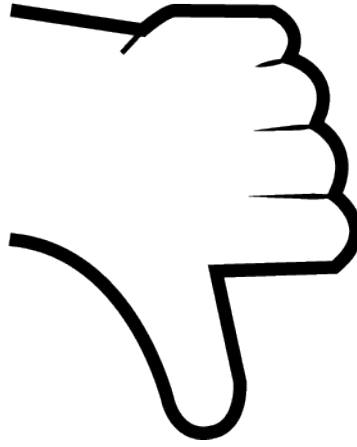


Aiyoh
WatLah!
Awards
2015

Joint Action Group
for Gender Equality
(JAG)



NOMINEES

The Aiyoh... Wat Lah?! Awards is an annual event organised by the Joint Action Group for Gender Equality (JAG) intended to raise awareness on what constitutes sexism, misogyny, homophobia, and/or transphobia and to encourage higher standards of behaviour from public figures and institutions in relation to gender and sexuality.

The Joint Action Group for Gender Equality (JAG) comprises:

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

To the best of our knowledge, these nominations have not been retracted or disputed.

CATEGORY: FOOT IN MOUTH

Nominee	Background and basis for nomination
1 "Most Malays are sensitive to [the rape of] teenage girls...Non-Malays are probably less sensitive towards this." 18 March	Deputy Home Minister Wan Junaidi Tuanku Jaafar is alleged to have made this statement in response to the release of a report that statutory rape figures are higher in the Malay community than amongst non-Malays. <i>It is insulting to suggest that statutory rape is a racial issue. The Deputy Home Minister later claimed that the statement was taken out of context, but there is no context in which it is appropriate to allow the issue of ethnicity to subjugate the very universal problem of child rape. It is also an issue that someone of this high standing in Parliament is seemingly attempting to sweep this beneath the carpet, instead of treating it as an issue that needs serious attention.</i>
2 "You are a coward, you are pondan! I asked you to give me space, I asked nicely, but you didn't want to give, you are a coward!" 19 November	MP for Baling, Kedah, Abdul Azeez Abdul Rahim (UMNO) reportedly used "pondan" as an insult against a DAP lawmaker in a debate on the budget at committee stage for the Domestic Trade and Consumer Affairs Ministry. <i>The use of "pondan" as an insult implies that being a biological male who exhibits allegedly "feminine" characteristics is somehow something to be ashamed of. In this instance, it also further conflates being "pondan" and thus effeminate with being a coward. Men and women are exposed to a dominant discourse that holds that there are discrete characteristics inherently "masculine" and "feminine", when in fact these are not inborn but are socially conditioned.</i>

CATEGORY: INSULTING INTELLIGENCE

Nominee	Background and basis for nomination
1 An increase in attendance of LGBT persons in political protests will lead to "nude parades and individuals of the same-sex kissing in front of Dataran Merdeka." 4 May	Utusan Malaysia published an article in which they made this claim. <i>How did the editors come to the conclusion that the marchers were gay? And even if some of the marchers were gay, it does not mean that they would want to march nude. This kind of slippery slope "analysis", conflating homosexuality with public depravity, is no kind of analysis at all. It is instead a reflection of deep-seated prejudice against homosexuals and transgender people. Or perhaps this is just a fantasy of the Utusan Malaysia editors.</i>
2 "I want to inform MAS,	MP for Kinabatangan, Sabah, Bung Mokhtar Radin (UMNO) reportedly angled

- don't touch me! I don't want! If they touch Seputeh, maybe can, but not me."
- 27 November
- To suggest that it is acceptable for a woman to be body-searched but not himself, implies that it is his prerogative to dispense with Teresa Kok's body as he sees fit. It further can be inferred that he sees her body, because female, as public property. This type of discourse encourages a lack of respect for women and girls and disregards their right to bodily integrity.*
- 3 "Saya pernah di kecam apa bila berkata kebanyakan pemandu wanita panas baran..ianya telah di buktikan olek..KIKI. CDM25..." [Translation: "I have been criticised when I said most women drivers are hot-tempered.. now it is proven by.. KIKI CDM25."]
- 17 July
- MP for Kinabatangan, Sabah, Bung Mokhtar Radin (UMNO) made this tweet in relation to the highly publicised video of a woman which went viral. In the video, "Kiki", in a fit of road rage beat a Chinese man known affectionately to the internet community as "Uncle". According to Bung, this one incident of female road rage vindicates his 2011 claim that women are more responsible for endangering motorists.*
- To state that a single, highly publicised incident of road rage proves a foolhardy claim that women are more dangerous drivers is just illogical. Positions such as this merely feed into the sexist trope of the emotional, vicious female. There are many perpetrators of road rage and dangerous driving habits, both male and female, who endanger motorists' lives every day. Just because "Kiki" was unlucky enough to have her episode captured on a camera phone and is a woman does not in any way prove Bung's outlandish claim.*
- 4 "Malaysian mothers would be forced to face the harsh possibility that the partners of their daughters could have bigger breasts than theirs some day."
- 29 November
- Head of Ampang Division (UMNO), Ismail Kijo reportedly made repetitive jokes referring to probable discomfort of parents-in-law if same sex marriage is legalised.*
- We cannot even begin to comprehend how irrational, and moreover heteronormative it is, to suggest that same sex marriage would lead to a mother being shocked to see her (lesbian) daughter's "husband" in fact has "breasts bigger than hers". The speaker's ignorance assumes that:*
- a) a mother would see her daughter's partner as a "husband";*
- b) she would then be threatened by the size of a said "husband"'s breasts.*

CATEGORY: POLICY FAIL

Nominee	Background and basis for nomination
1 The banning of male presence at netball tournament in Kelantan, as	Kelantan State Government (PAS) announced this policy in August, just another in a spate of gender segregation measures introduced by the state, including at hairdressing salons and supermarket checkout counters.

<p>well as enforcing strict (and impractical) dress codes for female players regardless of religion.</p>	<p><i>Banning men's presence at a netball tournament is not only unfair to women in depriving them of an audience merely because women's sport is falsely assumed to be inappropriate, but is also unfair to men in assuming that they do not possess enough self-control to safely be spectators. Moreover, enforcing heavy and impractical dress codes for female players irrespective of religion is sexist as women ought to be able to exercise bodily autonomy and elect what is appropriate dress for the activities they perform.</i></p>
<p>21 August</p>	
<p>2 Limited recognition of women's informal economic role in the budget release, which could lead to the further marginalisation of Malaysian women.</p>	<p>The Federal Government's release of the 2015 budget saw a disappointing lack of recognition for women's economic contribution. While this is not a new trend, it is disappointing that in 2015, we still have to continue having this conversation.</p>
<p>10 October</p>	<p><i>It is very important to recognise women's informal contribution to the economy. There is a long history in economics and politics of ignorance of the very vital role that women play in the economy in the vast amount of unpaid work duties they perform, often in addition to paid activities. For the government to ignore this is inexcusable.</i></p>
<p>3 Immediate arrest and detention of three asylum seeker women following their delivery of babies in General Hospital Kuala Lumpur (GHKL).</p>	<p>The Immigration Department of Malaysia reportedly seized the women over several weeks in March, directly sending them to detention after they gave birth.</p>
<p>March</p>	<p><i>Depriving women the basic right to healthcare just because they are asylum seekers is a grave violation of women's human rights, as well as the rights of refugees. Malaysia is yet to ratify the Refugee Convention of 1951, despite having been a member of the UN Human Rights Council in 2009 and 2013. The actions of Malaysian immigration authorities in this case breach rights as outlined in the 1951 Refugee Convention on several fronts. For the first, the separation of the mothers from their husbands and babies contravenes the "principle of unity of the family" as outlined prior to the Convention's preamble. Moreover, the prevention of the women from accessing post-natal care contravenes Article 24 that ensures equal treatment of refugees in access to social security, including maternity care. While the government may feel it has a right to flout these international standards with impunity as non-signatory to the Convention, this cannot be used as an excuse for inhumane and reprehensible behaviour.</i></p>

CATEGORY: CANNOT IGNORE

Nominee	Background and basis for nomination
<p>1 Suggestion that child marriage is the better option for children as compared to the</p>	<p>Government backbencher and MP for Tasek Gelugor, Penang, Shabudin Yahya (UMNO) reportedly took this position against a proposal to tighten Malaysian laws and explicitly ban child marriages, including the Syariah Law loophole that</p>

- "unforeseen consequences" if the practice was banned.* can allow Muslim girls as young as nine to become brides.
- 29 October *To suggest that a child victim of marriage would suffer more "unforeseen consequences" if left unmarried is abhorrent. The Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), both to which Malaysia is signatory, has written extensively on the rights of girls to "free and full" consent to marriage, thereby prohibiting child marriage. Marriage should not be offered as the only option to 'protect' the rights of the child, including a child who has been raped. The infringements on a child's rights should be addressed within their best interests as set out in the Convention on the Rights of the Child (CRC).*
- 2 1-year imprisonment of a Nepali woman working in Malaysia who had terminated her 6-week pregnancy at a local clinic, despite the fact that it is not illegal to do so in Malaysia. The Bukit Mertajam Sessions Court ruled that the 24-year-old Nepali factory worker should be imprisoned for one year under Section 315 of the Penal Code for causing the death of a child before, at or immediately after birth. It was impossible even for a plea to be recorded by the woman, as no interpreter was provided for her.
- 13 October *This is the first case in Malaysia of a woman being convicted under Section 315 for terminating her pregnancy. The termination of pregnancy is legally allowed if done by qualified doctors, as provided under Section 312 of the Penal Code. In this case, the woman did not terminate the pregnancy herself. Instead, a qualified medical practitioner performed the procedure. Hence, Nirmala was unfairly convicted and this is just another unjust case of selective prosecution, gender discrimination and victimisation of foreign workers.*
- 3 Ill-treatment of child victims of the largest gang rape recorded in Malaysia, including remanding and handcuffing of the 17-year-old victim, thus treating her as an accomplice instead of supporting her after the trauma. The Polis Diraja Malaysia treated the two victims of the gang rape by allegedly more than 30 men in Kelantan with an utter lack of sensitivity. The older victim of 17 years who went to the police to report the attack was handcuffed and remanded as an accomplice. The police made a further statement that the actions of the rapists may have been influenced by drug use.
- 20 May *In a case of rape, the law should always err on the side of the victim or survivor. To treat the victim, who is moreover a minor, as a perpetrator and remand her as an accomplice is reprehensible. This humiliation, degradation and overall distrust of a victim's integrity in rape cases is so traumatic that it is with good reason that it is often referred to as the "second rape". Even if the young woman had been suspected as an accomplice, in this case she was also a victim and ought to have been treated with the appropriate dignity required. Moreover, stating that the rapists' actions may have been influenced by drugs further disenfranchises the young victims by somewhat absolving men of blame due to the substances they may have been using.*
- 4 Statement that a husband who beat his wife severely cannot be arrested as the Kangar OCPD Supt Abdul Rahman Mohd Noordin made the statement that a court order was necessary for the arrest of the ex-husband while the wife lay severely beaten in a hospital bed.

police “need a court order”, despite the fact that a court order is no longer necessary in domestic violence cases.

12 October

Sets a dangerous precedent of miseducation in terms of the law - that the police do not have a responsibility to protect women who suffer abuse. This failure to implement the law can have drastic implications for women's right to life, right to be free from torture, and so on. Under the Domestic Violence Act 1994, domestic violence is a seizable offence. If an alleged perpetrator of domestic violence is a threat to the safety of the survivor, then the perpetrator can and should be arrested. This case is also a sad reflection of how hard it is for victims and survivors of domestic violence to access justice even though the legal framework exists to protect them. Thus, while de jure equality is ensured, it is rarely met with de facto equality.

CATEGORY: LEAST HELPFUL TO THE SISTERHOOD

Nominees

Background and basis for nomination

- 1 Suggestion that it is the presence of both men and women in national service training camps that leads to rape through “uncontrolled mingling”, rather than rapists themselves.

15 October

MP for Ampang, Selangor, Zuraida Kamaruddin (PKR) reportedly suggested this, when proposing that there should be gender segregation in national service during a budget debate held in parliament.

To suggest that rape occurs due to "uncontrolled mingling" between men and women, and that separate training camps for women and men would solve the problem, shows a weak understanding of violence against women and its causes. It is not the “mingling” that is the cause of rape but rather unequal power relations between men and women, as well as a lack of respect for women and her right to be free of violence. Rape is a crime and a form of discrimination against women and is not avoided by merely keeping men and women separated. Rather, attempts should be made to incorporate gender sensitisation modules into the training camps.

- 2 “Environmental toxins are causing disturbance to women’s puberty stage. At the same time, this thing disturbs the men. This exposure to excess female hormones, this is one of the reasons behind GID.”

19 November

Universiti Putra Malaysia (UPM) Lecturer Haslinda Abdullah reportedly made this claim at a forum on gender identity disorder (GID).

It is insulting to trans women to suggest that they are the way they are because of the effect of environmental toxins. This perpetuates the false thinking that trans women are not well or can be “treated” for their “condition”. It ought to be acknowledged that trans women identify as women because that is the way that they feel. The gender one is assigned at birth according to one's genitalia is not necessarily the correct gender that one identifies with. It is also important to note that trans communities have long existed in Malaysian history and society – their existence is not a new and unnatural occurrence caused by environmental toxins.

- 3 “A mother’s role at home

Ikatan Muslimin Malaysia (ISMA) representative, Fatimah Zaharah Rosli wrote

with her kids is vital. More vital than her role outside...[Women have] got the hormones, the DNA, the emotions [for home care]. Why don't we just let these women do what they are naturally good at without looking down on them?"

22 December

these words in an opinion piece entitled "Stop discriminating home makers, SIS and DAP" published on the ISMA website.

It is first of all untrue to suggest that SIS and DAP discriminate against women who choose to be housewives. As long as the choice is made with free agency, a woman has the right to choose home making as her vocation. Indeed, feminism works hard to ensure that women's unpaid and informal work is recognised as legitimate by the economy. For the ISMA representative to suggest that women are "made for" home care emotionally and hormonally, and that performing this role is "more vital than her role outside" disregards women's achievement and contributions in all other fields. Conflating a female's biological capacity for child bearing with the socially constructed role of motherhood is fallacious and illogical.

- 4 "Jangan minta banyak sangat. Jangan minta, saya mahu itu, saya mahu ini. Lelaki tidak suka, betul tak. Kamu boleh pujuk. Kita ada senjata rahsia, jadi gunakanlah sebaiknya." [Translation: "Don't ask for so much. Don't say, I want this, I want that. Men don't like it, am I right? You can persuade. We have a secret weapon, so we should use it."]

16 December

Rosmah binti Mansor, the wife of Malaysia's Prime Minister, reportedly made this statement at the opening of the Legal Advisory and Women's Aid Centre (LAWA), for which she is patron.

It is highly inappropriate for Rosmah to suggest that women should not ask for too much, perpetuating a culture of victim blaming and appealing to a false myth of "feminine wiles". Instead, Rosmah should be using the opportunity to empower women to stand up to exercise and claim their rights. This statement is made more problematic by the fact that it was made at the opening of a women's centre.

CATEGORY: ENOUGH ALREADY!

Nominee			Background and basis for nomination
1	Repeated discrimination acts against women in politics.	of	<p>(1) Circulation of fake images of Dyana Sofya Mohd Daud, Kit Siang's aide, in a bikini as part of a smear campaign. (15 May)</p> <p>(2) Further sexist behaviour exhibited towards Sofya, including cat-calls and constant references towards her attractiveness as a "bonus" by Pakatan supporters and leaders. (23 May)</p>

(3) Declaration by Home Minister Ahmad Zahid Hamidi that Sofya is “not that pretty” anyway. (25 May)

(4) Bung Mokhtar’s comment on Teresa Kok’s outfit to parliament one day: “The skirt goes until the knees, I can see the knees, how can this dress be allowed?” (10 April)

(5) Statement by Timbalan Mufti Negeri Sembilan, Nor Azamir Alias that women ought to avoid leadership roles in order to preserve their purity and honour: “Oleh sebab itu, wanita dinasihatkan supaya tidak dilantik menjadi pemimpin demi menjaga kesucian dan kehormatan mereka.” (20 August)

(6) UMNO Lawyer Mohd Hafarizam Harun’s claim that Dr Wan Azizah Wan Ismail is unqualified for the role of Menteri Besar due to menses. (July)

(7) Blogger’s suggestion that Melati’s decision to join the DAP in its attempt to “destroy Islam in Malaysia” amounts to her selling herself, and that it would be “more noble to be a prostitute who sells herself for a mouth of rice”. (30 September)

(8) Akbar Ali’s statement in debate with PKR’s Latheefa Koya that her party’s desire to suspend the Sedition Act would amount to freedom to rape her. (5 September)

(9) As a protest against opposition leaders who allegedly insulted Islam, a ‘Council of Islamic NGOs’ smeared slaughtered chickens’ blood on banners featuring images of opposition politicians and offered RM1,200 to anyone who slapped MP for Seputeh Teresa Kok. (6 February)

These examples suggest that women are incapable of political involvement because of their biology or because it would destroy their purity, or that because they are women they are liable to be subject to more scrutiny over their physical appearance. Even worse, violence or even rape is often used as a threat against women politicians whose decisions are deemed inappropriate. With many worldwide examples of female politicians excelling in their field, the position evinced in these statements is manifestly false. If it could be recognised that women have equal capacity to contribute to the political life of Malaysia, and equal right to be free from discrimination and violence in politics, there is no knowing the ways in which we could move forward and progress.

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| 2 | Repeated statements and actions implying that being LGBT is unnatural. | (1) Iskandar Ali Dewa (legal adviser for the Negeri Sembilan state government) reportedly suggested to the Court of Appeal that trans women can be “cured by dressing as men again”. (17 July) |
| | | (2) ISMA religious Council chairperson Aznan Hasan’s claim that Islam’s inaction against the “deviated” LGBT community is akin to acceptance. (11 July) |

(3) Statement by Perak Mufti Harunsani that transgender behaviour is made up: “Tak ada istilah transgender. Ianya hanyalah perasaan yang dibuat-buat.” (18 November)

(4) JAKIM’s extension of invitations to the “gender-confused” to attend rehabilitation camps. (10 November)

It should be recognised that we cannot dehumanise the LGBT experience by suggesting it is unnatural and therefore that it can and should be cured. Rather, we should accept people for who they are and the way they were born and choose to identify themselves. This is in line with treatment of trans individuals under universal human rights standards, and also acknowledges the rich history of trans individuals as a historical feature in many Malay villages.

3 Repeated statements and actions implying that being LGBT is against Islam.

(1) Statement by Prime Minister himself that Islam is threatened by “humanrightsism” and the accompanying presence of LGBT people in the Malaysian Muslim community. (13 May)

(2) Suggestion by PKPU president Paimuzi Yahya that being LGBT clearly goes against Islam’s teachings. (10 November)

(3) Statement by Melaka Chief Minister Idris Haron that transgender behaviour can be educated out of young people by exposure to the “teachings of Islam”. (15 November)

(4) Call by Jaringan Melayu Malaysia (JMM) to boycott AmBank, for its partnership with LGBT-friendly US insurance company Metlife International Holdings. (12 November)

(5) Pressure placed by ISMA and Angkatan Belia Islam Malaysia (ABIM) on organisers of Penang Pink Dot, designed to support the LGBT community through abuse and discrimination, to cancel the event. (March)

There is much dispute about whether being LGBT can or cannot be accommodated by Islam. However, we do know that the Prophet did not condone acts of violence or persecution against marginalised persons. On that basis, we can deduce that even if we may not personally agree with a person’s sexual or gender preference, Islam does not promote discrimination and violence.

4 Repeated acts of discrimination and even violence against the LGBT community in Malaysia,

(1) Arrest and detention of trans woman Aryana for cross-dressing, during the process of which she experienced rough handling by religious department officers. (June)

(2) Statement by Muafakat Sejahtera Masyarakat Malaysia president Ismail Mina Ahmad that religious authorities should engage with Muslim transgender people in order to prevent them from being influenced by liberalism and the freedom to express their true identities. (10 November)

(3) Mistreatment by religious department officers and Justice Jamil Ahmad of 17 transgender women arrested at a wedding on the 8th of June, including a demand that both parents be present to make bail appeal. (8 June)

(4) Assumption of guilt without proof for lesbianism in two female students in Johor by the religious department. (31 August)

These acts show that being LGBT, or even being seen as exhibiting behaviour that might be interpreted as LGBT, is not accepted by an increasing number in Malaysia. Even if certain factions of society do not agree on a diversity of sexual orientations and identifications, we must remind them that LGBT individuals are humans too, and being LGBT is not an evil that deserves to be treated with abuse, violence and discrimination. Universal human rights standards stipulate that all persons, including the LGBT community, deserve to be treated with human dignity and respect.

CATEGORY: RIGHT ON TRACK

Nominee	Background and basis for nomination
1 Decision to prosecute news producer who publicised the charge sheet in a rape case, which had led to the identification of the child victim. 19 November	The Attorney-General's chambers made this move (believed to be the first of its kind in Malaysian history) to convict a news producer who had broadcast the private details of a minor involved in a rape case in 2012. The case was heard in Penang in 2014. <i>This move is positive as it demands accountability for unethical journalism. The journalist's behaviour in 2012 in publishing the charge sheet, which led to the identification of a child victim of rape was reprehensible. The rights of victims, particularly child victims, in cases of rape, should always be upheld to the utmost.</i>
2 Successful conviction and imprisonment of an abusive ex-husband who had breached a protection order, for the first time in Malaysian history. November	Penang magistrate court judge Diannee Ningrad Nor Azahar sentenced the ex-husband to 12 months imprisonment for breaching the protection order and 15 months imprisonment for criminal intimidation. <i>The Domestic Violence Act (DVA) describes itself as an act to provide for legal protection in situations of domestic violence. Protection orders issued under the DVA for victims of domestic violence must be enforced in a timely and consistent manner. This case sends the right message that domestic violence is not to be tolerated and perpetrators cannot flout protection orders with impunity.</i>

- 3 "The existing law punishes the gender expression of transsexuals, degrades and devalues persons with GID in our society. Section 66 directly affects their right to live with dignity as guaranteed under the Federal Constitution by depriving them of their value and worth as members of our society...It is absurd and insulting to suggest that the appellants and other transgenders are persons of unsound mind."
- Justice Mohd Hishamudin Mohd Yunus, Judge of the Court of Appeal, made this statement when giving the positive ruling in favour of the three trans women who had been arrested for "cross-dressing". In this landmark case, the Court of Appeal declared Section 66 of the Syariah Criminal (Negeri Sembilan) Enactment 1992, which penalises Muslim men who dress or pose as women in public places, as unconstitutional.
- It is positive to see this shift in the discourse surrounding transgender people in Malaysia. Suggesting that these women have gender identity disorder (or, more recently, gender dysphoria) at the very least communicates that it is an aspect of identity that cannot be altered or cured. However, it is important to note that this move ought to be merely the first of many in a long road to finally accepting that trans women are merely women, without needing to appeal to psychological language that pathologises and medicalises gender identity.*

7 November

- 4 Launch of a group to provide legal aid to women who are victims of domestic violence.
- The Women's Wing of the Malaysian Chinese Association (MCA) launched this group, as the first one-stop centre launched by a political party in Malaysia, with 10 women lawyers offering their assistance and expertise.

16 December

We are glad to see real action made to support and empower women who are victims/survivors of violence. Many such women are often unaware of their rights under their law, and this can be a huge demotivator to their seeking redress for crimes perpetrated against them. Therefore, the launch of a group to empower them to help themselves is very important. JAG does wish to note, however, that this vital work is already being performed pro bono by many lawyers in various organisations across Malaysia, which, however, lack the political power to harness the media attention that LAWA have access to.