KEYNOTE SPEECH

DELIVERED BY

THE RIGHT HONOURABLE
THE CHIEF JUSTICE OF MALAYSIA
TAN SRI DATO' SERI UTAMA
TENGKU MAIMUN BINTI TUAN MAT

ON THE OCCASION OF

THE 2019 REGIONAL JUDICIAL DIALOGUE ON
THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN

DELIVERED AT

THE RITZ-CARLTON, KUALA LUMPUR

ON

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KEYNOTE SPEECH

SALUTATION

His Excellency Mr. Dag Julin-Danfelt, Ambassador of Sweden to Malaysia,

Dato' Ambiga Sreenevasan, Commissioner of the International Commission of Jurists.

Mr. Frederick Rawski, Regional Director for Asia and the Pacific, International Commission of Jurists,
Ms. Carla Silbert, Officer-in-Charge, UN Women,

Judges, distinguished guests, ladies and gentlemen,

1. Assalamualaikum warahmatullahi wabarakatuh and a very good morning to everyone. May I begin by thanking the organisers for giving me the distinct honour and privilege of delivering this keynote speech.

2. May I also take the opportunity to congratulate the International Commission of Jurists ('**ICJ**') for its commendable efforts in convening this judicial dialogue to strengthen the capacity of judges in South East Asia on using the international legal instruments, particularly the Convention Against All Forms of Discrimination Against Women ("CEDAW").

INTRODUCTION

3. The struggle for equality of rights between men and women, to some, is a clichéd topic. It certainly does not make it any easier for me, as a female, to make the argument that

men and women ought to be treated equally. But it is certainly important to understand what gender equality and the elimination of gender-based discrimination means. It is not a concept requiring one gender be treated as being superior to the other. It does not mean that the male and female genders deserve equal treatment in every conceivable detail. Far from it.

4. Gender equality in its purest form means recognising the very distinct differences between men and women. Immutable scientific evidence has shown that women are different and genetically superior by reason of chromosomes, genes, hormones and nerve circuit. These intrinsic differences in the body and brain are the starting point for the differences between the two genders.[1]

5. Eliminating stereotyping therefore not only means discarding the view that women are weak, feeble and in need of special assistance due to a supposedly marginalised status. Rather it is these very differences that ought to be understood, respected and appreciated with a view to utilising them for the maximum benefit of society.

6. On my elevation to the Office of Chief Justice, you would invariably have seen or read popular taglines referring to me as the first woman Chief Justice of Malaysia. Soon after my elevation, I repeated the same message, as I now do again, that my position is not at all determined or indeed, coloured by my gender. As the late Baroness Margaret Thatcher once said: "I cannot tell you how being the first woman Prime Minister feels because I have never been a male Prime Minister". As far as I am concerned, my Office and role as a Judge requires me to ensure fairness to all litigants and the public

[1] Melvin Konner, Women After All: Sex, Evolution, and the End of Male Supremacy (W. W. Norton & Company, 2016), at page 8.

in accordance with the law and its settled principles. In discharging that role, my gender is irrelevant.

7. I note with interest the key agenda of this Conference. It is a 'judicial dialogue' on the elimination of discrimination against women. While the Judiciary, as the third arm of Government plays a crucial role in facilitating the elimination of such discrimination, it is my view that this is not an issue which may be compartmentalised. Issues like these necessarily involve Governmental and legislative policy. In this sense, this discussion may only be appreciated in its fullest context when all key players are allowed to have a say.

8. That said, I think there is still much to discuss as far as the judicial role is concerned. In this context, I shall:

(i) firstly, deal with the interrelation between gender equality and the elimination of gender stereotyping, with particular emphasis on the Rule of Law;

(ii) I shall then say a few words on the concept of access to justice in the context of gender equality; and

(iii) finally, I shall consider the judicial role within the ambit of the doctrine of separation of powers.

Gender Equality and the Rule of Law

9. The Rule of Law requires that all persons are equally subject to the law. Thus, a central tenet of the Rule of Law is the equality and equal protection of the law.

10. In a recent judgment of the Federal Court in *Alma Nudo Atenza & Other Appeals v Public Prosecutor* which struck down the double presumption in the Dangerous Drugs Act 1952 as being an affront to the Rule of Law, this is how Richard Malanjum CJ defined the concept:[2]

> "As the bulwark of the Federal Constitution and the rule of law, it is the duty of the Courts to protect the FC from being undermined by the whittling away of the principles upon which it is based. The Courts should jealously ensure that the powers of the legislature and executive are kept within their intended limits...
>
> A central tenet of the rule of law is the equal subjection of all persons to the ordinary law... People should be ruled by the law and be able to be guided by it. Thus, the law must be capable of being obeyed...
>
> These requirements of "law" in a system based on the rule of law are by no means exhaustive. While the precise procedural and substantive content of the rule of law remains the subject of much academic debate, there is a broad acceptance of the principles above as the minimum requirements of the rule of law…"

11. Speaking more specifically in the context of the right to equal protection of the law, Article 8(1) of the Federal Constitution expressly ensures that all persons are equal before the law and are entitled to the equal protection of the law.

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[2] *Alma Nudo Atenza & Other Appeals v Public Prosecutor* [2019] 4 MLJ 1, at paragraphs 91, 103 and 105.

12. Article 8(2) sets out certain situations whereby unless expressly authorised by the Federal Constitution, there shall be no discrimination against anyone including on the grounds of 'gender'. What is interesting to note is that 'gender' was not originally in the Federal Constitution. Its inclusion was effected as a result of Malaysia's ratification of CEDAW.

13. Parliament amended the Federal Constitution in 2001 to expressly prohibit discrimination against anyone on grounds of 'gender' in conjunction with Malaysia's ratification of CEDAW.[3] It must be stated here that treaties do not generally become law in Malaysia until and unless they are incorporated by Parliament into domestic law.[4] CEDAW is not completely authoritative in Malaysia to the extent that not all of its various anti-discriminatory features have been incorporated and adopted into our local law apart from the amendment to Article 8(2) of the Federal Constitution.

14. The rationale for the constitutional amendment may be gleaned from the decision in *Noorfadilla Ahmad Saikin v Chayed Basirun & Ors*.[5] The Court rightly noted that the amendment was for the express purpose of bringing Malaysia into accord with its obligations under CEDAW. In my view, this decision highlights how judges should be forward looking on issues relating to women and children.

15. The facts of that case were these. The defendant-Government offered the plaintiff a position as an Untrained Temporary Teacher in a Government school. The defendant subsequently withdrew this offer on the grounds that the plaintiff was pregnant.

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[3] Dewan Rakyat Hansard (1 August 2001), at page 69 per Datuk Seri Utama Dr Rais bin Yatim.

[4] *Bato Bagi & Ors v Kerajaan Negeri Sarawak & Another Appeal* [2011] 8 CLJ 766.

[5] *Noorfadilla Ahmad Saikin v Chayed Basirun & Ors* [2012] 1 CLJ 769.

16. It was after traversing its legislative history, the High Court noted that the inclusion of 'gender' in Article 8(2) was to streamline Malaysia's commitment to CEDAW. The Court then went on to construe CEDAW and found that the revocation of the defendant's offer to the plaintiff was indeed discriminatory, and awarded her damages. This decision is an illuminating example of how the Legislature and the Judiciary worked hand-in-hand to ensure the greater protection of women. In a broader sense, a woman should certainly not be denied employment merely because she is pregnant.

17. Having said that, two matters need to be clarified. *Noorfadilla* as a decision, while reflecting the spirit of the law as being gender neutral, cannot strictly be relied upon as precedent because CEDAW has not fully been incorporated into domestic law by Parliament.

18. Secondly, the law as it stands applies to the realm of public law, i.e. to those employed in the public service. In all other cases, it appears that our Courts uphold the freedom of parties to contract, notwithstanding that certain terms of such contracts may discriminate on gender. There are at least two cases on point. The first is the decision of the Federal Court in *Beatrice Fernandez v Sistem Penerbangan Malaysia & Anor*.[6] The other is the decision of the Court of Appeal in *AirAsia Bhd v Rafizah Shima bt Mohamed Aris*.[7]

[6] *Beatrice Fernandez v Sistem Penerbangan Malaysia & Anor* [2004] 4 MLJ 466.

[7] *AirAsia Bhd v Rafizah Shima bt Mohamed Aris* [2014] 5 MLJ 318.

19. Both these cases concerned the termination of employment of stewardesses. The contract of employment respectively prohibited the stewardesses from becoming pregnant during the course of their employment. When the stewardesses became pregnant, their employment was terminated. The plaintiffs in both cases effectively argued that their respective terminations were in breach of the anti-discrimination provision in Article 8(2) of the Federal Constitution. These cases suggest that because the respective contracts were private arrangements, the Courts were left with no choice but to uphold the parties' freedom to contract.

Ladies and gentlemen,

20. This is where I think that it is pertinent to highlight certain issues inherent in our model of Government. We are based on the Westminster system of Government. In such a system, there is necessarily some degree of fusion between the Legislative and Executive branches of Government. Only the Judiciary exists entirely independently of the other two branches. It is not the role of the judge to redraft, much less, make law in a matter so as to render it more favourable to the exigencies of the litigants. Judicial activism is an exercise which can only be taken so far.[8]

21. In looking at Article 8(2) of the Federal Constitution for instance, one could argue that there are two possible approaches to CEDAW. Firstly, that Parliament ought to redraft domestic law such that it is in greater conformity with CEDAW and so that its

[8] See *e.g.*: Suzannah Wilson, 'Eliminating Sex Discrimination in the Legal Profession: The Key to Widespread Social Reform' *Indiana Law Journal* Vol. 67(3), Article 8, at page 835. The learned author observes that while judges are capable of engaging in judicial activism to accord statutory law the widest possible construction, the ability is counterbalanced by the litigation and the issues before the Court and the arguments of the parties.

protection may cut across all sectors of employment – public or otherwise – and perhaps other fields of law. The other, perhaps less tenable argument is that judges be faced with the arduous task of interpreting the language in CEDAW in the broadest manner possible.

22. The latter approach is well-documented and may to some extent be countenanced in our constitutional jurisprudence. One need only cite phrases such as 'prismatic interpretation' as an example.[9] One will also recall the timeless words of Raja Azlan Shah Ag LP in *Dato Menteri Othman bin Baginda & Anor v Dato' Ombi Syed Alwi bin Syed Idrus*. In *Dato Menteri Othman Baginda*, the dispute relates to the appointment of a ruling chief in the state of Negeri Sembilan and the issue was whether the court had jurisdiction to determine the dispute. There is a provision in the Constitution of the state of Negeri Sembilan ousting the jurisdiction of the courts in such matter. Raja Azlan Shah said: "a constitution, being a living piece of legislation, its provisions must be construed broadly and not in a pedantic way 'with less rigidity and more generosity than other Acts".[10] This is the oft-cited quote. However, it is often missed what his Lordship said at the outset of his judgment, that is to say: "[m]y first observation is that judges should adjudicate on such matters as the present with restraint and certainly not emulate the quasi-legislative role of the United States Supreme Court."[11]

23. What his Lordship meant, to my mind, was that Judges ought not to and indeed cannot purport to usurp the powers of the other branches of the Government – particularly the

[9] *Lee Kwan Woh v Public Prosecutor* [2009] 5 MLJ 301, at paragraph 8.

[10] *Dato Menteri Othman bin Baginda & Anor v Dato' Ombi Syed Alwi bin Syed Idrus* [1981] 1 MLJ 29, at page 32.

[11] *Ibid.*, at page 31.

legislature's role. This very observation may also be gathered from the United Kingdom Supreme Court's most recent unanimous 11-member pronouncement in *R (on the application of Miller) v The Prime Minister and Others*.[12] [2019] UKSC 41. Their Ladyships and Lordships there affirmed the basic principle of judicial review in that judges have a supervisory role over Parliamentary and Executive action. Monitoring those bodies in that regard is in full conformity with the Courts' constitutional functions.[13] The Supreme Court by no means suggested that it lies in the hands of the Courts to usurp the function of the other branches of Government by embarking on the course of legislating law where the Legislature has otherwise not done so.

24. It is in this sense that my attention is drawn to the central theme of this discourse, *i.e.* the role of judges in eliminating gender discrimination. As I indicated earlier, the role of judges is to interpret the law as it stands within the larger framework of our Federal Constitution as far as judicial limits permit. This, I think, also ties in with my emphasis on the Rule of Law.

25. Reverting to discrimination, the nation needs anti-discriminatory legislation in various other sectors. It is only then that judges may build upon anti-discriminatory jurisprudence. While the noble aims of an overly activist judge would, in the hopes of eradicating gender-based or other types of discrimination, feel as though he or she is upholding, the Rule of Law, should he or she overstretch the boundaries of the law to the extent of adjudicating to the point of legislating, such an exercise would as a whole

[12] *R (on the application of Miller) v The Prime Minister and Others* [2019] UKSC 41.

[13] *Ibid.*, at paragraph 34.

be in breach of the Rule of Law. This is therefore an area in which Judges, lawyers and legal activists as a whole need to tread carefully.

26. Be that as it may and on the brighter side, despite the lack of express anti-discriminatory legislation, it would appear that practically speaking, judges – male or female – do not generally make distinctions or discriminate against litigants on the basis of gender.

27. A good example is the Industrial Court, a statutory tribunal set up to hear disputes between employees and their employers, over rights and obligations that arise from their employment relationship. When making their awards or in the determination of the disputes before them, it is evident that gender plays no part in determining neither liability nor quantum. This is important as nearly 40% of our workforce comprises women.[14] This is also true of the Judiciary where females comprise up to 40% of our Judges at both the subordinate and Superior Court levels.

28. In any event, significant judicial headway has been made in other areas of the law vis-à-vis the elimination of gender-based discrimination. In this context, I am speaking of the right of access to justice.

The Right of Access to Justice

[14] Department of Statistic Malaysia, Official Portal: Principal Statistics of Labour Force, Second Quarter (Q2) 2019 <https://www.dosm.gov.my/v1/index.php?r=column/cthemeByCat&cat=149&bul_id=ekx5ZDVkVFAyWGg3WHNLUnJWL3RwUT09&menu_id=U3VPMldoYUxzVzFaYmNkWXZteGduZz09>.

29. Access to justice has many prongs and manifests itself on many planes, including gender. This would include ensuring that discrimination against women is eliminated. Plainly put, the right of access to justice means that all persons, no matter who they are, ought to have fair recourse to the judicial system. That right entails not only access to the Courts, but also the right to an effective remedy. This inextricable link between the right to an effective remedy and the right of access to justice was aptly put by one author, Mauro Cappelletti, who observed as follows:[15]

> "Indeed, the right of effective access is increasingly recognized as being of paramount importance among the new individual and social rights, since the possession of rights is meaningless without mechanisms for their effective vindication." Effective access to justice can thus be seen as the most basic requirement-the most basic "human right"--of a modern, egalitarian legal system which purports to guarantee, and not merely proclaim, the legal rights of all…"

30. The learned author then went on to observe how technical rules of procedure, though instructive, ought not to serve as barricades obstructing justice, so much so that only effective or senior counsel are capable of overcoming them. Even if one may avail himself or herself of experienced counsel, the enforcement of the judgment *i.e.* the remedy could well end up becoming another expensive hurdle.

31. It is in this context that the Federal Court held in *Public Prosecutor v Gan Boon Aun* that the right of access to justice is implicit in the right to life guaranteed by Article 5 of

[15] Bryan Garth and Mauro Cappelletti, 'Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective' [1978] 27 Buffalo Law Review 181, at pages 184-185.

the Federal Constitution.[16] Logically, this would therefore include the right to an effective remedy.

32. Speaking specifically with regard to women's rights, the family Courts and access to them is another important aspect of the right of access to justice. This is because these Courts determine fundamental and everyday disputes that comprise the cornerstone of every domestic household, regardless of race and religion. To that extent, it encompasses the determination of family disputes by the Syariah Courts for Muslims.

33. It is imperative that husbands, wives and children have ready access to these Courts and their disputes be resolved expeditiously and effectively. Unfortunately, this may not necessarily be the case. Statistics generally reflect that it is the women as wives and mothers, and their children who suffer most from these deficiencies in the legal systems.

34. The Malaysian Judiciary is looking into the Singapore family law court model, and is seriously considering implementing the same here. Of course, any attempt to implement that model here is subject to discussion with the Malaysian Bar, its equivalents in Sabah and Sarawak and with other relevant stakeholders.

35. Basically, the salient feature that commend itself to me is the fact that the Singapore Courts have opted to break away from the more traditional adversarial system. In other words, the Courts, in the context of family cases, no longer leave it strictly to the litigants or their lawyers to make their respective cases. Instead, the Judge drives the entire litigation including directing the filing of documents. There is no longer the

[16] *Public Prosecutor v Gan Boon Aun* [2017] 3 MLJ 12, at paragraph 9.

'wait and see what happens' approach. I would consider this to be akin to the inquisitorial system in continental jurisdictions.

36. This approach enables the system to cut through technical and unnecessary procedural matters so as to get to the heart of the dispute without delay. This is one area where the use of a different approach in the legal system, both civil and Syariah, will greatly alleviate the plight of women and children, who as I have pointed out earlier, are the greater 'victims' of the deficiencies in the legal system.

37. Lord President Tun Suffian in his speech delivered on the occasion of the 1982 Braddell Memorial Lecture said:[17]

> "In a multi-racial and multi-religious society like yours and mine, while we judges cannot help being Malay or Chinese or Indian; or being Muslim or Buddhist or Hindu or whatever, we strive not to be too identified with any particular race or religion – so that nobody reading our judgment with our name deleted could with confidence identify our race or religion, and so that the various communities, especially minority communities, are assured that we will not allow their rights to be trampled underfoot."

38. I think the rationale applies with equal force to the notion that judges ought to be able to decide gender-based issues with strict neutrality so much so that no person reading their judgments with the name of the judge deleted, could identify the gender of the judge.

[17] Tun Mohamed Suffian Hashim, 'Four Decades in the Law: Looking Back' in FA Trindade and HP Lee (eds), *The Constitution of Malaysia: Further Perspectives and Developments* (OUP 1986), at page 216.

39. Considering that matters relating to judicial processes and methods are well within the realm of the Judiciary's control, it is in this sense that judges can play their part in eradicating gender stereotyping.

The Role of Judges

40. Premised on what I said earlier, there are certain matters which judges may not take up, simply because doing so would be in breach of the principle of separation of powers. However, where judges can and ought to be proactive, it remains open to them to do so in order to play their part in the eradication of gender-based stereotypes.

41. In this context, the law of tort is one such area in which judges have a freehand – so to speak – to bring justice where the written law itself is inadequate. One apt example of this is in the judgment of the Federal Court in *Mohd Ridzwan bin Abdul Razak v Asmah bt Hj Mohd Nor*.[18]

42. The Federal Court in that case ingeniously brought into Malaysian common law the cause of action known as the 'tort of sexual harassment' to expressly enable those affected by such claims to have legal recourse in that respect.

43. The Federal Court analysed the law and noted that prior to that case, there was no real written law giving recourse to people like the respondent to an action grounded on a complaint of sexual harassment. The Federal Court then unanimously decided that it was timely to introduce such a cause of action to provide harassed litigants, such as the respondent, recourse in law.

[18] *Mohd Ridzwan bin Abdul Razak v Asmah bt Hj Mohd Nor* [2016] 4 MLJ 282.

44. Tort law regulates the conduct of parties in the context of civil law. It is entirely judge-made law providing means for a remedy suffered as a breach of civil wrongs. Thus, the Federal Court was plainly within its powers to introduce the cause of action in line with the affected person's right of access to justice and to its consonant right to an effective remedy. The respondent in the instant case was awarded general and aggravated damages. This, to me is one clear example of a case where judges, within the bounds of the law, took a liberal view and decided to create a legal remedy where it once did not exist.

45. Other areas of the law however, remain troubling, and require attention. I refer here to the anachronistic rule of corroboration in criminal cases. In cases such as *Din v Public Prosecutor*[19] and *Mohd Yusof Rahmat v Public Prosecutor*,[20] our Courts consistently upheld the need to corroborate the evidence of a sexual complainant on the arbitrary assumption that "the temptations of a woman to exaggerate an act of sexual connection are well known and manifold."[21]

46. Many notable jurisdictions like the United Kingdom, Hong Kong and Australia have abandoned the notion that a woman complainant in a sexual crime needs to be corroborated simply by reason of the fact that she is a woman. In most of these jurisdictions, corroboration is required as and when the need arises, and not simply premised on the notion of who or to what class of persons the witness belongs.[22]

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[19] [1964] 1 MLJ 300.

[20] [2009] 2 CLJ 673.

[21] Din v Public Prosecutor [1964] 1 MLJ 300, at pages 301-302.

[22] See generally: <https://www.info.gov.hk/gia/general/199903/20/0320114.htm>.

47. The rule requiring corroboration of women in sexual crimes is not something strictly countenanced by our written law. It is a rule devised by judges as a matter of prudence. Perhaps it is timely that judges, in light of modern technological and other advancements reconsider the tenability of such a discriminatory rule of evidence.

48. The two foregoing examples are merely two instances of the law in practice. There are many other instances in our legal profession, which strictly speaking, do not necessarily revolve around strict legal rules. Examples include how judges or lawyers view female witnesses, how the credibility of a witness may be judged simply on the basis of how witnesses (female or male, for that matter) dress, behave, and so on.

49. The negative effect of judicial stereotyping is that it bears the potential of undermining the ability of women to exercise and enforce other rights guaranteed by law. One example is where women seek custody or supervised visits of their children to protect themselves and their children against violent perpetrators. Their grievances were previously met with little to no action from the enforcement authorities. Some sectors have even argued that there is a lack of sensitivity on the part of law enforcers when it comes to domestic disputes. Some enforcement agencies do not view domestic cases as actual crimes and hence, are reluctant to investigate.[23] UNICEF notes that this issue is common in many Asian countries.[24]

[23] WAO presents 18 recommendations to policymakers, police on domestic violence, The Sun Daily (8 March 2017) <https://www.thesundaily.my/archive/2187136-DTARCH432127>.

[24] UNICEF, Domestic Violence Against Women and Girls, (No. 6, June 2000) <https://www.unicef.org/malaysia/ID_2000_Domestic_Violence_Women_Girls__6e.pdf>.

50. Parliament however, as recently as 2017, amended the Domestic Violence Act 1994, and enacted emergency protection legislation enabling even the Welfare Department to issue orders prohibiting domestic violence. This is an example of a progression in the law protecting victims of domestic violence, who are primarily women and children. In this regard, the law recognises the differences in gender and neutralises the ills that arise from it.[25]

51. Turning now to custody disputes. When judges make determinations about the care and custody of children based on stereotypes, rather than the facts strictly before them, they risk prioritising the rights of perpetrators over the rights and safety of women, not that I received any complaints or allegations that judges decide custody matters based on stereotypes.

52. Regardless, the eradication of gender bias and breaking away from normative gender stereotypes and roles is a process which requires a complete upheaval of the mind-set. After all, judges, like lawyers are human beings too.

53. It is thus important that judges are constantly put through judicial training programs. In jurisdictions like the United States specifically,[26] and Europe generally,[27] the Judiciaries there typically host educational programs to constantly keep judges apprised of and sensitised to gender-related issues – apart from reforming and revamping strict imbalanced laws relating to gender.

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[25] Recent statistics and reports indicate that women and children are indeed the primary victims of domestic violence. See for example: Elena Koshy, 'Reaching Out to Domestic Violence Survivors' *New Straits Times Online* (9 June 2018), available at: <https://www.nst.com.my/lifestyle/pulse/2018/06/378192/reaching-out-domestic-violence-survivors>.

[26] See generally: https://www.theiacp.org/gender-bias.

[27] See generally: http://www.evawintl.org.

54. As far as Malaysia is concerned, the Judiciary will continue to ensure that Judges will constantly undergo training programs and workshops relating to issues affecting gender. We thus hope to work with the ICJ in this regard to further develop the mind-set of judges to remain gender neutral and to decide cases not on the basis of gender stereotyping but strictly on the evidence and the law before them.

CONCLUSION

55. In closing, I would like to reiterate again that the eradication of gender-stereotyping is an arduous but necessary task shouldered by all branches of Government. Certain matters, like ensuring the fullest possible commitment to CEDAW lies in the hands of the political branches. The Judiciary's hands are limited to the extent of the law as it stands.

56. As far as the judicial role is concerned, our Courts have been proactive in ensuring the maximum possible reach of the law where the judicial and legal perimeters allow the Judicial branch to intervene. As far as anachronistic jurisprudential norms go, they will have to be ironed out via the incremental and steady development of judicial precedent. Judges will have to rule on cases and develop the law as and when the cases come up before them. Legislative intervention might however speed up the process significantly.

57. Finally, as far as the judicial mind-set is concerned, I do note with all seriousness that fairmindedness and a solid temperament are the makings of a good judge and comprise the mould upon which we select our judges. But that is not to say that a person, once

appointed a judge, becomes bereft and devoid of all ability to learn and develop further. In this context, the Judiciary regularly runs rigorous training programs to ensure that our judges remain up to the mark and well apprised of the realities of life.

58. The vicious roots of misogyny and stereotyping took generations to excise, and the challenge continues. It will take us many more generations for them to be eradicated. The struggle to reverse inequality is a long and onerous one.

59. The Judiciary is doing its best to ensure that the pursuit of equality in accordance with the Rule of law is upheld. The fact that more and more women in Malaysia hold key and influential positions, I hope, is proof of the fact that women continue to shatter the proverbial glass ceiling. More so, I think, where the basis of the appointment is based strictly on merit. Whatever be the case, the struggle is real and we must all do our part, no matter how large or small it may be, to completely eliminate the scourge of gender inequality.

Thank you.