

07 DEC 2002

Yearender-Women

AIDA MELLY'S CASE HIGHLIGHTS WOMEN'S PLIGHTS

By: Sharifah Nur Shahrizad

KUALA LUMPUR: The divorce case of a mother, Aida Melly Tan Abdullah, was among the social issues that received wide publicity in the country and served to focus on the plights of women in particular.

The case before the Syariah Court took seven long years to resolve, drawing various reactions from the public, especially women who expressed regrets at the long delay.

The case started when Aida Melly, 36, applied to the court in early 1996 for divorce on ground of failure of duty (or "fasakh" under Muslim law) by her husband, Khairul Anuar Kamaruddin, 42, citing the physical and mental torture she went through. Khairul in turn asked the court on June 30, 1996, to declare his wife as disloyal.

A year later, Aida Melly filed another paper for divorce on ground of written consent ("taklik") which was tried by the court along with Kharil's application from August 1997 to March 1998.

The decision was that Aida Melly was not disloyal and the court upheld her application for divorce (taklik).

Khairul was however unhappy with the decision and he appealed to the Syariah High Court and asked that the decision be suspended pending his appeal before the High Court.

END OF STRUGGLE

At long last, Aida Melly's fight for her divorce ended when the Selangor Islamic Affairs Department (JAIS) issued the divorce papers last October 25, describing Aidi Melly as a "symbol" of suffering over seven years.

The case prompted Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi who is also the Home Minister to call on the Syariah Court to settle quickly all their backlog of cases to end the disappointment and perception that the court is slow and weak.

He said the delay by the Syariah Court in settling divorce cases would not only give a poor image on the administration of Islamic Affairs but also on Islam itself.

However, Aida Melly's case did not just end there. It came back in full glare when the husband appealed to the Syariah Court of Appeal to set aside the decision of the Shah Alam Syariah High Court.

The case further confused the people regarding the proceedings of the Syariah Court which allowed the appeal even though the divorce papers were issued by JAIS.

This led two "mufti" or religious experts, that is, the Mufti of Federal Territory Datuk Hashim Yahya and Mufti Datuk Sheikh Hasbullah Abdul Halim to come out with the view that divorce, whether through "taklik" or "lafaz", cannot be appealed because the decision is final.

CODE AGAINST SEXUAL HARASSMENT

What also grabbed the attention of the public on women issues this year was the Code of Practice on the Prevention and Eradication of Sexual Harassment in the workplace.

A study by two NGOs, the Women's Development Collective and the All Women's Action Society, found that 92.8 percent of women were victims of some forms of sexual harassment in the workplace.

So, the announcement in March by the Minister of Women and Family

Development Datuk Seri Shahrizat Abdul Jalil that the code was being studied for use by the public sector and incorporation in the general orders were welcomed by the women.

What is obvious is that the creation of the Ministry of Women and Family Development under Shahrizat last year has brought about radical changes, especially in the struggle for women's rights.

The code against sexual harassment had been introduced by the Human Resources Ministry to the private sector in 1999, but its application had not been widespread enough.

Shahrizat said the one-year trial period up to next February, would enable them to study the effects of the code and to consider whether to convert it into an Act or law.

SINGLE MOTHERS

By mid-year, there were many stories about the hardship and miseries faced by single mothers.

In response to their plights, the Malaysian Single Mothers Council was established on May 5 to help resolve their woes quickly, apart from taking up women's issues, especially those concerning the law.

Shahrizat said a study would be made to identify the difficulties faced by these single mothers so that suitable programmes could be formulated to assist them.

The welfare of single mothers were also given due attention through the 2003 budget which accorded priority for low-cost housing to those single mothers earning less than RM600 a month.

Although it might not be a major issue, Shahrizat's proposal to re-classify children born out of wedlock as "children without legal status" also caught the attention of the people.

It was revealed in the Senate last month that 53,309 children born out of wedlock or outside of the 280-day period following the dissolution of a marriage, were registered with the National Registration Department between 1999 and last year.

The proposal to erase the trauma and inferiority complex of these innocent children would also assist the single mothers to go through the ordeal, not to mention the adoptive parents at a later date.

Though no decision has been made, the proposal gives hope to these children who could attend schools with no problem and who would not be regarded as second-class citizens or consigned to the margin of society because of their status.

WOMEN-FRIENDLY BUDGET

The 2003 budget that was tabled by Prime Minister Datuk Seri Dr Mahathir Mohamad last September was also seen as a women-friendly budget when it increased the allocation to the Women and Family Development Ministry by 68 percent to RM99.1 million.

Dr Mahathir in his budget speech said the allocation was in line with the increasing recognition of the government of the role and contribution of women in the economic and social development of the country.

In contrast to the budget, the string of rape cases continued to haunt and shock the nation, especially the rape and murder of two-year old Siti Nurliyana Syamimi Rosdi in Alor Star on October 30.

Like the proverbial last straw that broke the camel's back, the case led to the proposal that convicted rapist be dealt with the ultimate sentence -- death.

The debate on the proposal is still ongoing, with a group arguing that the death sentence would not be effective in stopping rape of children.

What is certain however is that the laws pertaining to rape are being

reviewed so that rapists of children would receive a heavier sentence than the present maximum 20 years behind bars.

Looking at these positive developments on issues pertaining to women, it can be said that they should be proud of their position today and that their lots had been aptly defended. -- Bernama

SNS ZS RR KGO