

# Why we need a Gender Equality Commission

A Policy Brief by Women's Aid Organisation (WAO), August 2017

## Summary

- KPWKM is working with NGOs on a Gender Equality Act. We propose that a Gender Equality Commission be established as part of the Act.
- The Commission will be **independent, institutionalised, and have expertise on gender equality.**
- The Commission will be **crucial to advancing gender equality in Malaysia, by:**
  - **Monitoring adherence to principles of gender equality.**
  - **Improving access to remedies and justice for women.**
  - **Generating evidence based research and solutions.**

## Key characteristics of the Gender Equality Commission

1. **Independent.** The Commission will be answerable to Parliament, and consist of commissioners of high integrity and independence.
2. **Institutionalised.** The Commission will be a statutory body, created and funded through the Gender Equality Act.
3. **Expertise in gender equality.** Commissioners will have specialised knowledge and experience in gender equality and related fields, and supported by specialised staff.

## The Gender Equality Commission will be crucial to advancing gender equality in Malaysia

1. The Commission **monitor adherence to principles of gender equality** in both public and private sectors.
  - The Commission will be independent from the executive branch, and institutionalised in statute. This will enable it to **advance gender equality without being sidetracked** by political changes and budget uncertainties.<sup>1</sup>
  - Additionally, the Commission will be independent from any particular government agency, enabling it to **monitor gender equality commitments across agencies.**
  - The **South African Commission for Gender Equality** plays this independent monitoring role.
    - It investigates systemic gender-rights violations, through its own initiation, complaints from the public, referrals from the South African Human Rights Commission, and referrals from the Public Protector South Africa.<sup>2</sup>
    - The South African Commission has submitted around 20 recommendations on existing and proposed laws in 2013-2014 to ensure gender equality standards are protected.
2. The Commission will be an alternative channel for women to **access justice and remedies, in addition to the normal structures of government and courts.**

<sup>1</sup> Hassim, S. (2003). The Gender Pact and Democratic Consolidation: Institutionalizing Gender Equality in the South African State. *Feminist Studies*, Vol.29(3), pp.504-528.

<sup>2</sup> Commission for Gender Equality (2014). Annual Report 2013/2014. [online] Commission for Gender Equality, pp.49-50. Available at: <http://www.cge.org.za/annual-reports>.

- The Commission's independence will **increase its credibility with the public**. Women will be more comfortable to raise instances of discrimination to the Commission, compared with existing structures like regular courts.
  - In fact, a comparative analysis of equality bodies in the European Union showed that **victims of gender discrimination are more confident to approach specialised commissions and ombudspersons** dealing with gender equality issues.<sup>3</sup>
  - In 2013 and 2014, the **South African Commission for Gender Equality** received 1,217 complaints.
3. The Commission will **generate evidence based research and solutions** to enhance gender equality in Malaysia.
- According to Malaysian academics with gender expertise, there is a **lack of research and analysis on gender issues** in Malaysia.<sup>4</sup>
  - The **Commission will have a specific focus and expertise on gender**, enabling it to produce and commission studies on gender issues. These studies can then be used to make evidence based recommendations to policymakers.
  - The *Philippines Commission on Women*, for instance, has produced documents to improve gender equality in the Philippines.
    - E.g., the Philippines Commission created the *Harmonised Gender Development Guideline*, which generated gender-disaggregated data and helped government agencies integrate gender equality concerns in development planning processes.
    - The Guideline has been used for over a decade and has successfully facilitated gender-mainstreaming efforts. Some Filipino government agencies have even developed their own gender checklists, such as the Tourism Checklist developed by the Department of Tourism.<sup>5</sup>

### How is the Gender Equality Commission different from SUHAKAM?

- SUHAKAM covers human rights broadly, which dilutes its work on gender equality.
  - E.g. in 2015, **only 5 of the 333 complaints (1.5%)** it received were about discrimination on the basis of race, religion, gender, disability, and political affiliation. In 2016, the ratio was 8 in 529 (also 1.5%).<sup>6</sup>
  - Of this 1.5%, it is not clear how many were on the basis of gender discrimination.
- **A Gender Equality Commission will ensure the focus on gender is not lost.**

<sup>3</sup> European network of legal experts in gender equality and non-discrimination (2016). A comparative analysis of gender equality law in Europe 2015'. European Union.

<sup>4</sup> Dr. Rusaslina Binti Idrus (Senior Lecturer, Gender Studies Programme, University of Malaya) notes the lack of research on *gender and employment* as one area: Malaysia does not have updated analysis on gender divisions in labour, female labour dropout, women in high level private sector positions, and on the comparatively smaller number of male students in higher education.

<sup>5</sup> National Economic and Development Authority, Philippine Commission on Women and Official Development Assistance Gender and Development Network (2016). Harmonized Gender and Development Guidelines for Project Development, Implementation, Monitoring and Evaluation. Third Edition.

<sup>6</sup> Human Rights Commission of Malaysia (SUHAKAM) (2017). Annual Report 2016. [online] Human Rights Commission of Malaysia (SUHAKAM), pp.48-50. Available at: <http://www.suhakam.org.my/pusat-media/sumber/laporan-tahunan>.