of rallying and campaigning for women's rights and gender equality.

This celebration is recognised globally in many

countries with different themes every year and for some, IWD is made an official holiday.

In conjunction with IWD this year, WAO collaborates with Unilever and Guardian to raise funds for its refuge and child care centre through the Pink Heart Campaign. You can refer to our Events section for more details.

WAO appreciates the thoughtfulness and generosity of people who have offered help, be it by volunteering or through fund raising events.

Since the birth of WAO in 1982, the organisation has been championing a worthy cause – protecting women against violence. WAO shelters women and children survivors, educates the public and undertakes advocacy on legal reform.

From 2009 onward, the number of abused women coming forward has risen. As much as we would hope for a decline, WAO is sure that these women are now more aware of their rights compared to years before hence the increase.

### WAO Statistics (2009 – 2010)

	2009	2010
Shelter residents		
• Women	127	137
• Children	117	93
Telephone counselling	1228	1544
Face-to-face counselling	138	145

So, let IWD and every other day reminds us of women all over the world who might still be suffering from domestic violence and how we can help rebuild their lives free from all forms of discrimination and intimidation.

## Happy International Women's Day

from us at WAO!

We would like to dedicate this lovely poem to all women out there!



### Phenomenal Women

by Maya Angelou

Pretty women wonder  
where my secret lies.  
I'm not cute or built  
to suit a fashion model's size  
But when I start to tell them,  
They think I'm telling lies.  
I say,  
It's in the reach of my arms  
The span of my hips,  
The stride of my step,  
The curl of my lips.  
I'm a woman  
Phenomenally.  
Phenomenal woman,  
That's me.

I walk into a room  
Just as cool as you please,  
And to a man,  
The fellows stand or  
Fall down on their knees.  
Then they swarm  
around me,  
A hive of honey bees.  
I say,  
It's the fire in my eyes,  
And the flash of my teeth,  
The swing in my waist,  
And the joy in my feet.  
I'm a woman  
Phenomenally.  
Phenomenal woman,  
That's me.

Men themselves  
have wondered  
What they see in me.  
They try so much  
But they can't touch  
My inner mystery.  
When I try to show them  
They say they still can't see.  
I say,  
It's in the arch of my back,  
The sun of my smile,  
The ride of my breasts,  
The grace of my style.  
I'm a woman  
Phenomenally.  
Phenomenal woman,  
That's me.

Now you understand  
Just why  
my head's not bowed.  
I don't shout or jump about  
Or have to talk real loud.  
When you see me passing  
It ought  
to make you proud.  
I say,  
It's in the click of my heels,  
The bend of my hair,  
the palm of my hand,  
The need of my care,  
'Cause I'm a woman  
Phenomenally.  
Phenomenal woman,  
That's me.

Source: poemhunter.com

## SIX LOSE JOBS AFTER BECOMING PREGNANT

News article: *New Straits Times*, 20 October 2010



**KUALA LUMPUR** - Six women claimed they were forced to resign from their jobs just because they were pregnant.

Claiming they were treated unfairly, they then approached the MCA public services and complaints bureau for advice.

Bureau head Datuk Michael Chong said the six women were all from different private companies, who got pregnant while working for the companies. He said two of the women were sacked immediately as they were still under probation while the other four were bullied into leaving their well-paying jobs.

Chong said upon realising their employees were pregnant, most of the employers had picked on the women by either giving them difficult jobs, or none at all, resulting in the women getting frustrated and stressed at work. "When I talked to the employers, some even told me they would not have hired the women if they knew they were going to get pregnant." He added that all the cases had been referred to the Industrial Court and the Labour Department. Most of the women had already been compensated for their grievances.

Chong said **it was unfair for these women to be discriminated against because they became pregnant.** He appealed to employers, especially those from the private sector, to treat women well and fairly and not resort to dirty tactics to force them to leave the company.

One of the women, who did not want to be identified, said she had been employed as a software engineer at an information technology company for five years when she became pregnant in April.

In August, the employer told the 29-year-old to leave the company, claiming the company was not doing well and he could not afford to pay her salary. She was given a choice of leaving with three months' salary as compensation or stay on with a 50 per cent pay cut. Last month, her employer threatened to withdraw the salary compensation if she did not accept it immediately. She then took the cheque and left the company but maintained she was the only employee to be treated in such a way.

"I was the only employee in the history of the company to ever get pregnant," she claimed. She advised women seeking jobs to understand their future companies' policies regarding their rights and benefits before accepting employment.

**And this is what we have to say ...**

**'IT IS A VIOLATION OF LABOUR LAWS'**

*Letter to the Editor: New Straits Times, 20 October 2010*

**KUALA LUMPUR** - Forcing an employee out of the company for being pregnant is not only discriminatory but also a violation of labour laws.

According to All Women's Action Society Malaysia (Awam), employers tend to have the perception that women become unproductive once they were pregnant.

"But this is completely unacceptable and it shows that the companies are ignorant about labour laws," said senior programme officer Abigail De Vries.

She said a number of women had approached Awam over the years with similar issues.

"The problem is not uncommon but more should be done to eradicate discrimination of women at the workplace," De Vries added.

Women's Aid Organisation (WAO) said it condemned employers who discriminated against women because of their gender.

**"Dismissing a female employee because she is pregnant, or treating her so badly that she sees no other option but to resign, is punishing a woman for claiming her reproductive rights,"** said WAO's programme officer Sarah

Thwaites, adding the government currently does not monitor the extent of this trend of forcing pregnant women out of their jobs.

"The Women, Family and Community Development Ministry and the Labour Department should encourage women who have been discriminated against to come forward and make complaints to their offices throughout the country," she said.

Thwaites added that employers needed to know that they may face legal repercussions as everyone had the right to work and raise a family without being bullied and discriminated against.

## DROP SECTION 498 FROM PENAL CODE

*Letter to the Editor: The Sun, 9 November 2010*

**TODAY**, Women's Aid Organisation and Sisters in Islam, in solidarity with the global campaign "One Day, One Struggle", organised by the Coalition for Sexual and Bodily Rights in Muslim Societies (CSBR), renew the call for the abolition of Section 498 of the Malaysian Penal Code which restricts a woman's right to decide on matters relating to her own body.

For the last year women's groups in Malaysia have campaigned for the removal of Section 498 of the Penal Code on "enticing or taking away a married woman". Unfortunately, no amendments have been made to the law and Section 498 remains.

As women's groups in Malaysia campaigning for women's rights and gender equality in a multicultural society, we join hundreds on this day in countries such as Lebanon, Pakistan, Turkey, Indonesia, Sudan, Nigeria, Ghana, Iran and Palestine who are taking action against violations on the basis of sexuality.

Section 498 was adopted from the Indian Penal Code, which was drafted at a time when women were perceived as the property of their husbands – passive agents with merely reproductive functions, with no self agency or rational minds of their own. This perception of women is outmoded and irrelevant in contemporary Malaysia. Every woman has the right to make decisions over her own body. Consensual intimate relationships between adults should not be the government's concern.

Section 498 contravenes the provision of equality between men and women evident in Article 8 of the Federal Constitution, as well as contravening international human rights treaties that Malaysia has ratified.

As a party to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since 1995, Malaysia should pay attention to Article 2(g) of CEDAW which refers specifically to discrimination within penal provisions and states that parties to the convention should "repeal all national penal provisions which constitute discrimination against women."

The government's commitment to women's human rights will be examined soon at a meeting of the CEDAW Committee. Malaysia was due to report to the committee in 2008, but as yet has not completed its report. When the report is completed and the government does appear before the committee, the retention of regressive laws such as Section 498 will reflect negatively on Malaysia's commitment to human rights.

We call on the government to remove Section 498 from the Penal Code.

**Sisters in Islam. Women's Aid Organisation.**

## TOP COURT THROWS OUT HINDU MOTHER'S CONVERSION CHALLENGE

*News Article: The Malaysian Insider, 12 November 2010*

**PUTRAJAYA** - The country's top court today unanimously **dismissed a Hindu mother's bid to raise her two young children in the religion they grew up with, after being converted to Islam by her estranged Hindu-turned-Muslim husband eight years ago.**

Today's 5-0 ruling effectively deals a hard blow to the battle to end one-sided religious conversions, which has caused a deep rift in this multicultural and secular nation but where Islam is recognised as the official creed. The panel of five of the nation's most senior judges, led by Chief Justice Tun Zaki Azmi, ruled that S. Shamala must return to the country if she wants the court's protection. The 38-year-old mother fled the country with her two sons in 2004. Their current location is unknown.

Zaki, in his grounds of judgment, noted that Shamala had gained an unfair advantage over her husband when she breached a court order allowing the father the right to visit the two children. "By doing so, she had unlawfully had custody of the children and even if the court were to examine the children now as to who would they chose to live with, most likely they will choose to live with the wife," the top judge said.

The Federal Court said it cannot adopt a "fugitive doctrine of heads I win, tails you lose" in deciding the basic rights for either parent. "Parties must have equal footing and not unfair representation," Chief Judge of Sabah and Sarawak Tan Sri Richard Malanjum said in his judgment.

The court noted that Shamala's estranged husband, anaesthetist Dr Muhammad Ridwan Mogarajah (alias Jeyaganesh C. Mogarajah), also had rights as the father but had been denied access to his children for the past six years. Dr Muhammad Ridwan was not present in court for the decision today.

...continued from previous page

Both parents are in a bitter fight to gain custody over Saktiwaran and Theivaswaran, now aged 11 and nine respectively, and to be allowed to raise them in their respective religions.

But Malanjum departed from the judgment of his fellow judges on one point — to allow the case back in court if Shamala returns to the country together with the children within the next three months from today. “I am of the view that since there is no undue serious prejudice I am therefore inclined to rule that the interest of justice is best served by making an order that the wife and the children are to appear before this court within three months from today failing which this reference will be deemed dismissed with costs,” he ruled. The other four judges had ruled to have Shamala’s challenge thrown out with immediate effect, without hearing the five constitutional questions she had raised.

1. Whether section 95 (b) of the Administration of Islamic Law (Federal Territories) Act 1993 is ultra vires of Article 12 (4) of the Federal Constitution [specifically concerning the right to determine the religion of the children under the age of 18 shall be determined by the parent or guardian] and Article 8 regarding equality rights?

2. Whether the same section in state law is inconsistent with federal law, namely section 5(1) of the Guardianship of Infants Act 1961, and is therefore invalid?

3. Regarding Article 121 (1A) of the Federal Constitution, where a custody order of children is made which court, between the Syariah Court or the High Court, is the higher authority?

4. When there is conversion of children of a civil marriage to Islam by one parent without the consent of the other, are the rights of remedy for the non-Muslim parent vested in the High Court?

5. Does the Syariah Court have jurisdiction to determine the validity of conversion of a minor into Islam once it had been registered by the Registrar of Muallafs?

The Federal Territory Islamic Council was also a party to the suit, and had sided with the father for his rights as a Muslim to be upheld. Shamala’s lawyers were highly critical of today’s decision.

Former Bar Council chief Datuk Ambiga Sreenevasan, who is on Shamala’s team, said the court’s answers to the questions were very important not only for the mother but for others trapped in a similar situation and slammed the panel for dodging them.

“If Shamala can’t come to the highest court of the land [for justice], where can she go?” Ambiga’s colleague raised in an impromptu news conference in the Palace of Justice here after the ruling.

“By leaving the country,” suggested women’s rights activist Meera Samanther who is also a lawyer, Samanther said perhaps Shamala had foreseen today’s decision and decided to take her chances and run. But lawyers for Dr Muhammad Ridwan and the Islamic council welcomed the top court’s unanimous decision.

“If she wants justice, she has to come back with the children. She can’t ask for justice from out of the country, especially in a case where the children have been deprived of their father for the past six years,” Muralee Menon, who represented the father, told reporters. “The decision today was not one bordering on religion but purely the fundamental right of the parent,” he added.

The Islamic body’s lawyer, Azmi Rais, told reporters Shamala’s suit amounted to trying to seek a judgment in her favour “by remote” and that was not fair. “The court’s decision was correct,” he added.

***In response to the case of Shamala, JAG writes to the Editor of Malaysiakini...***

## **FEDERAL COURT’S COWARDICE DISAPPOINTING**

*Letter to the Editor: Malaysiakini, 13 December 2010*

In a joint statement issued on Human Rights Day (Dec 10), women’s rights groups expressed disappointment at the lack of courage displayed by the Federal Court as it has neglected to resolve conversion issues presented before them.

The recent majority decision by the Federal Court, which was in effect a decision to not make any decision, leaves Shamala and others, mainly women, in similar situations without clarity as to their legal rights.

...continued from previous page

In 2002, Shamala Sathiyaseelan approached women's groups seeking help. Her husband had converted to Islam and had also converted their two children without Shamala's knowledge, let alone her consent.

Eight years and many court hearings later, Shamala is still left in limbo.

On Nov 12, 2010, the Federal Court shirked its responsibility to execute justice by declining to answer constitutional questions relating to the validity of the unilateral conversion of children to Islam by a father. The federal court had cited Shamala's absence as the excuse for neglecting to answer the constitutional questions.

In past court decisions, Shamala's equal rights as a parent were denied and she was told to raise her children in a religion that was not her own.

She was understandably compelled by circumstances to flee the country with her children.

The Federal Court did not give due regard to the circumstances that caused Shamala to flee and yet she had turned to this Court to resolve the vexed question that confronts her and many others.

Both international conventions and Malaysia's domestic legislation concur that women and men must have equal rights to make decisions

pertaining to their children.

Section 5(1) of the Guardianship of Infants Act 1961 clearly states that both parents have equal rights with regard to matters relating to the upbringing of their children. And yet the courts continue to evade their duty to uphold the rights of women as equal guardians.

The Federal Court's refusal to answer crucial and critical questions in this high profile case leaves us no closer to achieving clarity. In the meantime, an array of injustices against non-convert spouses continues to be perpetrated in light of this legal loophole.

Courage and political will from the structures of our democratic government – from parliament and the judiciary – are required at this time to affirm the equality of all Malaysians.

The Joint Action Group for Gender Equality comprises:

**Women's Aid Organisation (WAO)**  
**All Women's Action Society (AWAM)**  
**Women's Centre for Change (WCC)**  
**Persatuan Kesedaran Komuniti Selangor (EMPOWER)**  
**Sisters in Islam (SIS)**  
**Perak Women for Women Society (PWW)**  
**Sabah Women's Action Resource Group (SAWO)**

## RAPIDKL WOMEN-ONLY BUSES ON TRIAL RUN

News article: *The Star*, 3 December 2010

Women's groups have welcomed the move by RapidKL to introduce women-only buses but stressed that more needs to be done to tackle sexual harassment at its roots.

They also commented that this should only be a temporary measure to send out the right message to the masses.

"What is worrying is that there may be separate queues, shops, cinemas and other public space for men and women in the future," said Women's Aid Organisation (WAO) executive director Ivy Josiah.

**"This may also lead one to think that separating women from men is the way to stop sexual harassment"**

"What we need is an overall mindset change," she said, adding that the women-only buses should only be an option and not be made compulsory.

All Women's Action Society (AWAM) senior programme officer Abigail de Vries also commented that the service would not tackle

the problem of sexual harassment at the roots.

"We understand the need for a women's only bus service as women face harassment in public transport daily.

"But this service does not solve the problem of harassment.

"It is not a magic bullet. Until men and society at large learn to respect women and treat them accordingly, sexual harassment will continue," she said.

Rapid KL has launched a trial run for the first women-only bus service to promote women's health and safety.

...continued from previous page

The Rapid Lady Bus service for seven routes with high passenger volume began on Dec 1 and will end on Dec 31. There are two bus services at 6.45am and 7.30am and at 6pm and 6.45pm daily.

The seven bus routes for the morning service are Pinggiran Batu Caves, Damansara Damai, Sri Nilam, Terminal Kajang, Puchong Utama, UiTM Shah Alam and Subang Suria. The evening service goes to Medan Pasar, Jalan Hang Lekiu and Pasar Seni.

RapidKL Bus chief operating officer Datuk Mohamed Hazlan Mohamed Hussain said the service was aimed at providing more comfort and security for women, protecting them from sexual harassment and save them from jostling with men during peak hours. "This is based on feedback received from our customers, especially women, on the discomfort they face using our services during peak hours," he said. Mohamed Hazlan said the service would not affect current bus services as it would use additional buses.



Prasarana group managing director Shahril Mokhtar said the latest initiative by RapidKL's Bus Group was one of the measures under the Prasarana Going Forward Plan (GFP).

Even though the bus service is only for women, boys aged below 12 are allowed when they are accompanied by female companions or relatives. A "women-only" label will be placed on the buses' windshield, window, doorway and on the LED screen in the buses. A survey will be conducted during the trial run to gather feedback to further improve the service.

## STAND UP AGAINST HATRED AND THREATS AGAINST LGBT

Letter to the Editor: Malaysiakini, 30 December 2010



**Joint Action Group For Gender Equality (JAG)** is greatly concerned with recent announcement in Star (Dec 29) that the Islamic Development Department of Malaysia (Jakim) intends to take action against Azwan Ismail for posting a video on YouTube entitled "I'm Gay, I'm OK" as

part of a video campaign launched in response to accounts of suicides and attempted suicides by Lesbian, Gay, Bisexual and Transgender (LGBT) teenagers and adults.

We are appalled that government authorities have not condemned the threats of murder and violence against Azwan Ismail and other members of Seksualiti Merdeka who were involved in the campaign, but instead have fanned violence and hatred with homophobic and discriminatory statements.

Women have never been strangers to discrimination. That is why women's groups seek to uphold Article 8 of the Malaysian federal constitution that clearly guarantees that, "All persons are equal before the law and entitled to equal protection of the law."

JAG stands by Seksualiti Merdeka's attempt to reach out to Malaysians who face overwhelming feelings of loneliness, fear or hopelessness resulting

from the stigma and discrimination against them for being LGBT. They should not be persecuted for trying to address a human issue with understanding and compassion.

JAG is deeply concerned with the culture of hatred and intolerance bred in Malaysian society today against those who are different, be it on the basis of race, religion, gender or sexual orientation. This demonisation of the "other" goes against the true inclusive and tolerant spirit of being Malaysian.

As Louise Arbour, former UN High Commissioner for Human Rights has stated: "**Neither the existence of national laws, nor the prevalence of custom can ever justify the abuse, attacks, torture and indeed killings that gay, lesbian, bi-sexual, and transgender persons are subjected to, because of who they are or are perceived to be**".

"Because of the stigma attached to issues surrounding sexual orientation and gender identity, violence against LGBT persons is frequently unreported, undocumented and goes ultimately unreported and unpunished. Rarely does it provoke public debate and outrage. This shameful silence is the ultimate rejection of the fundamental principle of universality of rights."

Azwan Ismail is not the first gay Muslim man in Malaysia nor will he be the last. Being gay is not a crime, however, hate speech as per Sections 211 and 233 of the Communications and Multimedia Act 1998 and making threats to commit acts of violence as stated in Section 503 of the Penal Code are crimes under Malaysian laws.

We urge Malaysians to stand up to such hatred and violence and reach out to all those who are discriminated against in peace and compassion.

# MORALISTIC APPROACH TO BABY DUMPING INEFFECTUAL

*The Sun, 4 March 2010*

HEALTH Equity Initiatives is very concerned about the current debates on baby dumping and infanticide that once again seem to adopt a moralistic approach, which has proved ineffectual in dealing with this long-standing problem.

As such, we laud the call by federal police CID director Commissioner Datuk Seri Mohd Bakri Zinin "to find a more effective mechanism to resolve this and all parties must play their part" (Feb 9).

We support Reproductive Rights Advocacy Alliance Malaysia's call for women to have more control over their reproductive health and have access to the termination of pregnancy (TOP) services.

We do not view the termination of pregnancy as a means of nor as an alternative to contraception. However, we do believe that TOP should be examined within the broader context of women's lives; unequal power relations between men and women; the lack of access, especially for women, to accurate and appropriate sexual and reproductive health information and services; the development of technologies relating to TOP; and importantly, evidence relating to TOP.

Unsafe abortions come at a high cost to human life and material resources. Unsafe abortions are one of the leading causes of maternal mortality and morbidity globally, and treating complications that result from unsafe abortions brings unnecessary and avoidable costs to the health care system. Studies indicate that the availability of legally induced abortion has reduced mortality due to abortion. Further, high quality studies indicate no increased risk of mental health problems in women having a TOP.

The decision to terminate a pregnancy is never easy for any woman and alternative options to carry the pregnancy to term, childbirth, raising the child and/or giving the baby up for adoption come with their own psychological, financial and social hardship.

As an organisation working with marginalised communities, we notice that particularly in the case of non-citizen refugee women, TOP services while much needed are extremely difficult to access. Undertaking risky journeys as they flee persecution, refugee women experience the risk of unwanted pregnancies as they are exposed to rape and sexual violence and lack access to emergency contraception. Given their insecure legal status and lacking the formal right to work in Malaysia, they are barely even able to meet their own basic needs, including of security. Carrying the pregnancy to term, accessing maternal health services via a public health system which charges extremely high foreigners' rates, and raising the baby after birth sans child care and social support within such an environment is extremely challenging.

In 2009, the United Nations recognised maternal mortality as a violation of human rights, and reproductive health rights are enshrined in several international declarations and laws. The exercise of judgment relating to the woman's body and personal morals should be the right of the woman – not of the family, the state, or even of the medical practitioner.

In the context of reproductive health services, General Recommendation 24 of the Convention on the Elimination of All Forms of Discrimination against Women (1979) which Malaysia has ratified states that "if health service providers refuse to perform such services based on conscientious objection, measures should be introduced to ensure that women are referred to alternative health providers".

The failure of overly moralistic and legalistic approaches to the problems of baby dumping and infanticide in our country and the consequent loss of lives must strengthen our efforts towards greater dialogue and creating more spaces where these issues can be discussed openly, rationally and compassionately.

**written by Health Equity Initiatives**

## **WAO needs your help**

Raising funds for WAO is a continuous activity as the expenses of the organization including the cost for food, medical needs, transport, utilities and upkeep of the Refuge and Child Care Centre total up to RM1 million yearly. We appreciate your support as your donations enable us to continue serving women and children in need.

A quote from an American novelist famous for the novel Little Women

"I like to help women help themselves, as that is, in my opinion, the best way to settle the woman question. Whatever we can do and do well we have a right to, and I don't think any one will deny us"

Louisa May Alcott

# Fundraising Events



Pink Heart Campaign is a collaboration between Unilever and Guardian to raise funds for WAO. The campaign also commemorates the International Women's Day in Malaysia. Purchase any Unilever products at a minimum of RM20.00 in a single receipt in Guardian and you are entitled to purchase a Pink Heart Campaign

keychain for only RM1.00. Campaign runs from now till April 2011.



Zouk Club KL, Toniq Creative Management & Amazon Agency, once again, raises funds for WAO. Proceeds from the event, 'Queen of Hearts'



will be channelled to the Refuge and Child Care Centre. Air Asia is sponsoring guest DJ Janette Slack from UK to spin for the night.

# WAO Wishlist

**BASIC NEEDS** - Towels. Shampoo. Combs. Talc Powder. Women Toiletries. New undergarments for women and children (all sizes)

**MEDICAL NEEDS** - Panadol – syrup for children. Cough syrup. Dettol. Burnol. Vicks

**HOUSEHOLD NEEDS** - Fluorescent tube lights (small & big). Brooms

**OFFICE NEEDS (URGENTLY REQUIRED)** - New computers. Laser printer. Office table. A4 Paper (white)

## The Women of WAO

### President

Meera Samanther

### Executive Director

Ivy Josiah

### Social Work Manager

Wong Su Zane

### Vice President

Vivienne Lee

### Finance & Admin Manager

Sharmini Kanesamoorthy

### Social Workers

Jessie Ang, Nazlina Abd Ghani, Umadevi Rajah Denram, Noor Diyana Yahaya, Puveshini Rao Subaramanian

### Secretary

Chin Oy Sim

### Admin & Account Assistant

Divvyananthini Manoharan

### Asst. Secretary

Mok Chuang Lian

### Administrator

Ammy Juliet

### Night Supervisor

Normah Md. Noor

### Treasurer

Carol Chin

### Projects Officers

Ann Nicole Nunis, Vivian Yap

### CCC Supervisor

Myra Zafia

### Committee Members

Ambiga Sreenevasan, Lee Shook Fong, Grace Lim

### Programme Officers

Sarah Thwaites, Valerie Mohan

### CCC Child Minder

Saraswathy Balakrishnan