

## **Protecting Women: An Overview of Women’s Legal Rights in Southeast Asia**

*By Iylia De Silva (Publications Officer, Publicity & Publications Unit)*

### **Executive Summary**

- Women across Southeast Asia face disproportionate levels of violence and discrimination, with legal systems often struggling to keep pace with the evolving nature of gender-based harm.
- While countries like Malaysia, Indonesia, and Singapore have made significant strides in enacting laws to protect women—addressing issues such as online harassment, workplace sexual violence, and domestic abuse—deep-rooted cultural norms, weak enforcement, and social stigma continue to undermine these efforts.
- Malaysia, for instance, has introduced progressive legal reforms, including the Anti-Sexual Harassment Act 2022 and amendments to the Domestic Violence Act 1994. However, challenges such as low public awareness, gaps in legal protections (e.g., marital rape), and inconsistent enforcement persist. Across the region, countries like Thailand and the Philippines have strengthened gender equality laws, while others like Myanmar and Brunei lag behind due to political instability or restrictive interpretations of religious laws.
- International conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and regional initiatives like the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) provide frameworks for progress. Yet, real change requires not only legal reforms but also societal shifts in attitudes and stronger implementation mechanisms.
- This article examines the state of women’s legal rights in Southeast Asia, highlighting key advancements, persistent challenges, and the urgent need for comprehensive, enforceable protections to ensure gender equality and safety for all women.

# Protecting Women: An Overview of Women’s Legal Rights in Southeast Asia

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## Introduction

Across the world, women are disproportionately killed and harmed by men. According to a report by the UN Office on Drugs and Crime, more than 81% of female murders are perpetrated by men, with a large number of the perpetrators being an intimate partner or family member. A 2023 UN report estimated 85,000 cases that same year, of femicide—wherein a woman is targeted because of her gender; 51,100 of them were killed by a husband, partner or family member. Experts believe that this number is likely an underestimation because many countries around the world do not collect data on femicide.

The fight for women’s rights has always been a struggle. As society progresses and with increasing awareness, legal reforms have evolved and continue evolving to address the many forms of violence against women—including domestic abuse, workplace harassment and online violence.

In Malaysia and across Southeast Asia, laws have been strengthened and amended to tackle these issues, reflecting a growing recognition of the different and disproportionate ways women experience harm. Despite these advancements, deep-seated cultural norms, weak enforcement and social stigma continue to leave many women vulnerable to abuse and discrimination.

## Arguments Against Current Legal Protections

### **1. Weak Enforcement and Cultural Barriers**

Despite progressive laws, enforcement remains inconsistent across the region. In Malaysia, for example, the Anti-Sexual Harassment Tribunal (TAGS) was established in 2024, but public awareness of its existence is low. Similarly, domestic violence laws in countries like Indonesia and the Philippines are often undermined by social stigma and fear of retaliation, leaving many cases unreported.

### **2. Gaps in Legal Protections**

Marital rape remains a critical gap in many legal systems. In Malaysia, Section 375A of the Penal Code criminalizes forced intercourse through violence or threats but does not cover non-consensual sex without physical coercion. Similarly, Indonesia’s Elimination of Sexual Violence Law (2022) excludes marital rape, limiting legal recourse for survivors.

### ***3. Political and Religious Constraints***

In countries like Brunei and Myanmar, restrictive interpretations of religious laws and political instability hinder progress. Brunei’s Syariah Penal Code, for instance, does not criminalize spousal rape and imposes severe punishments for “moral offenses” that disproportionately affect women.

## **Reforms and Progress in Malaysia**

### ***Online Harassment and Stalking***

A recent case sparked national outrage when a netizen responded to Malaysian comedian Harith Iskander’s social media post, threatening not only to murder the comedian and his children, but also to rape and kill his ex-wife. The perpetrator, who later claimed it was “an emotional prank” in response to an insensitive joke by the comedian, was sentenced to five months in jail and fined RM2,000 under Section 506 of the Penal Code for criminal intimidation and Section 509 for insulting a person’s modesty.

Sharing obscene or offensive content online is not just inappropriate—it is a crime. To combat rising online harassment, Section 233 of the Communications and Multimedia Act 1998 was reinforced to penalize offensive and obscene content shared electronically. Following the case of Acacia Diana—a renowned female photographer whose stalker harassed her for nearly eight years, even tracking her overseas to the UK—Malaysia introduced Section 507A of the Penal Code to criminalize stalking. This law covers not only physical stalking, but also various forms of harassment, including repeated unwanted messages or gifts, online tracking and excessive “likes” or emojis to the point of discomfort.

### ***Sexual Harassment and Workplace Protections***

According to the Women, Family and Community Development Ministry, more than 85% of reported sexual harassment cases involve women, with 522 recorded in 2023 alone—88% of which occurred in the workplace.

In response to these alarming statistics, Malaysia enacted the Anti-Sexual Harassment Act 2022, which was fully enforced on 8 March 2024. The law established the Anti-Sexual Harassment Tribunal (TAGS), providing victims with a streamlined process to seek justice without enduring lengthy court trials.

However, public awareness of TAGS remains low, with many individuals still unaware of its existence or of the proper channels for reporting sexual harassment, leaving them often to resort only to filing police reports.

Many employers are unaware that the 2022 amendment to the Employment Act 1955 introduced Section 81H, which mandates them to publish information on sexual harassment and available reporting avenues in the workplace. Under the Act, they must also implement clear policies, conduct

awareness programmes and ensure a safe reporting mechanism. In line with these legal requirements, the Public Services Commission outlined disciplinary offences in 2023 that constitute sexual harassment, including addressing colleagues with endearing terms like “sayang”.

### ***Domestic Violence***

The Domestic Violence Act 1994 (DVA) has been strengthened over the years, introducing measures such as Emergency Protection Orders (EPOs), which can be issued without a police report by a Social Welfare Department (JKM) officer to instruct the perpetrator to cease all acts of violence against the victim. This provides immediate protection.

Recent cases have tested the effectiveness of these laws. In August 2023, Dong Yi, a 23-year-old Chinese woman from Ipoh, made headlines after allegedly being assaulted by her family for dating a Malay man. She filed a police report and left home; the case remains unresolved due to the complexities of enforcing domestic violence laws in situations involving cultural and familial pressure.

Domestic violence extends beyond private spaces. In a recent viral public incident, a man in Kota Warisan was charged under Section 323 of the Penal Code and Section 18 of the Domestic Violence Act (DVA) after slapping his wife in a supermarket—allegedly over a long wait for chicken rice. Survivors of abuse often suffer in silence, trapped by fear and manipulation. Providing support early is crucial to prevent extreme measures. In January 2025, the wife of a prominent Selangor lawyer made headlines when she escaped a decade-long abusive marriage by jumping from the second floor of their home, sustaining severe injuries that affected her for six months.

### ***Reforms in the Syariah Legal System***

A significant milestone in Malaysia’s Islamic judiciary came in 2016, when Nenny Shushaidah Shamsuddin made history by becoming the first ever female Syariah Court judge in the country; this challenges long-standing gender norms in a male-dominated field and paves the way for greater inclusivity.

Reforms have been proposed to address gender imbalances in the Syariah legal system, including the 2023 amendments to simplify divorce procedures and enhance financial protections for Muslim women. While these efforts have sparked debate on balancing legal advancements with traditional values, advocacy groups continue to push for gender-sensitive interpretations of Islamic law.

Furthermore, marital rape remains a critical gap in Malaysia’s legal framework. While Section 375A of the Penal Code criminalizes forced intercourse through violence or threats, it does not cover non-consensual sex without physical coercion—such as when a spouse is asleep or incapacitated. Groups like the Women’s Aid Organisation (WAO) and Sisters in Islam (SIS) have long advocated for legal reforms to explicitly criminalize marital rape, but progress remains stalled due to societal and political resistance.

### ***Citizenship and Gender Equality***

On 17 October 2024, Malaysia's Constitution (Amendment) Bill 2024 was passed, granting automatic citizenship to children born overseas to Malaysian women with foreign spouses. This long-awaited change rectifies a historical gender disparity in Malaysia's citizenship laws, which previously only granted this right to Malaysian men.

While the amendment has been widely praised as a victory for gender equality, concerns remain, particularly its non-retroactive application, which still leaves children born before the amendment's enactment excluded.

## **Regional Comparisons**

### **Indonesia**

Indonesia's Elimination of Sexual Violence Law (2022) was passed a decade after it was proposed; it expanded the legal definition of sexual abuse to include physical and non-physical sexual abuse, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery and sexual abuse through electronic means. The law also guarantees survivors access to medical, psychological and legal aid. However, it has been criticized for failing to criminalize marital rape, which remains punishable only under the Domestic Violence Act; this drawback has led to weaker penalties and limited legal recourse.

Indonesia's Criminal Code revision in 2022 further sparked controversy with a provision under Article 411 which criminalizes sex outside of marriage, which critics warn could deter survivors from reporting sexual violence due to fear of prosecution.

To tackle the rise in workplace sexual violence, the Ministry of Manpower issued Decree No. 88 of 2023, providing guidelines for employers, workers, government agencies and the public on prevention and response measures.

### **Thailand**

Thailand's Gender Equality Act (2015) prohibits gender-based discrimination and allows victims to file complaints with the Committee on Determination of Unfair Gender Discrimination. Meanwhile, the Domestic Violence Victim Protection Act provides survivors with protective orders; however, weak enforcement, social stigma and fear of retaliation often leave cases unreported.

### **Singapore**

The Women's Charter (Family Violence and Other Matters) (Amendment) Bill enhances both survivor protection and perpetrator accountability. Under this bill, individuals aged 18 and above can apply for Personal Protection Orders (PPOs), while Expedited Protection Orders (EPOs) may be issued in high-risk cases.

In 2019, Singapore became one of the few countries in the region to fully criminalize marital rape through amendments to the Penal Code. Workplace protections have also been reinforced, with the Protection from Harassment Act (POHA) covering sexual harassment and stalking, alongside the Tripartite Guidelines on Fair Employment Practices, which promote gender equality in hiring and employment.

Additionally, Chief Justice Sundaresh Menon recently announced that Singapore courts will introduce measures to improve the handling of sexual offence cases. Moving forward, all sexual offence trials in the High Court and select cases in the State Courts will be assigned to a specialist list of experienced and specially trained judges.

### **The Philippines**

The Anti-Violence Against Women and Their Children Act criminalizes physical, psychological, sexual and economic abuse within intimate relationships, offering survivors protection orders and legal recourse.

The Safe Spaces Act (RA 11313), also known as the Bawal Bastos Law, expands protections against gender-based harassment, to the extent of covering offenses such as street harassment, online abuse and workplace discrimination.

Despite these legal protections, enforcement remains a challenge, particularly in rural areas where authorities often lack resources or training. Moreover, the Philippines is the only country in the region where divorce is illegal, leaving women in abusive marriages with limited legal avenues for escape. While annulment and legal separation are available, these processes can be costly, lengthy and challenging.

### **Myanmar**

Myanmar's legal framework for addressing gender-based violence remains rooted in the British-era Penal Code, which does not fully cover domestic violence, marital rape or workplace harassment.

Political instability since the 2021 military coup has further delayed legal reforms, including the Prevention and Protection of Violence Against Women (PoVAW) Law. UN reports highlight sexual violence committed in conflict zones and ethnic minority communities, even while access to justice remains challenging under military governance.

### **Vietnam**

Vietnam addresses gender-based violence through the Law on Gender Equality (2006) and the Domestic Violence Prevention and Control Law (2007). A 2022 revision strengthened protections by emphasizing prevention, victim support and stricter law enforcement intervention.

The law focuses on three key areas: preventive measures and victim protection, coordination mechanisms for enforcement, and mobilizing social resources to combat domestic violence.

## **Cambodia**

Cambodia's Law on the Prevention of Domestic Violence and the Protection of Victims (2005) criminalizes domestic abuse. The Ministry of Women's Affairs has announced plans to strengthen enforcement and improve support for victims, emphasizing community involvement and inter-agency cooperation.

Despite these efforts, Cambodia continues to face criticism for not adequately addressing online gender-based violence, with issues like cyber harassment and non-consensual pornography remaining largely unregulated.

## **Timor-Leste**

Timor-Leste has strengthened legal protections with the Law Against Domestic Violence (2010), which classifies domestic abuse as a public crime, allowing authorities to pursue cases without a formal complaint from the survivor. Yet, enforcement remains inconsistent, particularly in rural areas where traditional dispute resolution often takes precedence. Deep-rooted cultural norms further deter survivors from seeking legal recourse, limiting the law's impact.

## **Laos**

Similarly, Laos' Law on Development and Protection of Women (2004) addresses gender-based violence and discrimination. However, informal mediation is often favoured over legal action, prioritizing reconciliation rather than accountability. Limited public awareness and inadequate support services further hinder survivors from seeking justice.

## **Brunei**

Although Brunei's legal framework offers some safeguards against rape and sexual harassment through the Women and Girls Protection Act, it lacks a comprehensive approach in addressing gender-based violence. Most notably, the Constitution of Brunei (1959) does not explicitly guarantee gender equality. The law does not criminalize spousal rape, and explicitly states that sexual intercourse by a man with his wife is not rape if she is not younger than 14 (or 15, if she is ethnic Chinese). Strict interpretations of the Syariah Penal Code can also deter women from reporting abuse, while many cases go unaddressed due to social and legal constraints.

Moreover, the Syariah Penal Code Order 2013 enforces modest dressing for Muslim women—wearing “revealing” clothing or failing to cover their hair in certain public spaces can result in fines or punishment. Severe punishments, particularly in cases of zina (illicit sex) and modesty violations, including stoning for adultery and whipping for “moral offenses”, also disproportionately affect women.

## **The Role of International Conventions**

Many Southeast Asian nations are signatories to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), committing to align domestic laws with international standards. Regional initiatives such as the ASEAN Commission on the Promotion and Protection of

the Rights of Women and Children (ACWC) and the ASEAN Regional Plan of Action on the Elimination of Violence Against Women (RPA on EVAW), aim to strengthen protections and policy frameworks. While these agreements are not always legally binding, they create legitimate expectations that governments will implement policies in line with their commitments.

Additionally, the UN Due Diligence Framework on State Accountability for Eliminating Violence Against Women outlines clear obligations for governments to prevent, investigate and respond to gender-based violence. It emphasizes that states are responsible not only for enacting legal protections, but also for ensuring their effective implementation and enforcement. Zarizana Abdul Aziz, a human rights lawyer and expert who co-developed the due diligence framework, explains that it was shaped through collaboration with thousands of advocates and experts across various regions, assessing state efforts over a five-year period to prevent violence against women and enhance protections. The framework has played a key role in advancing global and regional initiatives, especially in tackling online violence and harassment.

## **Recommendations**

### *Strengthen Enforcement Mechanisms*

Governments must prioritize the enforcement of existing laws, in order to ensure that survivors have access to justice. This includes training law enforcement officers, increasing public awareness, and providing adequate resources for support services.

### *Close Legal Gaps*

Laws must be amended to address critical gaps, such as marital rape and online harassment. Regional cooperation through initiatives like the ASEAN Regional Plan of Action on the Elimination of Violence Against Women can help harmonize legal standards.

### *Promote Public Awareness*

Public education campaigns are essential to inform women of their rights and available support services. Employers should also be mandated to conduct regular awareness programmes on workplace harassment.

### *Engage Civil Society and International Bodies*

Collaboration with NGOs and international organizations can help hold governments accountable for implementing legal protections. The UN Due Diligence Framework on State Accountability for Eliminating Violence Against Women provides a valuable roadmap for action.



## **Where Can Victims of Gender-Based Violence Turn for Help?**

In Malaysia, organisations such as the Women's Aid Organisation (WAO), Telenisa by Sisters in Islam and Women's Centre for Change (WCC) Penang provide legal support, shelters and counselling to help survivors navigate the legal system.

Emphasising WCC's commitment to empowerment, Executive Director Loh Cheng Kooi highlights that their work focuses on empowering women rather than providing welfare. The approach involves assisting women without expectations and supporting them in making informed choices during counselling.

Additionally, the All Women's Action Society (AWAM) offers legal aid and advocacy, while the Protect & Save The Children organization focuses on child survivors of abuse. The Federation of Reproductive Health Associations, Malaysia (FRHAM) provides support where reproductive rights and sexual violence are concerned.

## **Conclusion**

Legal protections for women in Southeast Asia remain hindered by cultural, religious and socio-political factors. Many laws were historically shaped by patriarchal norms, prioritizing family unity over individual rights. Even with legal reforms, weak enforcement, lack of awareness and judicial gaps continue to undermine progress.

While progress has been made, real change requires stronger implementation and societal commitment to breaking the cycle of violence. Until then, many women remain at risk, waiting for justice. And justice must not be delayed.

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