

# A quick guide to gender-sensitive scrutiny

This guide is designed to help Members and staff of the Parliament of Malaysia undertake gender-sensitive scrutiny of laws, budgets, and policies.

## Gender inequality in Malaysia: key statistics

Malaysia ranked **112 out of 156 countries** in the World Economic Forum's [Global Gender Gap Report 2021](#).

### Labour force and employment

- The **labour force participation rate** is 55.5% for women and 80.9% for men.<sup>1</sup>
- In 2019, the median **monthly salaries and wages** received by male employees was RM2,477 and for female employees it was RM2,370.<sup>2</sup>
- 26.3% of firms have **top managers who are female**.<sup>1</sup>
- Women make up 41.5% of **professional and technical workers**. 74.1% of women **work in the services sector**, compared with 55.7% of men.<sup>1,5</sup>
- Surveys estimate that a significant proportion of women have experienced **sexual harassment in the workplace and public spaces**.<sup>3,4</sup>

### Education

- Enrolment in **primary education** is nearly equal, with 99.8% of girls enrolled, and 100% of boys.<sup>1</sup>
- There is a slightly higher proportion of girls than boys in **secondary education** (75.4% girls and 69.2% boys) and **tertiary education** (49.9% girls and 40.7% boys).<sup>5</sup>
- The **literacy rate** is 93.5% for women and 96.1% for men.<sup>1</sup>

### Health

- **Life expectancy** at birth is 78.3 years for women, and 74.2 years for men.<sup>5</sup>
- The **maternal mortality rate** is 29 deaths per 100,000 live births.<sup>1</sup>
- 18% of women aged 15-49 have **unmet demands for family planning**.<sup>1</sup>
- Periodic data on the prevalence of **violence against women** in Malaysia is not collected. Globally, 1 in 3 women have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.<sup>3,6</sup>

### Representation

- Women make up 14.9% of the **Dewan Rakyat**, 13.6% of the **Dewan Negara**, and 11.3% of the **State Assembly**.

**Sources:** <sup>1</sup> [Global Gender Gap Report 2021](#), <sup>2</sup> [Department of Statistics Malaysia](#), <sup>3</sup> [Women's Aid Organisation policy brief and survey](#), <sup>4</sup> [Engender- Addressing Sexual Harassment in Public Spaces Survey](#), <sup>5</sup> [World Bank](#), <sup>6</sup> [World Health Organisation](#)



# An introduction to gender-sensitive scrutiny

Gender equality is more than a **human right** - it is also key to **development, well-being and good governance**.

Parliaments have a key role not only in ensuring that everyone is properly represented in decision-making, but also that **legislation and government actions take into account the needs, interests and experiences of women and men on an equal basis**.<sup>1</sup>

Women and men experience life in different ways, and as a result they have different needs, interests, and make different contributions to society. **Every law, policy, programme and budget that is examined by a parliament will affect women and men in different ways**, from agricultural policy to laws about taxation, and healthcare budgets to economic development programmes.

This means that **every decision a parliamentarian makes is an opportunity to increase equality between men and women**, and to ensure that everyone's needs are met in the most effective and efficient way.

## What is gender-sensitive scrutiny?

Gender-sensitive scrutiny is a way of exploring and addressing the **potential and actual impact of laws, policies, programmes and budgets on men and women to ensure they are effective and fair**.

When making laws, conducting oversight of government actions and approving budgets, parliamentarians have a key role in making sure that:

- decisions do not discriminate against or exclude women or men, either directly or indirectly, intentionally or unintentionally;
- every opportunity to increase gender equality is taken; and
- the actual impact on men and women is monitored.

## Why is gender-sensitive scrutiny important?

If different needs and experiences are not understood, there is an assumption that decisions will affect everyone in the same way, which could lead to harmful or unintended consequences. Laws, policies, programmes and budgets that assume 'one size fits all' often result in discriminatory or ineffective outcomes because 'one size' is often subject to gender bias. Gender-sensitive scrutiny is even more important in crisis situations like the pandemic, which has exacerbated existing gender inequalities.

**Decisions that do not consider gender risk negatively affecting people's lives, providing ineffective solutions to problems, unfairly or inefficiently allocating public funds, or deepening existing inequalities.**

## Who conducts gender-sensitive scrutiny?

All parliamentarians and officials should take responsibility for carrying out gender-sensitive scrutiny. The approach can be used when **examining draft laws, reviewing existing laws, undertaking oversight of government actions or approving budgets in all policy areas**.

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<sup>1</sup> 'Gender' is often understood in a binary way: 'woman' or 'man'. But people identify and express their genders in a much broader way, including non-binary and trans. References to 'women' and 'men' in this paper should not be interpreted in a limited, binary way, but to include the range of gender identities that people experience.

## What's the aim of gender-sensitive scrutiny?

The aim of gender-sensitive scrutiny is to **increase equality and effectiveness by making decisions that address different needs, and correct inequalities and inefficiency.**

If gender-sensitive scrutiny uncovers unfairness, discrimination or ineffectiveness, MPs can do a number of things, including: making recommendations for change, proposing amendments to legislation or budgets, or publicising their findings to apply political pressure.

## A five-step model for gender-sensitive scrutiny

The key to gender-sensitive scrutiny is asking the right **questions**, using the best available **evidence**, and examining the **assumptions** upon which decisions are based, including the impact of existing measures.

This five-step model can help with your scrutiny:

### 1. Put gender on the agenda

This means including gender within the scope of all scrutiny work from the start, such as in: **terms of reference, calls for evidence, or press releases.** It also means **requesting evidence** from organisations and people that specialise in gender issues, and ensuring that any **citizen engagement** actively seeks out the views of men and women.

### 2. Understand the situation by gathering evidence

This involves finding out:

- **Who is/will be/has been affected** by the law, policy or programme? Is this information available **disaggregated by sex/gender**? What **assumptions** have been made about these people? What **gaps in data** are there?
- Will women and men be differently affected because of their **age, ethnic origin, disability, sexual orientation, religion, socio-economic status or geographic location**?
- Is there evidence to show that **one gender is more likely to be differently affected than another**? Is it likely that men or women will **benefit more** from the law, policy, programme or budget, or will they benefit equally?
- Are there **existing inequalities** between men and women in this area, and are they increasing or decreasing?
- What are the **individual experiences** of women and men?
- What are the **gaps in evidence**?

### 3. Ask the right questions

It is important that **gender-sensitive questions** are asked of stakeholders, experts, Ministers and government officials.

It is also important to find out if, and to what extent, **gender has been considered during the decision-making process.** This means finding out if gender analyses/ gender impact assessments have been carried out, and who was consulted.

Some suggested questions are:

- How is this change **likely to affect men and women** in different ways? Are specific groups of people within each gender (disability, ethnicity, strata) more likely to be affected, and to what extent?
- Does the law/policy **need to be changed** to account for differences between men and women?

#### 4. Inspire change

- Is the law/policy likely to **increase or decrease existing inequalities** between men and women?
- Is there **disaggregated data** available about the people likely to be affected by this change? If not, what are the gaps in the data?
- How was gender considered during the **decision-making process** (i.e. was a gender analysis or impact assessment conducted?)
- Who was **consulted** in the design of the law, policy, budget etc?
- How will the **impact on women and men be monitored**?
- Does it adhere to **international law and standards**?

If the scrutiny finds that a law, policy, or budget...

- will not benefit women and men fairly, or
- will not contribute to reducing existing inequalities between women and men, or
- directly or indirectly discriminates against women or men, whether intentionally or unintentionally,

MPs can do a number of things, such as:

- Publish a **report** of the findings, highlighting areas of concern;
- Make **recommendations** for changes to law, budgets, policies, or programmes;
- Propose **amendments** to Bills;
- Bring forward a **Private Members Bill under Standing Order 49(1)**;
- Propose **motions or resolutions** in parliament;
- Schedule a **debate or make a speech** in parliament;
- Ask **gender-specific questions** during scrutiny or debates on the law/policy/budget;
- Conduct a **briefing** on the topic;
- **Engage** with CSOs, general public, or relevant Ministry;
- Make use of existing **Caucuses**.

#### 5. Monitor the outcome

The aim of gender-sensitive scrutiny is to increase gender equality in practice, and this has to be monitored. Scrutinising the implementation of laws, policies and budgets is not a one-off event, but an ongoing process through the parliamentary legislative and budgetary cycle.

**Post-legislative scrutiny, follow-ups to recommendations made during oversight inquiries and in-year financial scrutiny** are all important tools to check if promises of gender equality are being delivered.

This involves considering:

- What has been the **actual impact** of the law, policy or programme on women and men: did it increase equality, did it change behaviour or choices, provide extra rights or responsibilities, increase or decrease access to resources, power or representation?
- Were there any **unintended or unexpected effects** on men or women?
- What does the **monitoring data** show in terms of women and men, and are there any **gaps in knowledge** about how it is working in practice?
- Were **financial resources** equitably distributed between women and men?

Such monitoring can be undertaken through oversight inquiries (with consultation with relevant stakeholders), and the findings summarised and published in a report.



## International obligations and standards

By considering gender issues during decision-making, parliamentarians are **helping to fulfil various international obligations** that Malaysia is party to, and international **parliamentary good practice**.

### Plan of Action for Gender-sensitive Parliaments

The Inter-Parliamentary Union's (IPU) [Plan of Action for Gender-sensitive Parliaments](#) recommends that parliaments:

- **mainstream gender** throughout all its work, and
- **review all government policy and legislation for their gender impact and compliance with international obligations.**

The Plan of Action also recommends that parliaments “[e]nsure that committees investigating gender equality concerns have **sufficient time and resources (including staff with gender expertise)** to fulfil their mandate, an **opportunity to report back to the plenary** on their work and recommendations as well as the **same powers and responsibilities as any other parliamentary committee** (e.g. call for written evidence, hear from witnesses and ministers and report on findings and recommendations).”

### Sustainable Development Goals

Parliaments have a key role in ensuring full implementation of **Sustainable Development Goal (SDG) 5** (achieve gender equality and empower all women and girls), through law-making, budgeting, oversight, and representation.

### UN Convention on Elimination of All Forms of Discrimination Against Women

The UN CEDAW was **ratified by Malaysia in 1995**. Article 2 mandates that governments declare intent to:

- enshrine gender equality into their domestic legislation;
- repeal all discriminatory provisions in their laws, and
- enact new provisions to guard against discrimination against women.

The UN CEDAW Committee's on the periodic report of Malaysia from March 2018:

- stressed the **crucial role of the legislative power in ensuring the full implementation of the Convention**, and
- invited Parliament to take the **necessary steps regarding the implementation of the present concluding observations** between now and the next reporting period under the Convention.

### Beijing Declaration and Platform for Action

In the [Beijing Declaration and Platform for Action 1995](#) governments (including Malaysia) committed to: effective integration of a **gender perspective** throughout their operations, policies, planning and decision-making, and adopted the obligation to **carry out gender impact assessments** of the effects of government bills or political decisions on women and men before the decisions could be taken.

Parliaments have a key role in **checking whether these commitments are being realised in practice**.

The obligations of other international conventions should also be taken into account, such as:

- The [UN Convention on the Rights of the Child](#) (UN CRC)
- The [UN Convention on the Rights of People with Disabilities](#) (UN CRPD), and
- The [International Conference on Population and Development](#)



## Data sources

A common problem for parliamentarians and officials is finding disaggregated data and information at a national level.

In its 2018 [Concluding Observations](#) on Malaysia, the UN CEDAW Committee noted “**the lack of data disaggregated by sex that could be used to identify areas where substantive equality between women and men** [...] and to **evaluate the impact of measures** taken to address the situation”.

However, the following sources below can help to conduct of step 2 of the scrutiny model:

- Department of Statistics Malaysia, [Statistics On Women Empowerment In Selected Domains, Malaysia, 2020](#), using the Malaysia Gender Gap Index (MGGI);
- The [World Bank’s Gender Equality Portal](#) is a comprehensive source for the latest sex-disaggregated data and gender statistics covering demography, education, health, economic opportunities, public life and decision-making, and agency. The database is updated four times a year (April, July, September, and December). Data is available at a country level, including for Malaysia;
- The [World Economic Forum Global Gender Gap Report](#) benchmarks 156 countries (including Malaysia) on their progress towards gender parity;
- The [UN Women Data Dashboard](#) provides latest available data and statistics gathered from national sources and compiled and harmonised by international agencies. It includes SDG indicators, ‘Progress of the World’s Women’ report and thematic areas.

## Key gender concepts<sup>2</sup>

**Gender** refers to the roles, behaviours, activities, and attributes that a given society at a given time considers appropriate for men and women.

**Sex** is the physical and biological characteristics that distinguish males and females.

**Gender equality** is the state or condition that affords women and men equal enjoyment of human rights, socially valued goods, opportunities, and resources.

**Gender equity** is the process of being fair to women and men. To ensure fairness, measures must be taken to compensate for historical and social disadvantages that prevent women and men from operating on a level playing field.

**Substantive equality** is the practical realization of the equality between women and men. It seeks to eliminate discrimination at the individual, institutional and systemic levels through corrective and positive measures including enabling conditions and affirmative actions. It seeks to correct imbalance and focus on achieving equality of outcomes by ensuring equal opportunities, access and benefits for women.

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<sup>2</sup> Sources: [Interaction Institute for Social Change](#), [CEDPA \(2000\) Social Mobilization for Reproductive Health](#), [European Institute for Gender Equality](#), [John Hopkins University Affiliate gender analysis toolkit for health systems](#)





In the first image, it is assumed that everyone will benefit from the same supports. They are being treated equally.



In the second image, individuals are given different supports to make it possible for them to have equal access to the game. They are being treated equitably.



In the third image, all three can see the game without any supports or accommodations because the cause of the inequity was addressed. The systemic barrier has been removed.

**Gender stereotypes** are ideas that people have about masculinity and femininity: what men and women should be like and are capable of doing. (e.g., girls should be obedient and cute, are allowed to cry, and boys are expected to be brave and not cry, or women are better housekeepers and men are better with machines).

**Practical gender needs** are the needs of women or men that relate to responsibilities and tasks associated with their traditional gender roles or to immediate perceived necessity. Responding to practical needs can improve quality of life but does not challenge gender divisions or men's and women's position in society. Practical needs generally involve issues of condition or access.

**Strategic gender interests** concern the position of women and men in relation to each other in a given society. Strategic interests may involve decision-making power or control over resources. Addressing strategic gender interests assists women and men to achieve greater equality and to change existing gender roles and stereotypes. Gender interests generally involve issues of position, control, and power.

## Impact of the pandemic on gender equality in Malaysia

The pandemic has widened pre-existing inequalities within the population, and it has disproportionately impacted women, girls, and vulnerable groups across every domain whether economy, health, education, security or social protection, and at many levels reversing precious gains made in closing the inequality gaps. Its repercussion is far-reaching, and felt across the world, and Malaysia is not an exception.

While Government aid has been mobilised, ground realities reveal that people are falling through the cracks. Data gathered in a 2020<sup>3</sup> report revealed that employees don't have more than four months savings to survive a lock down or a job loss. Self-employed and informal sector persons are the most affected; many with no more than one month in savings. **Women who are over-represented in high-risk sectors are disproportionately impacted by job loss or being forced to exit the labour force to care for the family** as reflected in a DOSM survey where 183,960 prime-age workers were found to

<sup>3</sup> ILO, 2021, [http://ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/documents/publication/wcms\\_751600.pdf](http://ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/documents/publication/wcms_751600.pdf)



have left the labour force between January and April 2020.<sup>4</sup> This presents serious implications on the widening gender gap in the workforce.

On the ground studies<sup>5</sup> have shown that among **the most impacted are female headed households, the elderly and households headed by persons with disability**. 45% of the employed heads of households are not registered with either EPF or SOCSO. It is worse among the self-employed, where 9 in 10 do not have any employment coverage. The same studies reveal that more than 50% of households report that despite periodic government aid, they are still not able to afford essentials. Education is also seriously affected. The incidence of not having sufficient digital equipment among households in low-cost flats is higher than KL (23%) and Malaysia (29%).

**The lockdown has amplified and heightened care work<sup>6</sup>, where women disproportionately shoulder the double burden of household care and their paid work.** A pre-covid 2018 study<sup>7</sup> revealed that 60% of Malaysian women who did not participate in labour force cited housework as their main reason for not seeking work. During the pandemic increased caregiving demands had a detrimental impact on mental health. Safety and mental health of women are further threatened by the **spike in gender-based violence cases since the onset of the pandemic where the increase in hotline calls have risen by 3.6 times in 2020.**<sup>8</sup>

The pandemic restrictions have compounded the situation of the **indigenous population** particularly in rural regions in all areas including livelihoods; access to health, education, employment; citizenship status (undocumented) also affects their access to government aid.<sup>9</sup> **Refugee and migrant groups** are equally impacted in all areas of access, social support and security by the precarious nature of their status making them more vulnerable to violence, exploitation and trafficking. They often lack access to PPE and other hygiene products, putting them at risk of contracting COVID-19, and they are less likely to seek access to government-operated support services because of a language barrier or a fear of authorities.<sup>10</sup>

The incidence of **child marriage is believed to have intensified during this pandemic**, especially since fewer children attended school and due to financial troubles, parents may marry their children off as a solution. Statistics reveal that an average of 1,500 children from various religions, ethnicities, and communities marry each year<sup>11</sup>, in both urban and rural areas, among Muslim and non-Muslims, Orang Asli, indigenous; and even among migrant and refugee communities. In 2018, available data showed that 1,856 children were married, of which around 90% were girls. It was also reported that between 2007 and 2017, approximately 15,000 cases were recorded.<sup>12</sup>

Recognizing gender equality as an enabler which has a multiplier effect in achieving all developmental goals, makes a strong case on taking strategic measures to address inequalities and advance gender equality. The World Bank's economic calculations suggest that **Malaysia's income per capita can potentially increase by 26.6% by removing constraints and unleashing women's full productive potential**; making it one of the most promising avenues for Malaysia's development.<sup>13</sup>

<sup>4</sup> UNDP, Malaysia, 2020, <https://www.my.undp.org/content/malaysia/en/home/blog/2020/care-work-in-the-time-of-covid-19--womens-unpaid-care-burden-in-0.html>

<sup>5</sup> UNICEF, 2021, <https://www.unicef.org/malaysia/families-edge>

<sup>6</sup> UNICEF 2020, <https://malaysia.un.org/en/98573-families-edge-issue-1>

<sup>7</sup> World Bank, 2018, <https://blogs.worldbank.org/eastasiapacific/breaking-barriers-toward-better-economic-opportunities-women-malaysia>

<sup>8</sup> WAO, 2020, <https://wao.org.my/enquiries-to-waos-domestic-violence-hotline-spike-to-over-3-times-pre-mco-levels-showing-need-for-preparedness-for-next-round-of-pandemic/>

<sup>9</sup> UN Malaysia, 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/One-UN%20Plan%20Multisectoral%20Support%20To%20Covid-19%20Preparedness%20Response%20and%20Recovery%20in%20Malaysia%20-%202024%20July%202020.pdf>

<sup>10</sup> Spotlight Initiative, 2021. <https://www.spotlightinitiative.org/fr/node/30673>

<sup>11</sup> UNICEF, 2020,

<https://www.unicef.org/malaysia/media/1781/file/Advocacy%20brief:%20Towards%20ending%20child%20marriage%20in%20Malaysia.pdf>

<sup>12</sup> Thasha Jayamanogaran, (2021, March 21). Unicef Malaysia: Child marriage likely rose during Covid-19 pandemic as schools closed, economy worsened. <https://sea.mashable.com/culture/14853/child-marriage-cases-likely-increased-during-pandemic-unicef-malaysia-says>

<sup>13</sup> World Bank, 2018, <https://blogs.worldbank.org/eastasiapacific/breaking-barriers-toward-better-economic-opportunities-women-malaysia>