

New Bill casts a wider net

It will complement existing law on sexual harassment

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PETALING JAYA: At least three cases of sexual harassment were reported daily in the past two years.

Police data showed that 2,492 reports of such harassment or assault were reported from 2020 to 2021, during the Covid-19 movement restrictions period where people started to work more from home.

Although the number is lower than in 2019, where almost four cases were reported daily, Women, Family and Community Development Minister Datuk Seri Rina Harun said the statistics might not be an accurate reflection of the situation on the ground due to non-reporting by many victims out of fear and shame.

Other reasons could be a lack of proof, an imbalance of power, or the influence that the aggressor had over the victim, she said.

Some chose not to come forward because they felt that their case could be viewed as "minor", she added.

Malaysia has no specific law on sexual harassment, although amendments to the Employment Act in 2012 provide some redress. There are also sections in the Penal Code, the Industrial Relations Act, the Communications and Multimedia Act and others that can be applied in some cases.

As such, Rina said her ministry had drawn up the Anti-Sexual Harassment Bill aimed at complementing these other existing legislation related to sexual harassment.

"This will expand the scope of application of legislation related to sexual harassment that is not limited to only the workplace or criminal law procedures," she said in an interview.

The Bill is expected to be debated at the current Dewan Rakyat meeting.

Rina said the establishment of a tribunal under the Bill would also be an alternative forum to resolve sexual harassment complaints that focus on providing specific remedies (reparations) for the victims quickly and at a lower cost.

Although children, especially those under the age of 18, are protected under the Sexual Offences Against Children Act, the new Bill will also provide an alternative sexual harassment complaint-handling forum for civil cases involving children, done in the pres-

Number of sexual harassment/assault cases

Penal Code (Act 574)	2017	2018	2019	2020	2021
Section 354	1,290	879	1,063	842	876
Section 377D	59	87	86	249	80
Section 509	267	281	310	379	66
TOTAL	1,616	1,247	1,459	1,470	1,022

Number of sexual harassment cases reported to Labour Department



Source: Peninsular Malaysia Labour Department

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ence of a representative or guardian ad litem.

"This is a step that could complement existing legislation for children," she said.

A guardian ad litem is an individual appointed by the court to represent the best interests of a minor in specific legal proceedings such as divorce, custody, child abuse and neglect cases, among others.

Asked about online harassment faced by people, especially women, Rina said this would come under the jurisdiction of the Communications and Multimedia Ministry through the Communications and Multimedia Act.

But once the Bill had been passed, Rina said

any action that was defined as sexual harassment could be relayed to the tribunal for the purpose of a hearing.

The Bill interprets sexual harassment as any unwanted conduct of a sexual nature, in any form – whether verbal, non-verbal, visual, gesture or physical – directed at someone which led to the person being offended, insulted or was a threat to his or her well-being.

Besides outlining the definition of sexual harassment and establishing the Anti-Sexual Harassment Tribunal, the Bill seeks to address cases regardless of gender and nationality taking place in Malaysia, and victim's compensation or redress, among others.