**CALL FOR INPUT TO THE THEMATIC REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN AND GIRLS TO THE 79TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON VIOLENCE AGAINST WOMEN AND GIRLS IN SPORT**

Malaysia offers the following comments and feedback, for the call for input to the report of the Special Rapporteur on Violence Against Women and Girls to the 79th Session of UNGA, on violence against women and girls in sport.

1. Malaysia’s input is not limited to providing a response to the call for input but also reflective of our long-standing commitment in promoting and protecting the rights of women and girls in the country.
2. Malaysia remains fully committed to upholding its treaty obligations to CEDAW by prioritising women empowerment and gender equality. In line with the recommendations made in the Concluding Observations of the CEDAW Committee, Malaysia continues to establish legislation, improve its policies and implement various initiatives to protect the rights of women and girls, and to ensure their safety and security.
3. The 12th Malaysia Plan also highlights efforts in moving towards a substantive campaign on violence against women. In ensuring women are safe, secure and healthy, various measures have been undertaken to improve awareness and enhance the well-being of women.
4. This feedback is provided in consultation with the relevant Government agencies to ensure a balanced presentation of the overall situation in Malaysia.

**Policies and Legal Framework**

1. Malaysia recognises the standards set by the International Paralympic Committee (IPC) through its recognition of the Safe Sport International Declaration.
2. The Ministry also helms the Women in Sports Action Plan 2021-2025 in line with the 12th Malaysia Plan. The plan aims to increase the participation of women in sports and promote gender equality in sports, through several strategies such as increasing the number of female coaches and administrators, providing equal opportunities for women in sports and promoting gender-sensitive sports policies and programs. The plan also aims to raise awareness about the importance of gender equality in sports and to encourage more women to participate in sports.
3. In March 2023, Malaysia launched the National Safe Sports Code (SSC), a set of guidelines in both Malay and English language, developed by the Ministry of Youth and Sports (KBS) to provide guidance on creating a safe sports environment with clear guidelines applicable through existing Malaysian laws to address all forms of violence, harassment, misconduct, and abuse in sports. The Sports Development Act of 1997 was also amended to include the SSC.
4. Malaysia takes a holistic, multi-pronged and multi-sectoral approach to preventing violence against women and girls in sports. Survivor-centric steps and prevention measures are outlined in the SSC which is read together with domestic laws and follows principles set by international human rights treaties such as CEDAW’s Articles and General Recommendation 33, CRC and CRPD. Domestic laws which guide the SSC are as below:
   1. Penal Code [Act 574];
   2. Anti-Sexual Harassment Act 2022 [Act 840];
   3. Child Act 2001 [Act 611];
   4. Sexual Offences Against Children Act 2017 [Act 792];
   5. Persons with Disabilities Act 2008 [Act 685];
   6. Employment Act 1955 [Act 265];
   7. Communications and Multimedia Act 1998 [Act 588];
   8. Whistle-blower Protection Act 2010 [Act 711];
   9. Evidence of Child Witness Act 2007 [Act 676];
   10. Criminal Procedure Code [Act 593]; and
   11. Domestic Violence Act 1994 [Act 521.
5. The SSC features and integrated complaint mechanism involving the Royal Malaysian Police, the Olympic Council of Malaysia, the Paralympic Council of Malaysia, and the Ministry of Family, Women and Community Development (MWFCD). The Ministry is required to provide protection and assistance from the start of the incident until the post-outcomes and their readjustment into their local sports community. The most recent development at MWFCD is the process for starting the Tribunal under the Anti-Sexual Harassment Act, where women and girls facing sexual harassment in sports may no longer be restricted by criminal case reporting.

**Measures for Effective Reporting and Follow-up**

1. The SSC aims to establish a safe and secure environment for sports and to strengthen the integrity of sports governance in Malaysia. The code provides a clear definition of safe sports, the roles and responsibilities of all parties involved and guidelines for reporting and investigating incidents of violence and abuse.
2. The SSC emphasizes several important factors including knowledge and awareness of various types of misconduct. Coaches, athletes, and administrators must recognize signs and understand the impact of behaviours such as verbal abuse, physical harm, sexual harassment, bullying and discrimination. Responsibilities lie with coaches, administrators, athletes, parents and guardians to create a safe environment, enforce policies and promptly address any violations. Sports bodies should also develop their internal procedures to handle complaints of misconduct in accordance to their respective federation’s constitution. All complaints submitted to authorities or organizations will be resolved following the said procedures and practices including any appropriate actions and penalties within their jurisdiction.
3. The SSC is operationalised in national and state structures and systems, through institutionalised Standard Operating Procedures that facilitates the formation of systemic prevention measures in sports activity. These SOP/measures are incorporated through national and private sports bodies and/or via the constitution of sports associations and employment contracts of athletes.
4. In implementing the SSC, sports bodies become responsible for safeguarding their respective sports environments to ensure that it is free from abuse and harassment. Sports bodies must acknowledge the SSC and develop their respective Safe Sports Policies to serve as guidance and reference for their members. Sports bodies are also expected to undertake the following actions:
   1. identify and appoint individuals responsible for managing complaints and acting against any misconduct;
   2. implement awareness and promotional activities regarding the importance of compliance with this SSC;
   3. conduct regular training and educational sessions to enhance understanding of this SSC;
   4. establish internal mechanisms for complaint resolution and management;
   5. provide support programs and assistance for the SSC’s compliance; and
   6. implement and execute detailed, comprehensive monitoring, and advocacy processes.
5. KBS has also begun mainstreaming the culture of prevention including having tailored safety plans for victims, psychosocial support, and support for victims to readjust into their respective community settings. Victims also have other options to access justice and meaningful remedies beyond the criminal justice system. The National Sports Council and the National Sports Institute for example, have connected women and girl victims with the Social Welfare Department where trained support workers and NGO case workers provide support for athletes who are not under the national sports program.
6. To ensure ease and sustainable case management and support for women and girls, a Sports Safeguarding Officer has been appointed to guide survivors and sports bodies from the complaints to the remedies stage. From the hospital, to police, to psychologists, to prosecutors in courts, the Safeguarding Officer journeys with women and girls impacted by violence and ensures their privacy and confidentiality is protected.
7. Women and girls with disabilities are also given access to remedies in line with the Persons with Disabilities Act and the CRPD.

**Protecting Vulnerable Groups**

1. Upon the launch of the Safe Sports Code (SSC), numerous complaints were received within a 9-month period (21st March to 21st December 2023). Based on Government data pursuant to the SSC, the different forms of violence that women and girls in sports experience in Malaysia include physical sexual violence; non-sexual physical violence (injury or aggravation by coaches; verbal sexual harassment; mental and emotional pressure; and online gender-based violence).
2. In a survey conducted in 2022 on Sexual Harassment (SH) in Sports, of the different forms of violence that women and girls in sports experience in Malaysia, 25% of those surveyed stated that SH happened at training premises. In this regard, Malaysia believes that it is critical to build a positive behaviour and gender-progressive attitudes towards safeguarding women and girls in sports using CEDAW standards.
3. Based on Government data pursuant to the SSC, the highest at-risk groups for girls are school girls within school compounds when there is no supervision of other adults at the school premise where sports training occurs. For adult women, the highest category are women athletes that are based outside the capital city of Kuala Lumpur. The perpetrator is usually the person holding the most power in the coaching or training setting, and there is a lack of monitoring by a neutral party.
4. Understanding the cross-cutting and complex nature of the issue, the relevant Ministries have collaborated for effective investigation, prosecutions, and convictions in courts. For example, both KBS and the Ministry of Education have repeatedly pledged to work together and integrate the prevention measures of the Safe Sports Code with the Safe School Manual, for the cases of any form of violence occurring during sports activity in school premises.
5. The development of the SSC is aimed to ensure a safe sporting environment. KBS has dedicated gender focal points with officers that focuses, learns from and makes adaptations from women and girls’ lived realities in sports, utilising the expertise of international-level former women athletes on voicing out against violence in sports at all levels. User-friendly SSC booklets have been disseminated to major sports bodies nationwide in both Malay and English and in Braille.

**Lessons Learnt and Best Practices**

1. In implementing the SSC, KBS believes that systematic Training of Trainers needs to be made compulsory and frequent. Evident gaps are the lack of sensitivity especially of cases outside of the capital, resulting in under-reporting and absence of meaningful remedies. As such, a trauma-informed systematic and holistic training, good-practice sharing, and minimum standards-setting of survivor sensitivity among authorities is crucial. Access to justice and positive outcomes must be based on survivor’s realities, not on preconceived notions or morality judgments over victims.
2. Beyond the government, the private sector also needs to step up especially in private sporting arenas and premises. Joint efforts in forming trainer teams, advocacy plans to mainstream how the Code is to be implemented, and systematic roadshows especially in rural or less-serviced areas is much needed. Other capacity building requirements include:
   1. Media Guidelines for Child Privacy: KBS needs support and expertise especially in developing materials and toolkits in various languages including to accommodate the various disabilities of women and girls;
   2. Sport’s governing bodies are explicitly tasked with maintaining the integrity of their sporting discipline. In line with this, there should be provisions that provide remedies to victims and survivors i.e. financial support for remedies; for the recovery and readjustment for women and girls – for survivors to thrive and compete again to their fullest capabilities;
   3. Sports organizations should establish clear policies and guidelines that prohibit all forms of violence and harassment against women and girls in sports. These policies should be communicated to all stakeholders and enforced consistently;
   4. Education and training programs should be provided to all stakeholders to raise awareness about the issue of violence against women and girls in sports and to provide them with the necessary skills to prevent and respond to such incidents;
   5. Sports organizations should create safe and confidential reporting mechanisms that allow survivors to report incidents of violence and harassment without fear of retaliation. These mechanisms should be easily accessible and should be communicated to all stakeholders;
   6. Sports organizations should promptly investigate any allegations of violence or harassment. This involves gathering evidence, interviewing relevant parties and ensuring transparency throughout the process; and
   7. Sports organizations should provide support and resources for survivors of violence and harassment. This includes access to counselling, medical care and legal assistance.
3. The Government has taken many initiatives in ensuring gender equality for women in the sports ecosystem, and to ensure women are safe and free from violence and abuses while carrying out sport activities. By prioritizing gender equality, Malaysia aims to create an inclusive environment where women thrive in sports and beyond.

**Prepared by:**

**Government of Malaysia**

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