

Forging Pathways to Strengthen Laws Against Online Gender-Based Violence Towards Women and Girls in Malaysia

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Abstract

Online Gender-Based Violence ('OGBV') against women and girls is a growing concern in Malaysia, mirroring global trends of escalating digital abuse. This paper examines the current Malaysian legal framework addressing offences such as cyberbullying, doxing, online grooming, sextortion, and the non-consensual sharing of intimate images. While recent developments, including the Online Safety Bill 2024 and amendments to existing laws, mark progress, enforcement remains fragmented and inconsistent. Employing qualitative analysis of statutes, case law, international conventions, and academic literature, the paper evaluates legal gaps and compares Malaysia's approach with those of the United Kingdom and Australia to identify best practices. Key challenges include judicial limitations, cross-border enforcement hurdles, and the lack of victim-centered remedies. Drawing on Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW') and Convention on the Rights of the Child ('CRC') principles, the paper proposes gender-sensitive, victim-focused, and technologically adaptive reforms, alongside capacity-building for enforcement agencies and stronger public awareness measures, to create a safer digital environment for women and girls in Malaysia.

Keywords: Online Gender-Based Violence, cybercrime legislation, women's rights, legal reform.

I. Introduction

This paper will explore the pervasive issue affecting women and girls globally, known as Online Gender-Based Violence ('OGBV'), which refers to acts of gender-based discrimination occurring in the cyberspace,¹ such as through mobile phones, the Internet, social media, or email.² Notwithstanding the fact that unlike Gender-Based Violence ('GBV'), OGBV poses an

¹ Eduardo Carrillo and others, 'From Theory To Practice: Building and testing a framework for definitions of Online Gender-Based Violence and other terms' (World Wide Web Foundation, July 2024) <<https://www.tedic.org/wp-content/uploads/2024/07/Framework-definitions-OGBV-2.pdf>> accessed 2 January 2025.

² United Nations Human Rights Council (UNHRC), 'Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights

alarming threat which may significantly harm victims with just a tap of a button. The rise in OGBV cases was evident during the pandemic, where in 2021, about 88% of women in Asia and the Pacific have experienced such prejudice,³ and that 1 in 10 girls have suffered some type of online violence since the age of 15.⁴ Nonetheless, the occurrence is unavoidable due to the increase in the usage of technology in schools, universities and workplaces where they are heavily depended on as a form of communication and connection.⁵

The phrase 'The Law is Just an Aftermath' reflects the manner in which OGBV laws only arise after an offence has taken place. On numerous occasions, the statutes relating to OGBV fail to operate as a deterrent as perpetrators are either unaware of the existence of such laws or are not severely punished for it. For instance, Malaysia's current OGBV statutes lack specificity in addressing various forms of violence, like sexual extortion, non-consensual dissemination of intimate images ('revenge porn'), doxxing, online grooming, cyberstalking, cyberbullying and many more. Furthermore, even if such statutes exist, they fail to protect the rights of women and girls, who are frequently targeted. As a result, those who commit these crimes typically do not feel any remorse for their actions. Consequently, OGBV leads to the infliction of severe psychological, social, and legal consequences on victims. Based on research by *Inter-American Commission of Women*,⁶ implications will vary from each victim and the form of OGBV they have experienced. Some examples of these negative effects include anxiety, stress, depression, agitation, and economic harm from the loss of work as an outcome of online smear campaigns. Victims tend to be socially withdrawn and choose to be in isolation from society, due to the tarnishing of their reputations through these digital platforms. To exacerbate the situation, the law remains outdated in comparison to the rapid evolution of online spaces by failing to address gender cruelty in ICT in existing statutes. As noted by Spandana and Leila,⁷ this leaves victims without any adequate recourse to obtain justice.

Hence, this paper highlights the legal frameworks addressing various forms of OGBV and their overall effectiveness, as well as the judicial challenges that may arise. Comparison between Malaysia and other jurisdictions, like the United Kingdom and Australia and their respective OGBV laws, will also be made. Finally, a conclusion will be made on proposing

perspective' (18 June 2018) UN Doc A/HRC/38/47, 7

<<https://documents.un.org/doc/undoc/gen/g18/184/58/pdf/g1818458.pdf>> accessed 2 January 2025.

³ The Economist Intelligence Unit Limited, 'Methodology: Measuring the prevalence of online violence against women' (2021)

<https://cdn.vev.design/private/WbTNgdOVVvgyq5TIBiYpWVmMCJQ2/hyw1xhPZO6_EIU_METHODODOLOGY_PREVALENCE%20OF%20ONLINE%20VIOLENCE%20AGAINST%20WOMEN_FINAL.pdf.pdf> accessed 9 January 2025.

⁴ UNHRC (n 2) 5.

⁵ UN Women, 'Toolkit: Youth Guide To End Online Gender-Based Violence' (2023) 5

<https://asiapacific.unwomen.org/sites/default/files/2022-12/Youth-Toolkit_14-Dec_compressed-final.pdf> accessed 2 January 2025.

⁶ Katya N Vera Morales, 'Online Gender-Based Violence Against Women and Girls: Guide of Basic Concepts' (2021) OAS Doc OEA/Ser.D/XXV.25

<<https://www.oas.org/en/sms/cicte/docs/Guide-basic-concepts-Online-gender-based-violence-against-women-and-girls.pdf>> accessed 20 January 2025.

⁷ Spandana Singh and Leila Doty, 'The Transparency Report Tracking Tool: How Internet Platforms Are Reporting on the Enforcement of Their Content Rules' (*Open Technology Institute, New America*, 2021)

<<https://www.newamerica.org/oti/reports/transparency-report-tracking-tool/>> accessed on 20 January 2025.

policy recommendations for enhanced legal protection and the exploration of further research to address OGBV against women and girls.

II. Legal Frameworks in Malaysia

An increase in incidences of OGBV have seemingly coincided with the rise of technology. As a result, lawmakers have introduced several statutes to address the concern. However, the question then arises: has this legislation actually fulfilled its purpose? As of 16 December 2024, the Senate passed the *Online Safety Bill 2024* ('Bill') which aims to prevent cyberbullying, exploitation and misinformation by regulating harmful content, and imposing duties and obligations on application service providers and content applications service providers ('Service Providers') licensed under the *Communications and Multimedia Act 1998* ('CMA'). The Bill encompasses two categories of 'harmful content' as stipulated under *First Schedule (Section 4)* such as content on child sexual abuse material as provided for under *section 4 of the Sexual Offences Against Children Act 2017 ('SOACA')*,⁸ financial fraud, obscene and indecent contents and others. On the other hand, the *Second Schedule* provides for 'priority harmful content' such as content involving child sexual abuse material, and financial fraud, which requires additional regulation.

Additionally, *Sections 13 to 20* of the Bill imposes several duties on Service Providers to implement measures to detect and mitigate harmful content⁹, establish robust reporting mechanisms on their platforms¹⁰, provide responsive assistance to users for enquiries and concerns about online safety¹¹, as well as to prepare and submit an Online Safety Plan¹². Non-compliance empowers the Malaysian Communications & Multimedia Commission (MCMC) to issue a notice to such Service Providers¹³, who may then elect to pay the fine or request a formal review by the MCMC¹⁴. If the outcome of the review emerges to be unsatisfactory, then they may appeal to the Online Safety Appeal Tribunal as established under *Section 40*, whose responsibility is to review any written instruction, determination, directions, or decision issued or made by the MCMC under the Bill. In addition, the formation of the Online Safety Committee consisting of, among others, the Minister, the police, other relevant ministries, and the Service Providers¹⁵, also serves to advise and provide recommendations to MCMC on all matters relating to online safety¹⁶. Although a relatively new piece of legislation, the Bill is intended to promote safer internet use, including provisions with potential extraterritorial reach. It aims to protect vulnerable groups, such as children, and to complement existing laws like the *Child Act 2001 (CA)* as well as upcoming amendments to the *Communications and Multimedia Act (CMA)* and the *Penal Code (PC)*.¹⁷

⁸ Sexual Offences Against Children Act 2017 (Act 792).

⁹ Sexual Offences Against Children Act 2017 (Act 792), s 13.

¹⁰ Sexual Offences Against Children Act 2017 (Act 792), s 16.

¹¹ Sexual Offences Against Children Act 2017 (Act 792), s 17.

¹² Sexual Offences Against Children Act 2017 (Act 792), s 20.

¹³ Sexual Offences Against Children Act 2017 (Act 792), s 37.

¹⁴ Sexual Offences Against Children Act 2017 (Act 792), s 38.

¹⁵ Sexual Offences Against Children Act 2017 (Act 792), s 5.

¹⁶ Sexual Offences Against Children Act 2017 (Act 792), s 10.

¹⁷ Sri Sarguna Raj, Steven Cheok Hau Cher and Nicole Chong, 'Key Points on the Online Safety Bill 2024, Adnan Sundra & Low' (*Adnan Sundra & Low*, January 2025)

Besides that, the *CMA*, specifically *Section 233*, criminalises the use of network resources or services by an individual to transmit any communication deemed offensive and potentially annoying to another.¹⁸ It is presumed to cover the majority of OGBV cases such as revenge porn, cyberbullying, and online hate speech. Nonetheless, the provision had only seen previous application where defamatory words had been directed towards royalty and the Government¹⁹. For instance, in *Rutinin v Public Prosecutor*,²⁰ the appellant was convicted under *S.233* of the Act and ordered to pay a RM15,000 fine, in default eight months' imprisonment for posting an offensive remark declaring that the Sultan of Perak had 'gone mad'. Similarly, in *Arunakirinathan lwn Pendakwa Raya*²¹, the accused had posted a Facebook video containing derogatory remarks against the Sultan and the Malay community, after which he was convicted under *Section 233 and Section 504 PC*. In Malaysia, the *CMA 1998*, together with the *PC*²² covers the majority of cyber crimes and also preserves gender equality between women and men. Nevertheless, the question arises as to whether the Act is sufficient to prosecute and punish perpetrators. As indicated by the Communications Minister, Fahmi Fadzil,²³ the *CMA 1998* should be amended for its outdated nature and modest fine which fails to meet current economic conditions, taking into account the monetary valuation in 1998.

In tandem with *CMA*, the *PC* also plays a major role in addressing OGBV towards women by virtue of *Section 383* on sextortion, *Section 509* on revenge porn and *Section 506* and *Section 507* for criminal intimidation. Notably however, the Code fails to specifically address the issue of discrimination faced by women digitally. Another notable initiative under *PC* is *Section 507A*, commonly known as the Anti-Stalking Law which provides that any individual who consistently harasses with the intent to cause grief, anxiety, or worry to another about their safety is guilty of the offence of stalking. In the context of OGBV, online stalking is often observed in situations where a victim may receive unwanted calls and messages from a perpetrator. According to *The Star*,²⁴ a freelance designer became the first individual to be charged under the Anti-Stalking Law for repeatedly harassing the victim by sending messages containing expressions of love to her Twitter account, causing immense distress. However, the law had only been recently passed by the Dewan Rakyat under the *Penal Code (Amendment) Bill 2023*, and as such, the implementation of the Anti-Stalking Law has yet to

<https://www.asl.com.my/wp-content/uploads/2025/01/Key-Points-on-Online-Safety-Bill-by-SSR-SDR-format-draft_merge.pdf> accessed on 1 March 2024.

¹⁸ Communications and Multimedia Act 1998, s 233.

¹⁹ Dr Haezreena Begum Bt Abdul Hamid, 'Combatting Sexual Cyberviolence against Women in Malaysia' (2022) 3 MLJ ccxxxi.

²⁰ *Rutinin bin Suhaimin v Public Prosecutor* (2014) 5 MLJ 282.

²¹ *Arunakirinathan a/l Thillainathan lwn Pendakwa Raya dan satu lagi rayuan* (2024) 9 MLJ 785.

²² Penal Code (Act 574).

²³ Muhammad Yusry, 'Fahmi: Cabinet approves review of penalties under Communications and Multimedia Act' *Malay Mail* (Putrajaya, 8 March 2024)

<<https://www.malaymail.com/news/malaysia/2024/03/08/fahmi-cabinet-approves-review-of-penalties-under-communications-and-multimedia-act/122253>> accessed 20 January 2025.

²⁴ Nurbaiti Hamdan, 'First man charged under anti-stalking law ordered to undergo psychiatric observation' *The Star* (Shah Alam, 11 Aug 2023)

<<https://www.thestar.com.my/news/nation/2023/08/11/first-man-charged-under-anti-stalking-law-ordered-to-undergo-psychiatric-observation>> accessed on 20 January 2025.

be seen. The primary reason for that is the applicability of this provision only arises if the perpetrator's actions induce fear, anxiety, or distress occurring on a minimum of two occasions.²⁵ This creates uncertainty in instances where an offender commits the act continually on a single occasion, and how the courts may interpret the length and frequency of the *actus reus* required to constitute an offence²⁶.

Alternatively, the recognition of OGBV is vaguely visible under other Acts like the *Anti Sexual Harassment Act 2022 (ASHA)*, and the *Domestic Violence Act 1994 (DVA)*. *Section 2 of the ASHA* describes 'sexual harassment' as 'unwanted conduct of a sexual nature, in any form, whether verbal, non-verbal, visual, gestural or physical, directed at a person which is reasonably offensive or humiliating or is a threat to his well-being.'²⁷ *Section 2(ec) of the DVA*²⁸ outlines that domestic violence encompasses communication with the victim or communication regarding the victim to a third party, with the goal to demean the victim's modesty through electronic means or otherwise. Doxing has been widespread where the perpetrators 'publish' a victim's private information online without consent with the aim of revealing victims' identity, often leading to being cyberbullied.²⁹ Nevertheless, Malaysia does not have any comprehensive law on doxing. *Parveen Kaur Harnam Singh* in her article states that³⁰ the *Personal Data Protection Act 2010 (PDPA)* may address doxing under *Section 6(1)(a)*, where a data user shall not process an individual's personal data without their consent.³¹ Subsequently, *Section 130* states that whoever commits such offence is liable to a fine of RM500,000 or three years imprisonment or both.³² Even if the legislation does apply, however, there are no express statutory civil rights available for the victims.

Youths under the age of 18 are no strangers to OGBV. It has been reported that 94% of youths aged 12 to 17 in Malaysia are users of the Internet.³³ In response, the *Sexual Offences Against Children Act 2017 (SOACA)*, specifically *Section 11* and *Section 12*, criminalises individuals who institute sexual communication with a child and child grooming, which may also occur in cyberspace.³⁴ These perpetrators may utilise media platforms to engage with children to cultivate a trustworthy relationship by masquerading as a friend through creation of fake profiles.³⁵ Further, the new amendment added through *Section 15A SOACA (Amendment) 2024*,³⁶ which provides for offences regarding sexual performances by children

²⁵ Penal Code (Act 574), s 507A(4).

²⁶ Datuk Dr Baljit Singh Sidhu, Charunee A/P Che Ron and Baraneetharan A/L Kishur Kumar, 'An Exploration of The Anti-Stalking Law in Malaysia' (2024) 2 MLJ clxxx.

²⁷ Anti Sexual Harassment Act 2022 (Act 840), s 2.

²⁸ Domestic Violence Act 1994 (Act 521).

²⁹ Dato' Dr Amar-Singh HSS, 'Cybersafety: Keeping Children and Teenagers Safe Online Guidebook for Teachers and Parents' (*Women's Centre for Changes*, 2021) 13

<<https://www.wccpenang.org/wp-content/uploads/2021/09/FINAL-LOW-RES-Cybersafety-Handbook.pdf>> accessed 20 February 2025.

³⁰ Parveen Kaur Harnam Singh, 'The Rise and Rise of Digilante Justice: Legal Reality of Doxxing in Malaysia' (2022) 4 MLJ cviii.

³¹ Personal Data Protection Act 2010 (Act 709), s 6(1)(a).

³² Personal Data Protection Act 2010 (Act 709), s 130.

³³ Chow Zhi En, 'Empowering kids against online harm' *The Star* (Petaling Jaya, 16 August 2023)

<<https://www.thestar.com.my/news/nation/2023/>> accessed 24 February 2025.

³⁴ *Hendra bin Mulana v Public Prosecutor* (2024) MLJU 41.

³⁵ *Ibid.*

³⁶ Sexual Offences Against Children Act (Amendment) 2024 (Act A1734), s 15A.

and *Section 15B*,³⁷ relating to sexual extortion demonstrates Malaysia's efforts to protect the younger generation from exposure to such violence³⁸. *Section 17(2c) of CA 2001* penalises sexual abuse of a child for pornography, or sexual exploitation by the perpetrator for sexual gratification.³⁹ Despite these avenues, reported cases are low due to feelings of shame and humiliation, fear of prejudice, and concerns that victims would not be believed or understood.⁴⁰

Overall, although there are Acts recognising OGBV, they are not extensive in nature and only generally cover online violence, rather than handling each of it separately. This causes legal ambiguity, leading to victims being unable to obtain justice. Moreover, victims of OGBV lack remedies such as restraining orders and injunctions, unlike victims of GBV, which further illustrates the ineffectiveness of the legislation. On the other hand, the enactment of the Bill may be perceived as imposing excessively stringent rules on individual participants in cyberspace; yet, it is essential to safeguard users against online threats.

III. International Conventions

Alternatively, regarding international laws, *Zarizana and Janine*⁴¹ emphasises that every State has a 'due diligence' to be accountable to human rights abuses, including violence against women occurring online as established by *CEDAW in the General Recommendation No. 35*.⁴² According to the recommendation, VAW also encompasses '*forms of violence occurring online and in other digital environments*'. Malaysia has ratified the *Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW')* and *Convention on the Rights of the Child ('CRC')*, under which they are obligated to follow. As viewed in *Noorfadilla v Chayed & Ors*,⁴³ it is the court's duty to consider the government's responsibilities at the international stage, particularly under international conventions such as *CEDAW*, in order to define 'equality' and gender discrimination under *Article 8(2) of the*

³⁷ Sexual Offences Against Children Act (Amendment) 2024 (Act A1734), s 15B.

³⁸ Malay Mail, 'Protecting Malaysian kids online from sexual exploitation: Govt explores measures to safeguard against overseas predators' *MalayMail* (Kuala Lumpur, 8 January 2024) <https://www.malaymail.com/news/malaysia/2024/01/08/protecting-malaysian-kids-online-from-sexual-exploitation-govt-explores-measures-to-safeguard-against-overseas-predators/111286#google_vignette> accessed 20 January 2025.

³⁹ Child Act 2001 (Act 611), s 17(2c).

⁴⁰ Ida Lim, 'Mapping Malaysia's child sexual abuse cases: Why lower numbers doesn't always mean better' *MalayMail* (Kuala Lumpur, 2 February 2024) <<https://www.malaymail.com/news/malaysia/2024/02/02/mapping-malaysias-child-sexual-abuse-cases-why-lower-numbers-doesnt-always-mean-better/115879>> accessed on 20 January 2025.

⁴¹ Zarizana Abdul Aziz and Janine Moussa, *Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women* (2nd printing, International Human Rights Initiative, Inc. 2016) <<https://www.peacewomen.org/sites/default/files/Due%20Diligence%20Framework%20Report%20final.pdf>> accessed 19 January 2025.

⁴² UN Convention on the Elimination of All Forms of Discrimination against Women 'General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19' (26 July 2017) UN Doc CEDAW/C/GC/35 para 20 <<https://documents.un.org/doc/undoc/gen/n17/231/54/pdf/n1723154.pdf>> accessed 19 January 2025.

⁴³ *Noorfadilla bt Ahmad Saikin v Chayed bin Basirun & Ors* (2012) 1 MLJ 832.

Federal Constitution ('FC'). This demonstrates the binding authority of CEDAW in Malaysia, as remarked by *Priscilla*, as it is a convention rather than a mere statement.⁴⁴

Several platforms have been established under CEDAW to address online facilitated violence,⁴⁵ amongst which is the UN Committee for Elimination of Discrimination against Women, established to monitor the implementation of the CEDAW on a national level. Additionally, the UN Special Rapporteur provides guidelines for the UN, governments, and online service providers in establishing frameworks for analysing how new technologies may affect violence against women. Another body is the UN Working Group on Discrimination Against Women and Girls, which consists of five independent experts tasked with engaging with states and human rights advocates to exchange perspectives on the best practices for elimination of discrimination. Another body addressing this issue is the UN Working Group on Discrimination Against Women and Girls, comprising five independent experts tasked with engaging states and human rights advocates to share best practices for eliminating discrimination. The existence of such bodies and their initiatives reflect the growing international recognition of OGBV as a serious human rights concern and the commitment to address it through policy, advocacy, and monitoring. For example, the Working Group's country visits and thematic reports have highlighted OGBV issues and influenced national legal reforms and awareness campaigns. While the creation of these organisations alone does not eradicate OGBV, it demonstrates international law's increasing efforts and institutional mechanisms aimed at combating it. Additionally, the *CRC* was employed in Malaysia to safeguard the rights and welfare of all children under 18 nationwide, regardless of their status.

Even with the recognition of such international instruments, Malaysia's commitment to the conventions is less visible as it has yet to be fully incorporated with domestic laws⁴⁶. *The Women's Aid Organisation (WAO)* and *Joint Action Group for Gender Equality (JAG)*⁴⁷ argued that the flawed gender equality legislation exists due to the challenges in aligning the international law with domestic law, which undermines fundamental equality for women and girls. Article 8(2) of *FC* expressly prohibits gender discrimination, however, its application is constrained, as demonstrated in *Beatrice Fernandez v Sistem Penerbangan Malaysia*,⁴⁸ where the courts ruled that 'to invoke Article 8, the plaintiff must establish that

⁴⁴ Priscilla Shasha Devi and others, 'Discrimination Against Women in Workforce: The Need to Move Forward' (2017) 3 MLJ xlvii.

⁴⁵ Platform of Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform), 'The digital dimension of violence against women as addressed by the seven mechanisms of the EDVAW Platform' (2022)

<https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/statements/2022-12-02/EDVAW-Platform-thematic-paper-on-the-digital-dimension-of-VAW_English.pdf> accessed on 5 January 2025.

⁴⁶ Serene Lim, *A Research on Women's Freedom of Expression on Social Media in Malaysia: Power x Expression x Violence* (KRYSS Network 2021) 13

<https://firn.genderit.org/sites/default/files/2022-08/Power_X_Expression_X_Violence.pdf> accessed on 9 January 2025.

⁴⁷ Women's Aid Organisation (WAO) and the Joint Action Group for Gender Equality (JAG), 'The Status of Women's Human Rights: 24 Years of CEDAW in Malaysia' (Women's Aid Organisation 2019)

<<https://wao.org.my/wp-content/uploads/2019/01/The-Status-of-Womens-Human-Rights-24-Years-of-CEDAW-in-Malaysia.pdf>> accessed 10 January 2025.

⁴⁸ *Beatrice Fernandez v Sistem Penerbangan Malaysia & Anor* (2005) 2 CLJ 713.

the gender discrimination experienced resulted from infringements of their rights by government and public authorities, rather than by private entities'. This illustrates that the equality afforded for women and girls in both private spaces remain generally restricted.

IV. Judicial Challenges

One of the major challenges arising from OGBV is the relatively low number of reported cases. The question is whether these low numbers are a positive sign that OGBV cases are reducing, or whether victims distrust the legal system's safeguards against OGBV. The distinction is evident, as there is an absence of judicial remedies for women and girls experiencing OGBV compared to GBV. For instance, an immediate Emergency Protection Order (EPO) is offered to GBV victims as well as fines for those who contravene this ruling following *Section 3a of DVA 1994*. Consequently, the victims would be spared the cumbersome procedure of reporting to law enforcement or awaiting a court order, as the EPO would remain in effect for one week, following which the victims could seek a Protection Order (PO) or Interim Protection Order (IPO).⁴⁹ Contrastingly, reliefs like protection orders, restraining orders, or injunctions are not automatically available to OGBV victims, as they would need to institute an application from the courts, a time consuming and costly process which may result in victims having to suffer further humiliation and psychological trauma.⁵⁰

The impact of OGBV on victims should not be underestimated as it involves their overall mental wellbeing which may persist through suicidal thoughts, loneliness and depression. To illustrate, a teenage girl had leaped to her death after asking her social media followers to vote on whether she should commit suicide, with 69% of her followers choosing death⁵¹. Although this may fall under the crime of abetting a suicide, which imposes an imprisonment for a maximum term of twenty years and a fine under *Section 305 of the PC*, it was impossible to prosecute her followers due to the anonymity. The sole action taken by Instagram in response was adopting enhanced safety protocols, which included the removal of graphic depictions of self-harm, while non-graphic self-harm content is subjected to a sensitivity filter that conceals the post before its display.⁵² Despite the fact that this case does not fall under OGBV, anonymity has caused tremendous obstacles in imposing liabilities. In 2020, a young girl committed suicide after her 20-year-old boyfriend threatened

⁴⁹ Soo Wern June, 'Dewan Negara passes Domestic Violence (Amendment) Bill 2017 and Private Employment Agencies (Amendment) Bill 2017' *New Straits Times* (Kuala Lumpur, 14 August 2017) <<https://www.nst.com.my/news/government-public-policy/2017/08/267800/dewan-negara-passes-domestic-violence-amendment-bill>> accessed on 20 February 2025.

⁵⁰ Dr Haezreena Begum Bt Abdul Hamid (n 18).

⁵¹ Reuters, 'Padawan teen who reportedly jumped to death after Instagram poll sparks calls for probe' *News Straits Times* (Kuala Lumpur, 15 March 2019) <<https://www.nst.com.my/news/nation/2019/05/488652/padawan-teen-who-reportedly-jumped-death-after-instagram-poll-sparks>> accessed on 25 February 2025.

⁵² Reuters, 'Malaysian teen believed to have jumped to death after Instagram poll' *NBC News* (Sarawak, 15 May 2019) <<https://www.nbcnews.com/tech/tech-news/malaysian-teen-believed-have-jumped-death-after-instagram-poll-n1005921>> accessed on 20 February 2025.

to disseminate private photographs, leading to charges under *Section 509 of the PC*⁵³. Although it may seem like perpetrators are being punished, the psychological damage suffered by the victims which lead them to such thoughts are usually disregarded. This is because the victims seldom ever talk about their experiences during prosecution as they fear that their loved ones would not believe them or that they would be retaliated against by others.⁵⁴ This eventually causes low prosecution rates where only a small number of cases result in legal proceedings and convictions.

Finally, a major challenge posed when it comes to holding a person liable for OGBV is 'cross-border OGBV'. The anonymity and distance inherent in the digital realm enable criminals to commit acts of violence without remorse, as the primary function of the internet is to facilitate accessibility, affordability, and connectivity beyond geographical boundaries.⁵⁵ Furthermore, OGBV is known to be a transnational crime, which may cause issues in obtaining digital evidence because of privacy issues or territorial jurisdiction concerns,⁵⁶ considering the variation in laws across jurisdictions. *Dr Duryana Mohamed*⁵⁷ raised various concerns about the transnational character of cybercrime, which may be similarly applicable to OGBV cases such as determining the appropriate jurisdiction for prosecuting offenders, remote access to computers via the internet may be exposed to illegal interception of communications, and simultaneous warrants required to apprehend offenders in multiple countries. Additionally, mutual legal assistance treaties often involve high costs, including difficulties in coordinating with the authorities in foreign jurisdictions, language barriers in official documents and witnesses.⁵⁸ These challenges are exacerbated by a lack of expertise and technical proficiency in managing and analysing digital evidence, further complicating efforts to address OGBV cases on a global scale. Therefore, a comprehensive inquiry is fundamental to justice; without it, prosecution fails, and accountability is lost.

V. Comparative Analysis

On the subject of OGBV, Australia introduced robust laws to address the sharp rise in cases among its citizens, which were recorded to have increased by 50% since the outbreak of

⁵³ Mohamed Basyir, 'Penang teen leaps to death after 'boyfriend' threatens to viral private photos' *News Straits Times* (Georgetown, 11 August 2020)

<<https://www.nst.com.my/news/nation/2020/08/615846/penang-teen-leaps-death-after-boyfriend-threatens-viral-private-photos>> accessed on 20 January 2025.

⁵⁴ Dristy Moktan, 'How online violence is shaping our lives' *Asia News Network* (Kathmandu 23 November 2022) <<https://asianews.network/how-online-violence-is-shaping-our-lives/>> accessed on 26 January 2025.

⁵⁵ Gurmeet Kaur, 'Internet Crimes Against Minors and Legal Framework in India' (2022) 68(4) *Indian Journal of Public Administration* 705.

⁵⁶ Adv Dr Shalu Nigam, 'Ending Online Violence Against Women in India: Calling for an Inclusive, Comprehensive, and Gender-Sensitive Law and Policy Framework' (*Impact and Policy Research Institute*, 2024) <<https://www.impriindia.com/insights/ending-online-violence-against-women/#:~:text=The%20legal%20matrix%20to%20deal,to%20address%20cyberviolence%20against%20women.>> accessed on 20 January 2025.

⁵⁷ Dr Duryana Mohamed, 'Investigating Cybercrimes Under The Malaysian Cyberlaws and The Criminal Procedure: Issues and Challenges' (2012) 6 *MLJ* i.

⁵⁸ Russell G Smith, 'Impediments to the Successful Investigation of Transnational High Tech Crime' (2004) 285 *Trends & Issues in crime and criminal justice*

<<https://www.aic.gov.au/sites/default/files/2020-05/tandi285.pdf>> accessed on 27 January 2025.

COVID-19.⁵⁹ Firstly, the *Criminal Code Act 1995* criminalises offences targeting the criminal use of carriage services, such as Facebook messages⁶⁰, Twitter,⁶¹ and even phone calls⁶² as seen under *Section 474.15 of the Act*. Subsequently, *Section 474.17* establishes that utilising a carriage service to menace, harass, or violate, including the transfer, publication, and distribution of private sexual content or intimate photos exchanged without consent, constitutes a crime punishable by up to 7 years' imprisonment. Additionally, the *Sex Discrimination Act 1984* prohibits discrimination based on sex, marriage or relationship status, pregnancy or future pregnancy, breastfeeding, and familial responsibilities in several domains of public life, including employment. *Crimes (Domestic and Personal Violence) Act 2007* have expanded to include conduct where perpetrators use text messages, social media or other online spaces to stalk, intimidate or abuse their victims.⁶³ In Malaysia, there are no frameworks in relation to sex discrimination except for the *CEDAW*, while the *DVA 1994* does not include personal violence caused by intimate personal relationships,⁶⁴ live-in relationships,⁶⁵ which are outside of domestic relations⁶⁶.

In the *Enhancing Online Safety Act 2018*, it enables the Safety Commissioner to formally direct the removal of non-consensually shared sexual images. The Commissioner may also investigate complaints of online harassment made by users, parents and guardians⁶⁷ as they see fit,⁶⁸ collecting evidence such as screenshots and statutory declarations.⁶⁹ The Australian government has recently passed the *Social Media Minimum Age Bill*, which prohibits children under 16 from accessing platforms such as TikTok, Facebook, Snapchat, Reddit, X, and Instagram. Non-compliance in preventing minors from creating accounts may incur fines of up to 50 million AU\$ (approximately \$33 million).⁷⁰ This restriction does not encompass messaging systems such as WhatsApp and Telegram, as these are vital communication tools that would not inflict the same kind of detrimental effects on minors utilising social media. Besides, establishing a mandatory online privacy guideline for technology companies

⁵⁹ Ginette Azcona and others 'From Insights to Action: Gender Equality in the Wake of Covid-19'(2020) UN Women

<<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Gender-equality-in-the-wake-of-COVID-19-en.pdf>> accessed on 20 February 2025.

⁶⁰ *Clarke (a pseudonym) v R* (2023) VSCA 103.

⁶¹ *R v Black* (2022) ACTSC 4.

⁶² *Nchouki v The Queen* (2023) ACTCA 8.

⁶³ Crimes (Domestic and Personal Violence) Act 2007, s 8(1)(b1).

⁶⁴ Crimes (Domestic and Personal Violence) Act 2007, s 5(1).

⁶⁵ Ibid.

⁶⁶ The Law Society of New South Wales' Criminal law Committee (Committee), 'Statutory Review of the Crimes (Domestic and Personal Violence Act 2007)' (2011)

<https://www.lawsociety.com.au/sites/default/files/2019-11/Statutory%20Review%20of%20the%20Crimes%20Act%20and%20Personal%20Violence%29%20Act%202007_Nov_2011.pdf> accessed on 4 December 2024.

⁶⁷ Enhancing Online Safety Act 2018, s 18 and s 19.

⁶⁸ Enhancing Online Safety Act 2018, s 19(2).

⁶⁹ Enhancing Online Safety Act 2018, s 187(7).

⁷⁰ Rod McGuirk, 'Australia's parliament considers legislation banning social media for under 16s' *The Associated Press* (Melbourne, 21 November 2024)

<<https://apnews.com/article/australia-social-media-children-ban-e02305486cb44aa07dcdf2964bec4e3d>> accessed on 29 January 2025.

emphasising the best interests of children in data collection, use, and disclosure⁷¹. The Bill is an essential measure that Malaysian lawmakers should contemplate to address the 'lacuna' in the legal system.

In the United Kingdom, the *Online Safety Act 2023* was enacted recently which increased the responsibility of providers of regulated services for user-generated content by imposing numerous duties on them to identify, mitigate and manage risks of harm⁷² and protecting children from encountering harmful content⁷³. This Act offers users a 'triple shield' of protection from online platforms, mandating that digital businesses eliminate unlawful information, delete material that violates their own terms of service, and afford adults increased autonomy regarding the content they view and interact with.⁷⁴ It outlines criminal offences associated with violent online conduct, encompassing cyberflashing,⁷⁵ revenge porn,⁷⁶ and threatening communications,⁷⁷ which had been inserted in response to the rise of OGBV among younger generations, especially the practice of 'sexting'.⁷⁸ Doxing was also addressed under *Section 127 of Communications Act 2003*, which pertains exclusively to communications transmitted through social media that are deemed 'grossly offensive', or 'obscene' and it is unnecessary to demonstrate that the message was directed to or received by an individual, thereby narrowing the scope of the offense.⁷⁹

Besides that, the *Protection from Harassment Act (PHA) 1997* contains two principal harassment offences under the PHA, which are the offence of harassment under *Section 2*, punishable by imprisonment for a term not exceeding six months or a fine, and harassment triggering fear or violence under *Section 4*, punishable by imprisonment for a term not exceeding ten years, a fine, or both.⁸⁰ Stalking was also covered under *Section 4A of the Act* with imprisonment for a term not exceeding ten years, or a fine, or both. The court in the case of *R v Musharraf*⁸¹ had outlined a few elements to establish stalking like stalker's actions are persistent and not isolated incidents, knowledge or recklessness, evidence and documentation. This proves the effectiveness of the English Courts in addressing stalking although there was no mention of whether it may expand to online stalking especially in relation to gender. Contrarily, stalking in Malaysia is only covered under *section 507A of the Penal Code*, which does not provide for more serious stalking charges or sentences that are less appropriate for the crime committed. Additionally, the *Sexual Offences Act 2003*,

⁷¹ Centre for Digital Wellbeing, 'The Impacts of Social Media in Australia, Research Brief' (*Centre for Digital Wellbeing*, December 2021)

<<https://digitalwellbeing.org.au/wp-content/uploads/2021/12/Research-Brief-Impacts-of-Social-Media-in-Australia.pdf>> accessed on 5 March 2025.

⁷² Online Safety Act 2023, s 10(2)(a).

⁷³ Online Safety Act 2023, s 12.

⁷⁴ João Tornada, 'Models of regulating the amplification of online content: A comparative study of the EU's Digital Services Act and the UK's Online Safety Act' (2024) 3 CL 92.

⁷⁵ Online Safety Act 2023, s 187.

⁷⁶ Online Safety Act 2023, s 188.

⁷⁷ Online Safety Act 2023, s 181.

⁷⁸ Emily Costello, 'Too little, too late?' (2024) 174 NLJ 8064.

⁷⁹ Communications Act 2003, s 127.

⁸⁰ Protection from Harassment Act 1997, s 2 and s 4.

⁸¹ *R v Musharraf* (2022) EWCA Crim 1482.

specifically *Section 15*,⁸² is similar to *Section 12 of SOACA* but differs in that UK law does not require the communication to be unpleasant, instead it needs to be intentional making it as an offence that can be founded on an intention to elicit a sexual response, irrespective of whether the initial communication was sexual, and regardless of whether the message was received or not.⁸³

A review of the legal systems in Australia and the UK provides essential knowledge about how to effectively combat OGBV. Both nations highlight the value of all-encompassing laws that cover various types of OGBV, such as stalking, online harassment, and the dissemination of private photos without consent. Malaysia could adopt the method of addressing the particular offences as a first step in mitigating OGBV. However, similar to Malaysia, both these jurisdictions also encountered issue on lack of public awareness of the laws despite the existence of robust and comprehensive laws.⁸⁴

VI. Reforms

6.1 Strengthening the Laws

To successfully address the escalating threat of OGBV, enhancing Malaysia's OGBV legislation necessitates a comprehensive strategy that integrates both punitive actions and preventive measures suited to the digital era. Firstly, the lawmakers should take initiative to enact frameworks addressing specific types of OGBV. For instance, growing recognition of the impact of cyberbullying has moved the government to propose Anti-Cyberbullying amendments to the PC and the passing of the Bill.⁸⁵ The Online Safety Advocacy Group⁸⁶ had suggested that cyberbullying should not be addressed in the Penal Code as this will lead to a duplication of offence. The statute must encompass stipulations for various forms of cyberbullying, including cyberstalking, online hate speech, and doxing, while also revising laws to impose stricter penalties for recidivists and individuals inflicting serious harm, such as increased fines, extended prison sentences, and obligatory counselling programs for offenders.⁸⁷ Hence, to prevent victims from running into law enforcers who are unfamiliar with OGBV or who are unaware of their potential seriousness, a similar strategy should be used when creating such tailored legislation.

⁸² Sexual Offences Act 2003, s 15.

⁸³ Professor Abu Bakar Munir and others, 'The Sexual Offences Against Children Act 2017: Flaws in the Law' (2018) 5 MLJ cxx.

⁸⁴ Olivia Todhunter, 'Logged in and fed up: Responding to gendered violence in online spaces' (2018) 22 MALR 420.

⁸⁵ Astro Awani, 'Online Safety Bill and Anti-Cyberbullying Laws must carefully balance rights and protections' *Awani International* (Kuala Lumpur, 22 November 2024)

<<https://international.astroawani.com/malaysia-news/online-safety-bill-and-anticyberbullying-laws-must-carefully-balance-rights-and-protections-497469>> accessed on 4 March 2025.

⁸⁶ Ibid.

⁸⁷ 'Specific Laws For Cyberbullying Needed' *New Straits Times* (Kuala Lumpur, 2024) 11

<<https://advance.lexis.com/document/?pdmfid=1522468&crid=a465603a-d654-4e7e-b75f-d678a5d6bcea&pd docfullpath=%2fshared%2fdocument%2fnews%2furn%3acontentItem%3a6CGK-ORN1-DYR7-63VD-00000-00&pdcontentcomponentid=151977&pdteaserkey=sr0&pdicsfeatureid=1521734&pditab=allpods&ecom=hcrk&earg=sr0&prid=1d5e86ab-1deb-4c41-a4b4-4bf3285d3340&aci=la&aci=la&cbc=0&cbc=0&lnsi=df181feb-27fa-48fb-82ba-c94f33ae41b8&lnsi=f5bd1c7d-71cf-4ceb-9fe3-dbccab5c687&rmflag=0&rmflag=0&sit=null&sit=null>> accessed on 4 March 2025.

Furthermore, regarding cross-border OGBV, it may require extraterritorial cooperation between States like the *Treaty on Mutual Legal Assistance on Criminal Matters 2004*, which helps ASEAN nations enhance the efficiency of their regulatory bodies in preventing, investigating, and prosecuting crimes through collaboration and mutual legal assistance. Correspondingly, Malaysia had also enacted the *Mutual Assistance in Criminal Matters Act 2002*, which allows access to digital evidence in foreign states,⁸⁸ and to seek the assistance of a foreign state to secure the attendance of a witness in that state to testify in a Malaysian court.⁸⁹ It should also be noted that the Act's extraterritorial scope crosses national boundaries and should not be restricted by the complexities of *Section 33 of Evidence Act 1950 (EA)*, which mandates proof of prerequisites for evidence admissibility, undermines Parliament's intent for a swift and convenient method of evidence-taking abroad⁹⁰. At a global level, Malaysia may incorporate the *UN Convention against Transnational Organised Crime* to enhance the legal cooperations between non-ASEAN nations.

Finally, the law may bridge the gap by reinforcing victim protection that includes both physical protection like restraining orders and psychological remedies. The offenders should be subjected to a PO issued by a court, which would prohibit them from persisting in committing OGBV, restrict contact with the victim, mandate the confiscation of their electronic devices, and/or forbid online interaction.⁹¹ By recognising international agreements like the *Convention on Preventing and Combating Violence against Women and Domestic Violence ('Istanbul Convention')*, Malaysia might have gone one step further in protecting the honour and dignity of women and girls. The Convention mandated the availability of psychological counselling for all victims and required the further development of current women's specialist support services with the necessary financial and human resources to deliver comprehensive services.⁹²

6.2 Law Enforcement

Law enforcers serve an integral part in rectifying disparities within the legal system by implementing gender awareness training⁹³ for state agencies, including non-governmental organisations (NGOs) and police to enhance the comprehension of gender issues and prevent discrimination. This will streamline the reporting system, enhance the expertise of first responders and investigators in applying appropriate charges. In addition, the Sexual, Women and Children Investigation Division (D11) of the Royal Malaysian Police has been established to protect female victims and children by assigning at least one officer who has

⁸⁸ Mutual Assistance in Criminal Matters Act 2002, s 8.

⁸⁹ Mutual Assistance in Criminal Matters Act 2002, s 9.

⁹⁰ Abdul Majid Bin Nabi Baksh and Margaret Liddle, 'Statutory Construction of S 8(3) of the Mutual Assistance in Criminal Matters Act 2002 in Public prosecutor v Tan Sri Eric Chia [2006] 4 MLJ 697' (2006) 4 MLJ lxxxvi.

⁹¹ Jane Bailey, 'Canadian Legal Approaches to Cyberbullying and Cyberviolence: An Overview' (2016) Ottawa Faculty of Law Working Paper No. 2016-37 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2841413> accessed on 25 February 2025.

⁹² Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), 'General Recommendation No. 1 on the digital dimension of violence against women' (*Council of Europe*, 2021) <<https://www.coe.int/en/web/istanbul-convention/general-recommendation>> accessed on 5 December 2024.

⁹³ Women's Aid Organisation (WAO) and the Joint Action Group for Gender Equality (JAG) (n 40).

received training in victim counselling during the course of an investigation.⁹⁴ In combating online crimes against minors, this division also has created a unit called the Malaysia Internet Crime Against Minors (MICAC). This shows that Malaysia had taken measures to limit this global threat, albeit slowly, in the right direction.

6.3 Public Awareness

The lack of awareness and gendered understanding of violence is the fundamental reason why these laws do not significantly dissuade the offenders from doing the act, even though they offer victims an avenue to seek justice and assistance. Awareness campaigns, digital literacy courses, and cybersafe syllabus in schools should be utilised to promote insights of the hazards that restrict women from accessing the Internet.⁹⁵ To prevent OGBV, laws are not the answer, education is what matters and school can make the first approach by implementing gender-based violence syllabus among young students like the UK Council for Internet Safety has introduced an education system called 'Education for a Connected World' among schools where the curriculum includes managing online information, self-image, online relationships, cyberbullying, privacy, copyright, and etc.⁹⁶ NGOs had also taken numerous steps in addressing OGBV such as initiating helplines for victims to understand how to proceed when facing OGBV, like Talian Kasih, Tina by WAO and the AWAM Telenita Helpline.⁹⁷ The aid and advocacy afforded by the NGOs in raising awareness have definitely been effective in pushing for legislation, like the notable measure taken by the WAO in pressuring the policymakers into introducing the Anti-Stalking Law.⁹⁸ Without the platform these organisations provide, the voices of women in Malaysia would not be heard.

VII. Conclusion

OGBV against women and girls is a widespread problem that cuts across national and cultural borders to which Malaysia is not an exception. This paper underlines the need to reinforce the law to effectively address the challenges posed by OGBV in an increasingly digital world. Any frameworks for online safety, security, and data privacy must be gender-neutral with broad ramifications guaranteed by policymakers and the government. Lawmakers should also consider the recommendations mentioned in order to expand victim protection and introduce comprehensive anti-OGBV legislation. Therefore, tackling this

⁹⁴ Shizreen Farina bt Shahrul Rizal, 'Women Victims of Crime in Malaysia: Legal Reforms and Prospects of Restorative Justice Approaches' (2002) 1 MLJ clxxix.

⁹⁵ UN Women, 'Innovation and Technological Change, and Education in the Digital Age for Achieving Gender Equality and the Empowerment of All Women and Girls' (2022) <<https://pages.devex.com/rs/685-KBL-765/images/Expert%20guidance%20CSW67.pdf>> accessed on 5 March 2025.

⁹⁶ UK Council for Internet Safety, 'Guidance: Education for a Connected World' (GOV.UK, 2020) <https://assets.publishing.service.gov.uk/media/5efa05b4e90e075c5492d58c/UKCIS_Education_for_a_Connected_World_.pdf> accessed on 5 March 2025.

⁹⁷ Ming Teoh, 'Dynamic resource aims to help prevent online gender-based violence' (*The Star*, 25 November 2023) <<https://www.thestar.com.my/lifestyle/family/2023/11/25/dynamic-resource-aims-to-help-prevent-online-gender-based-violence>> accessed 5 March 2025.

⁹⁸ Women's Aid Organization, 'New Research Supports Calls to Make Stalking A Crime' (*Women's Aid Organization*, 2020) <<https://wao.org.my/new-research-supports-calls-to-make-stalking-a-crime/>> accessed on 12 December 2024.

specific issue entails both compensating victims and holding offenders accountable for their actions, as well as being mindful of the fact that persistent prejudice against women and girls is commonplace in our society. In response to this, further research needs to be adopted on the evolving nature of technology like Artificial Intelligence, which may affect the dynamics of OGBV and create new vulnerabilities.

Moreover, comprehensive research on the frameworks and measures adopted in countries other than Australia and the UK is necessary to incorporate strategies that can be adapted for Malaysia. Since the Bill had been passed by the parliament as of today, further research should be adopted on its effectiveness in mitigating OGBV.⁹⁹ Hence, it is true that technology is a 'double-edged sword' since women who defy established gender stereotypes frequently suffer hostility, but it is also an area of resilience and strengthening communities for women and girls experiencing OGBV.

⁹⁹ Allison Lai, Ragananthini Vetasalam and Benjamin Lee, 'Online Safety Bill passed despite resistance' *The Star* (Kuala Lumpur, 12 December 2024)

<<https://www.thestar.com.my/news/nation/2024/12/12/online-safety-bill-passed-despite-resistance>>
accessed on 12 December 2024.

Bibliography

- , 'Specific Laws For Cyberbullying Needed' *New Straits Times (Kuala Lumpur)*, 2024) 11
 <<https://advance.lexis.com/document/?pdmfid=1522468&crid=a465603a-d654-4e7e-b75f-d678a5d6bcea&pddocfullpath=%2fshared%2fdocument%2fnews%2furn%3acontentItem%3a6CGK-ORN1-DYR7-63VD-00000-00&pdcontentcomponentid=151977&pdteaserkey=sr0&pdicsfeatureid=1521734&pditab=allpods&ecomp=hcrk&earg=sr0&prid=1d5e86ab-1deb-4c41-a4b4-4bf3285d3340&aci=la&aci=la&cbc=0&cbc=0&lnsi=df181feb-27fa-48fb-82ba-c94f33ae41b8&lnsi=f5bd1c7d-71cf-4ceb-9fe3-dbccab5c687&rmflag=0&rmflag=0&sit=null&sit=null>> accessed on 4 March 2025
- Abdul Hamid HB, 'Combating Sexual Cyberviolence against Women in Malaysia' (2022) 3 MLJ ccxxxi
- Anti Sexual Harassment Act 2022 (Act 840)
- Arunakirinathan a/l Thillainathan lwn Pendakwa Raya dan satu lagi rayuan [2024] 9 MLJ 785
- Astro Awani, 'Online Safety Bill and Anti-Cyberbullying Laws must carefully balance rights and protections' *Awani International* (Kuala Lumpur, 22 November 2024)
 <<https://international.astroawani.com/malaysia-news/online-safety-bill-and-anticyberbullying-laws-must-carefully-balance-rights-and-protections-497469>> accessed on 4 March 2025
- Azcona G and others 'From Insights to Action: Gender Equality in the Wake of Covid-19' (2020) UN Women
 <<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Gender-equality-in-the-wake-of-COVID-19-en.pdf>> accessed on 20 February 2025
- Aziz ZA and Moussa J, *Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women* (2nd printing, International Human Rights Initiative, Inc. 2016)
 <<https://www.peacewomen.org/sites/default/files/Due%20Diligence%20Framework%20Report%20final.pdf>> accessed 19 January 2025
- Bailey J, 'Canadian Legal Approaches to Cyberbullying and Cyberviolence: An Overview', (2016) Ottawa Faculty of Law Working Paper No. 2016-37
 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2841413> accessed on 25 February 2025
- Beatrice Fernandez v Sistem Penerbangan Malaysia & Anor [2005] 2 CLJ 713
- Carrillo E and others, 'From Theory To Practice: Building and testing a framework for definitions of Online Gender-Based Violence and other terms' (World Wide Web Foundation, July 2024)
 <<https://www.tedic.org/wp-content/uploads/2024/07/Framework-definitions-OGBV-2.pdf>> accessed 2 January 2025
- Centre for Digital Wellbeing, 'The Impacts of Social Media in Australia, Research Brief, Centre for Digital Wellbeing' (*Centre for Digital Wellbeing*, December 2021)
 <<https://digitalwellbeing.org.au/wp-content/uploads/2021/12/Research-Brief-Impacts-of-Social-Media-in-Australia.pdf>> accessed on 5 March 2025
- Child Act 2001 (Act 611)
- Chow ZE, 'Empowering kids against online harm' *The Star* (Petaling Jaya, 16 August 2023)
 <<https://www.thestar.com.my/news/nation/2023/>> accessed 24 February 2025
- Clarke (a pseudonym) v R [2023] VSCA 103

- Communications Act 2003
- Communications and Multimedia Act 1998 (Act 588)
- Convention on the Elimination of All Forms of Discrimination against Women (adopted on 18 December 1979, entered into force on 3 September 1981) 1249 UNTS 13
- Convention on the Rights of the Child (adopted on 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3
- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (adopted on 11 May 2011, entered into force on 1 August 2014) Council of Europe Treaty Series No 210 (2011) 66 OJ L143I
- Costello E, 'Too little, too late?' (2024) 174 NLJ 8064
- Crimes (Domestic and Personal Violence) Act 2007
- Criminal Code Act 1995
- Dato' Dr Amar-Singh HSS, 'Cybersafety: Keeping Children and Teenagers Safe Online Guidebook for Teachers and Parents' (*Women's Centre for Change*, 2021) <<https://www.wccpenang.org/wp-content/uploads/2021/09/FINAL-LOW-RES-Cybersafety-Handbook.pdf>> accessed 20 February 2025
- Devi PS and others, 'Discrimination Against Women in Workforce: The Need to Move Forward', (2017) 3 MLJ xlvii
- Domestic Violence Act 1994 (Act 521)
- Enhancing Online Safety Act 2018
- Federal Constitution of Malaysia 1957
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), 'General Recommendation No. 1 on the digital dimension of violence against women' (*Council of Europe*, 2021) <<https://www.coe.int/en/web/istanbul-convention/home>> accessed on 5 December 2024
- Hamdan N, 'First man charged under anti-stalking law ordered to undergo psychiatric observation' *The Star* (Shah Alam, 11 Aug 2023) <<https://www.thestar.com.my/news/nation/2023/08/11/first-man-charged-under-anti-stalking-law-ordered-to-undergo-psychiatric-observation>> accessed on 20 January 2025
- Hendra bin Mulana v Public Prosecutor [2024] MLJU 41
- Katya N Vera Morales, 'Online Gender-Based Violence Against Women and Girls: Guide of Basic Concepts' (2021) OAS Doc OEA/Ser.D/XXV.25 <<https://www.oas.org/en/sms/cicte/docs/Guide-basic-concepts-Online-gender-based-violence-against-women-and-girls.pdf>> accessed 20 January 2025
- Kaur G, 'Internet Crimes Against Minors and Legal Framework in India' (2022) 68(4) *Indian Journal of Public Administration* 705
- Lai A, Vetasalam R and Lee B, 'Online Safety Bill passed despite resistance' *The Star* (Kuala Lumpur, 12 December 2024) <<https://www.thestar.com.my/news/nation/2024/12/12/online-safety-bill-passed-despite-resistance>> accessed on 12 December 2024
- Lim I, 'Mapping Malaysia's child sexual abuse cases: Why lower numbers doesn't always mean better' *MalayMail* (Kuala Lumpur, 2 February 2024) <<https://www.malaymail.com/news/malaysia/2024/02/02/mapping-malaysias->

- child-sexual-abuse-cases-why-lower-numbers-doesnt-always-mean-better/115879> accessed on 20 January 2025
- Lim S, *A Research on Women's Freedom of Expression on Social Media in Malaysia: Power x Expression x Violence* (KRYSS Network 2021) 13
<https://firn.genderit.org/sites/default/files/2022-08/Power_X_Expression_X_Violence.pdf> accessed on 9 January 2025
- Malay Mail, 'Protecting Malaysian kids online from sexual exploitation: Govt explores measures to safeguard against overseas predators' *MalayMail* (Kuala Lumpur, 8 January 2024)
<https://www.malaymail.com/news/malaysia/2024/01/08/protecting-malaysian-kids-online-from-sexual-exploitation-govt-explores-measures-to-safeguard-against-overseas-predators/111286#google_vignette> accessed 20 January 2025
- McGuirk R, 'Australia's parliament considers legislation banning social media for under 16s' *The Associated Press* (Melbourne, 21 November 2024)
<<https://apnews.com/article/australia-social-media-children-ban-e02305486cb44aa07dc2964bec4e3d>> accessed on 29 January 2025
- Mohamed Basyir, 'Penang teen leaps to death after 'boyfriend' threatens to viral private photos' *News Straits Times* (Georgetown, 11 August 2020)
<<https://www.nst.com.my/news/nation/2020/08/615846/penang-teen-leaps-death-after-boyfriend-threatens-viral-private-photos>> accessed on 20 January 2025
- Mohamed D, 'Investigating Cybercrimes Under the Malaysian Cyberlaws and the Criminal Procedure: Issues and Challenges', (2012) 6 MLJ i
- Moktan D, 'How online violence is shaping our lives' *Asia News Network* (Kathmandu 23 November 2022)
<<https://asianews.network/how-online-violence-is-shaping-our-lives/>> accessed on 26 January 2025
- Muhammad Yusry, 'Fahmi: Cabinet approves review of penalties under Communications and Multimedia Act' *Malay Mail* (Putrajaya, 8 March 2024)
<<https://www.malaymail.com/news/malaysia/2024/03/08/fahmi-cabinet-approves-review-of-penalties-under-communications-and-multimedia-act/122253>> accessed 20 January 2025
- Munir AB and others, 'The Sexual Offences Against Children Act 2017: Flaws in the Law' (2018) 5 MLJ cxx
- Mutual Assistance in Criminal Matters Act 2002 (Act 621)
- Nabi Baksh AM and Liddle M, 'Statutory Construction of S 8(3) of the Mutual Assistance in Criminal Matters Act 2002 in Public prosecutor v Tan Sri Eric Chia [2006] 4 MLJ 697' (2006) 4 MLJ lxxxvi
- Nchouki v The Queen [2023] ACTCA 8
- Nigam S, 'Ending Online Violence Against Women in India: Calling for an Inclusive, Comprehensive, and Gender-Sensitive Law and Policy Framework' Impact and Policy Research Institute (2024)
<<https://www.impriindia.com/insights/ending-online-violence-against-women/#:~:text=The%20legal%20matrix%20to%20deal,to%20address%20cyberviolence%20against%20women>> accessed on 20 January 2025
- Noorfadilla bt Ahmad Saikin v Chayed bin Basirun & Ors [2012] 1 MLJ 832
- Online Safety Act 2023

Online Safety Bill 2024

Online Safety Amendment (Social Media Minimum Age) Bill 2024

Penal Code (Act 574)

Personal Data Protection Act 2010 (Act 709)

Platform of Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform), 'The digital dimension of violence against women as addressed by the seven mechanisms of the EDVAW Platform' (2022) <https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/statements/2022-12-02/EDVAW-Platform-thematic-paper-on-the-digital-dimension-of-VAW_English.pdf> accessed on 5 January 2025

Protection from Harassment Act 1997

R v Black [2022] ACTSC 4

R v Musharraf [2022] EWCA Crim 1482

Reuters, 'Malaysian teen believed to have jumped to death after Instagram poll' *NBC News* (Sarawak, 15 May 2019) <<https://www.nbcnews.com/tech/tech-news/malaysian-teen-believed-have-jumped-death-after-instagram-poll-n1005921>> accessed on 20 February 2025

—, 'Padawan teen who reportedly jumped to death after Instagram poll sparks calls for probe' *News Straits Times* (Kuala Lumpur, 15 March 2019) <<https://www.nst.com.my/news/nation/2019/05/488652/padawan-teen-who-reportedly-jumped-death-after-instagram-poll-sparks>> accessed on 25 February 2025

Rutinin bin Suhaimin v Public Prosecutor [2014] 5 MLJ 282

Sex Discrimination Act 1984

Sexual Offences Act 2003

Sexual Offences Against Children Act 2017 (Act 792)

Sexual Offences Against Children Act (Amendment) 2024 (Act A1734)

Sidhu BS, Che Ron C And Kishur Kumar B, 'An Exploration of The Anti-Stalking Law in Malaysia' (2024) 2 MLJ clxxx

Singh S and Doty L, 'The Transparency Report Tracking Tool: How Internet Platforms Are Reporting on the Enforcement of Their Content Rules' Open Technology Institute, New America (2021) <<https://www.newamerica.org/oti/reports/transparency-report-tracking-tool/>> accessed 20 January 2025

Singh PKH, 'The Rise and Rise of Digilante Justice: Legal Reality of Doxxing in Malaysia' [2022] 4 MLJ cviii

Shahrul Rizal SF, 'Women Victims of Crime in Malaysia: Legal Reforms and Prospects of Restorative Justice Approaches' (2002) 1 MLJ clxxix

Smith RG, 'Impediments to the successful investigation of transnational high-tech crime' (2004) 285 Trends & Issues in crime and criminal justice <<https://www.aic.gov.au/sites/default/files/2020-05/tandi285.pdf>> accessed on 27 January 2025

Soo WJ, 'Dewan Negara passes Domestic Violence (Amendment) Bill 2017 and Private Employment Agencies (Amendment) Bill 2017' *New Straits Times* (Kuala Lumpur, 14 August 2017) <<https://www.nst.com.my/news/government-public-policy/2017/08/267800/d>>

- ewan-negara-passes-domestic-violence-amendment-bill> accessed on 20 February 2025
- Teoh M, 'Dynamic resource aims to help prevent online gender-based violence' (*The Star*, 25 November 2023)
<<https://www.thestar.com.my/lifestyle/family/2023/11/25/dynamic-resource-aims-to-help-prevent-online-gender-based-violence>> accessed 5 March 2025
- The Economist Intelligence Unit Limited, 'Methodology: Measuring the prevalence of online violence against women' (2021)
<https://cdn.vew.design/private/WbTNgdOVVvgyq5TIBiYpWVmMCJQ2/hyw1xhPZO6_EIU_METHODODOLOGY_PREVALENCE%20OF%20ONLINE%20VIOLENCE%20AGAINST%20WOMEN_FINAL.pdf.pdf> accessed 9 January 2025
- The Law Society of New South Wales Criminal law Committee (Committee), 'Statutory Review of the Crimes (Domestic and Personal Violence Act 2007)' (2011)
<https://www.lawsociety.com.au/sites/default/files/2019-11/Statutory%20Review%20of%20the%20Crimes%20%28Domestic%20and%20Personal%20Violence%29%20Act%202007_Nov_2011.pdf> accessed on 4 December 2024
- Treaty on Mutual Legal Assistance in Criminal Matters 2004 (adopted on 29 November 2004, entered into force on 17 January 2006) ASEAN
- Todhunter O, 'Logged in and fed up: Responding to gendered violence in online spaces', (2018) 22 MALR 420
- Tornada J, 'Models of regulating the amplification of online content: A comparative study of the EU's Digital Services Act and the UK's Online Safety Act' (2024) 3 CL 92
- UK Council for Internet Safety, 'Guidance: Education for a Connected World' (*GOV.UK*, 2020)
<https://assets.publishing.service.gov.uk/media/5efa05b4e90e075c5492d58c/UKCIS_Education_for_a_Connected_World_.pdf> accessed on 5 March 2025
- UN Convention on the Elimination of All Forms of Discrimination against Women, 'General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19' (26 July 2017) UN Doc CEDAW/C/GC/35 para 20
<<https://documents.un.org/doc/undoc/gen/n17/231/54/pdf/n1723154.pdf>> accessed 19 January 2025
- United Nations Human Rights Council (UNHRC), 'Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective' (18 June 2018) UN Doc A/HRC/38/47
<<https://documents.un.org/doc/undoc/gen/g18/184/58/pdf/g1818458.pdf>> accessed 2 January 2025
- UN Women, 'Innovation and Technological Change, and Education in the Digital Age for Achieving Gender Equality and the Empowerment of All Women and Girls' (2022)
<<https://pages.devex.com/rs/685-KBL-765/images/Expert%20guidance%20CSW67.pdf>> accessed on 5 March 2025
- , 'Toolkit: Youth Guide To End Online Gender-Based Violence', UN Women (2023) 5
<https://asiapacific.unwomen.org/sites/default/files/2022-12/Youth-Toolkit_14-Dec_compressed-final.pdf> accessed 2 January 2025
- Women's Aid Organization, 'New Research Supports Calls to Make Stalking A Crime', Women's Aid Organisation (WAO) (*Women's Aid Organisation*, 2020)

<<https://wao.org.my/new-research-supports-calls-to-make-stalking-a-crime/>>
accessed on 12 December 2024

Women's Aid Organisation (WAO) and the Joint Action Group for Gender Equality (JAG), 'The Status of Women's Human Rights: 24 Years of CEDAW in Malaysia' Women's Aid Organisation (WAO) (Women's Aid Organisation 2019)
<<https://wao.org.my/wp-content/uploads/2019/01/The-Status-of-Womens-Human-Rights-24-Years-of-CEDAW-in-Malaysia.pdf>> accessed 10 January 2025