Policy Brief

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Strengthening Protection for Victims and Survivors of Online Gender-Based Violence or Technology-Facilitated Gender-Based Violence in Malaysia

Executive Summary

This policy brief was prepared based on key findings and recommendations from the evaluation report on the effectiveness of Malaysia's legal and regulatory framework in addressing online gender-based violence / technology-facilitated gender-based violence (OGBV/TFGBV), particularly the reporting/complaints mechanisms.[1] The evaluation report drew on survivor testimonies, and assessments by relevant individuals and bodies including lawyers, school counsellors, the Communications and Multimedia Content Forum of Malaysia, the Malaysian Bar Council Cyber and Privacy Laws Committee, and civil society organisations (CSOs, specifically Women's Centre for Change, All Women's Action Society, Association of Women Lawyers, Women's Aid Organisation, Family Frontiers, Justice for Sisters, Sarawak Women for Women Society, and the Child Rights Innovation and Betterment Foundation).

Problem:

OGBV/TFGBV significantly restricts the ability of women, girls and gender minorities to express themselves online and in digital spaces. Malaysia currently lacks specific legislation dedicated to OGBV/TFGBV. Survivors must navigate a fragmented, "gender-blind" legal framework where existing laws utilise vague and subjective terminology that is prone to abuse or selective enforcement. Systemic failures, including poor interagency coordination, non-responsive enforcement, and a lack of gender sensitivity among frontline officers, further prevent survivors from obtaining meaningful redress.

Key Findings:

1. Although relevant laws exist on paper and some provisions may appear adequate, the system fails at the implementation stage. Consequently, victims and survivors are often left frustrated by the system without seeing justice served.
2. Critical gaps hindering the effectiveness of existing laws include insufficient legal protection, lack of interagency coordination, slow institutional response, lack of gender sensitivity, limited understanding of online harm, and a trust deficit and lack of public confidence in the system.
3. The Online Safety Act 2025 (ONSA) has potential but lacks gender-specific protections, uses vague definitions and has limited victim/survivor support mechanisms. Its effectiveness will ultimately depend on the subsidiary legislation yet to be announced at the time of enactment.

Priority Recommendations:

1. Legislative Reform: Adopt a rights-based framework that specifically recognises online and gendered harm, and that prioritises a "safety by design" approach to prevent violence before it occurs.

[1] KRYSS Network, *Effectiveness of Reporting Mechanisms in Ensuring Redress for Victims & Survivors of Online Gender-Based Violence / Technology-Facilitated Gender-Based Violence* (Petaling Jaya: KRYSS Network, 2026) https://www.kryss.network/wp-content/uploads/2026/10/OGBV-REPORT-ENG.pdf (accessed June 16, 2026)

2. Centralised Reporting: Establish a centralised government-run platform and hotline to streamline the reporting process for victims and survivors of all forms of OGBV/TFGBV. The platform will expedite the report to the relevant agency, instead of having the victims/survivors navigate multiple agencies themselves.

3. Specialised Training: Institutionalise continuous gender sensitivity and digital harm training for enforcement agencies, to ensure empathetic and technically competent responses.

4. Inclusive Reporting Pathways: Create third-party reporting options particularly for marginalised groups and minor survivors, and standardise reporting channels to be safe for students (including children and adults) within the education system.

5. Support Services: Expand access to free legal aid and mental health support, and enhance goverment-operated shelter facilities.

Outcome Sought:

A rights-respecting digital safety framework that prioritises a preventive approach and effective reporting mechanism that is survivor-centred and survivor-controlled, thus contributing towards safer and more enabling online and digital spaces for victims/survivors of OGBV/TFGBV.

1. Introduction:

OGBV and TFGBV have emerged as serious threats to the rights of women, girls and gender minorities in Malaysia. These harms extend beyond online and digital spaces, affecting victims/survivors' emotional well-being, social participation, professional opportunities and physical safety. The rapidity of information technology platforms has outpaced the development of gender-responsive legal protections, leaving victims/survivors exposed to escalating abuse.

In recent years, Malaysia has introduced multiple laws that can be applied to online harms, including the Anti-Sexual Harassment Act 2022 (ASHA), ONSA, and amendments to the Communications and Multimedia Act 1998 (CMA) and Penal Code. However, survivor testimonies and civil society assessments reveal persistent gaps between legal provisions and lived realities.

The chart in figure 1 below attempts to outline the potential avenues and legal provisions that survivors and victims may utilise to report cases of OGBV/TFGBV, and the subsequent potential actions and legal basis depending on the OGBV/TFGBV cases and legal advice. The statutory provisions mentioned are not exhaustive, but they are indicative of the broader problem of a fragmented complaints mechanism system for OGBV/TFGBV cases.

Furthermore, the lack of segregated data presents a challenge to further assessing the effectiveness of the law, particularly when existing laws do not recognise the gender impact of online harms, such as is the case with Section 233 of the CMA.

2. Common Forms of Online Gender-Based Violence/ Technology-Facilitated Gender-Based Violence and Impact on Victims and Survivors

OGBV/TFGBV manifests in many forms. In many cases, they overlap as perpetrators employ multiple forms of online abuse to inflict further harm. Below is a non-exhaustive list of the most common forms of OGBV/TFGBV:

- Online harassment, including cyberbullying and microaggressions[2]
- Cyberstalking
- Identity theft
- Impersonation
- Dissemination of doctored images
- Online threats of violence (sexual and non-sexual)
- Blackmail and sextortion[3]
- Doxxing[4]
- Gender-based hate speech
- Disinformation/defamation

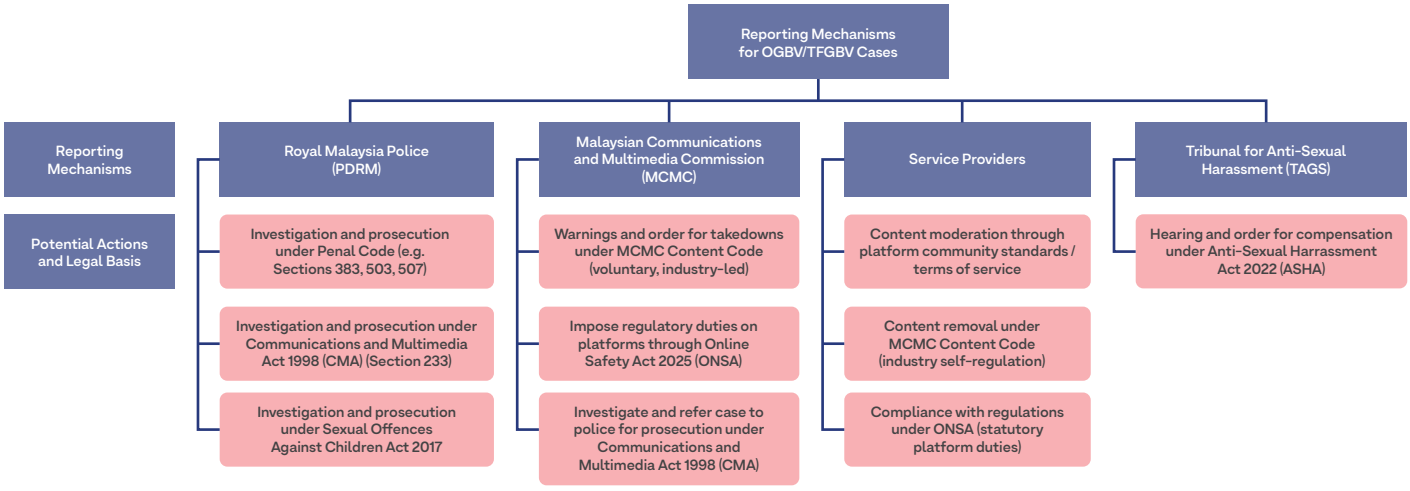

Figure 1: Potential actions and legal basis that can result from various OGBV/TFGBV reporting mechanisms. (Source: KRYSS Network. Reproduced from *Effectiveness of Reporting Mechanisms in Ensuring Redress for Victims & Survivors of Online Gender-Based Violence / Technology-Facilitated Gender-Based Violence.*)

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[2] **"Microaggression," Merriam-Webster, accessed June 16, 2026,** https://www.merriam-webster.com/dictionary/microaggression.
"Microaggression" refers to a subtle, often unintentional comment or action that expresses a prejudiced attitude or bias towards a marginalised group (such as a racial minority, women or gender minorities).

[3] **"IAWJ, *Stopping the Abuse of Power Through Sexual Exploitation: Naming, Shaming, and Ending Sextortion* (Washington, DC: International Association of Women Judges, 2012),** https://www.unodc.org/res/ji/import/guide/naming_shaming_ending_sextortion/naming_shaming_ending_sextortion.pdf (accessed June 16, 2026).
See page 9 for a further elaboration on "sextortion", a term referring to explicit or implicit requests of a sexual nature with the intention to extort. It therefore involves both sexual and corruption components.

[4] **"Doxing," eSafety, May 28, 2025,** https://www.esafety.gov.au/industry/tech-trends-and-challenges/doxing (accessed June 16, 2026).
See further elaboration on doxxing, which refers to the act(s) of intentional online exposure of an individual's identity, private information or personal details without their consent, with the intent of undermining the target's privacy, security, safety and/or reputation, and therefore causing harm.

- Hacking
- Non-consensual dissemination of intimate images
- Unsolicited sharing of intimate images (including cyberflashing) or online sexual solicitation[5]
- Online grooming[6]
- Other abuses involving child sexual abuse material (CSAM)

Testimonies from interviews conducted for the research by KRYSS Network reveal debilitating impacts on victims and survivors of OGBV/TFGBV. The fear and trauma resulting from the violence negatively shaped how they view and express themselves in digital spaces. Victims resorted to self-censorship, preferring selective engagement in online spaces or removing themselves entirely from online spaces. The harm also affected their professional lives, resulting in job insecurity and reduced visibility. In addition to restrictions on their freedom of expression, victims/survivors face social isolation and restrictions on movement due to safety fears.

3. Assessment of Existing Complaints and Redress Mechanisms

The complaints mechanisms currently available to victims and survivors include the police, the Malaysian Communications and Multimedia Commission (MCMC), and the Anti-Sexual Harassment Tribunal (*Tribunal bagi Antigangguan Seksual,* TAGS). Survivors recounted finding themselves having to go through several avenues, yet many were still unable to obtain redress. The ineffectiveness of the existing mechanisms was attributed to several systemic challenges:

[5] "What Is Cyber Flashing?" Rape Crisis England & Wales, accessed June 21, 2026, https://rapecrisis.org.uk/get-informed/types-of-sexual-violence/what-is-cyber-flashing/.
See further elaboration on cyberflashing, which refers to the unsolicited sharing of sexual images of oneself.

[6] "Online Grooming: What It Is, How It Happens, and How to Defend Children," Thorn, November 4, 2024, https://www.thorn.org/blog/online-grooming-what-it-is-how-it-happens-and-how-to-defend-children/ (accessed June 21, 2026).
See further elaboration on online grooming, which refers to the act of building trust with a child with the intention to then exploit them sexually.

No.	Issue Category	Current Gaps	Highlights from Interview Testimonies
1	**Legislation**	Lack of specific OGBV laws; fragmented, gender -blind legal framework characterised by broad and vague terminologies.	Research participants pointed out that Malaysia currently lacks a comprehensive legal framework addressing OGBV/TFGBV. The primary existing legal tool, CMA, is broadly framed and does not recognise gender-based abuse as a distinct offence, limiting its ability to address the specific needs of victims/survivors.
2	**Legislation**	Laws and policies relating to OGBV /TFGBV are reactive.	Research participants emphasised that Malaysia's approach to OGBV/TFGBV remains largely reactive. Enforcement efforts tend to focus on monitoring and moderating content after harm has occurred, rather than preventing harm at the outset. Respondents described an overreliance on punitive measures, with insufficient attention given to addressing root causes or embedding "safety by design" principles in digital platforms and regulatory frameworks.
3	**Legislation**	Punishment is not proportionate to the gravity of harm caused.	Research participants pointed out that existing legal penalties often fail to reflect the gravity and long-term impact of OGBV/TFGBV.
4	**Legislation**	Weak child protection for CSAM cases.	Research participants raised serious concerns about the protection of children in cases involving CSAM and online grooming. Such activities are reportedly prevalent on lesser-known and unregulated platforms. Children are often treated as evidentiary subjects within legal processes rather than as vulnerable individuals requiring specific protection and support, reflecting a lack of child-sensitive and trauma-informed approaches.
5	**Legislation & Enforcement**	Requirement for survivors to suffer harm or severe harm before accessing the complaints mechanism.	Research participants noted that complaints are often dismissed unless survivors are perceived to have suffered severe or substantial harm, creating a high threshold before authorities take action and dismissing the emotional impact and trauma to survivors.
5	**Enforcement & Coordination**	Survivors are bounced between agencies due to a lack of standard operating procedures (SOPs) on jurisdiction.	Research respondents described a "passing the ball" dynamic, where cases are referred between agencies, particularly the police and the MCMC, without clear jurisdiction, accountability or communication. This results in inconsistent support and, in some cases, survivors abandoning their complaints midway.

No.	Issue Category	Current Gaps	Highlights from Interview Testimonies
7	**Enforcement**	Non-responsive, slow or limited communication, leading to inconsistent follow-ups and unexplained delays.	Survivors identified poor responsiveness as a key challenge. Many reported a lack of updates despite following up, along with unexplained delays, an absence of clear timelines, and instances where complaints resulted in no action or in victims having no idea about the outcome of their complaints.
8	**Institutional Capacity**	Dismissive attitude towards online harms and victim-blaming mindsets among frontline officers.	Respondents frequently observed dismissive and insensitive responses from authorities, including victim -blaming attitudes and a lack of empathy. Many noted that frontline officers, particularly within enforcement agencies, lack gender-sensitive training and a rights -based, survivor-centred approach.
9	**Institutional Capacity**	Technical illiteracy, including relating to the protection of victims /survivors' online safety and security during the investigation process.	Research participants highlighted gaps in technical expertise among investigators across the police, the MCMC and the prosecution. Authorities were described as lacking specialised digital forensic capabilities and the understanding of digital rights, including the need to protect the survivor's digital safety and right to privacy. In one instance, a survivor was asked to change her social media account setting from "private" to "public" for investigation purposes. This subsequently exposed her to further harassment and compromised her safety.
10	**Access for Minor Survivors**	Mandatory parental involvement for children.	Two research participants—a school counsellor and a children's rights CSO representative—noted that police have refused to accept reports from minors unless the parent is notified and/or the child's identity is disclosed, creating significant barriers to reporting. School counsellors are often untrained, and frequently default to notifying parents. In one instance, the school took measures that appeared to protect the school rather than the student survivor, allowing the perpetrator to evade accountability.
11	**Access for Marginalised Groups**	Fear of criminalisation or outing for LGBTQ+ persons during reporting.[7]	Research participants highlighted a "huge trust deficit" towards State mechanisms, particularly due to the criminalisation of LGBTQ+ identities in Malaysia. Many from the LGBTQ+ community feared that reporting may lead to being outed, exposing them to further harm. In one study, over 70% believed their complaints would not be taken seriously.[8] Respondents also raised concerns that broad definitions of "harmful content" within ONSA may be "weaponised", enabling increased scrutiny and potential overpolicing of LGBTQ+ individuals and content.

[7] **"Outed," Cambridge Dictionary, accessed June 16, 2026,** https://dictionary.cambridge.org/dictionary/english/outed;
Sunny Kumar, "What Is Outing and Why Is It Harmful?" LGBTQ and ALL, January 7, 2022, https://www.lgbtqandall.com/what-is-outing-and-why-is-it-harmful/ (accessed June 16, 2026).
To be "outed" or the act of "outing" means to make known that someone is not heterosexual or cisgender, or is in other ways an LGBTQ+ person, without their consent.

[8] JFS et al., *Survey Findings: Impact of COVID-19 & Anti-LGBT Narratives on LGBTQ+ Persons in Malaysia* (Malaysia: Justice for Sisters, 2021), https://justiceforsisters.org/resources/survey-findings-impact-of-covid-19-anti-lgbt-narratives-on-lgbtq-persons-in-malaysia/ (accessed April 7, 2026). See page 30.

No.	Issue Category	Current Gaps	Highlights from Interview Testimonies
12	**Procedural & Technical Barriers**	Mandatory in-person filing requirements; rigid process -serving requirements for anonymous perpetrators.	Research participants noted that survivors seeking redress through TAGS are required to file and attend in person, creating accessibility challenges, particularly for those outside urban centres. One respondent described the system as "analogue" and rigid, requiring survivors to identify perpetrators, despite the anonymity often involved in online cases. This led to a survivor having to hire a private investigator to locate the perpetrator's address, leading to delays and additional costs. She was also not allowed to have a companion during the hearing, further undermining survivor support and protection.
13	**Support Services**	Overreliance on CSOs for assistance; lack of State -run shelters for OGBV/TFGBV victims; unresponsive State legal aid.	Primarily due to issues outlined earlier, many research participants noted that survivors often turn to CSOs as government channels are inaccessible, unclear or unresponsive. State support services were described as "uneven" and not readily apparent, particularly outside urban areas. Legal aid for online cases is limited. As a result, CSOs, despite operating with limited resources, often serve as the first point of contact, providing crisis support, legal guidance, follow-up and even digital security support after victims experience harm. One respondent noted that school-based digital literacy programmes are often CSO-led rather than Ministry-driven, while another highlighted that the absence of a State-run one-stop complaints and resource centre leaves survivors struggling to navigate an already-fragmented system.

4. Online Safety Act 2025: Feasibility Analysis

CSO representatives and human rights lawyers interviewed for this research recognise the potential of ONSA for tackling OGBV/TFGBV, as the Act covers the recognition of harmful and priority harmful content, the increased responsibility placed on platforms, and the possibility of extraterritorial application.

Yet, many remain cautious on its ability to effectively address the full range of online harms, pointing out concerns such as the exclusion of private messaging platforms (which must be weighed against the right to privacy), the use of vague and overly broad definitions, and the risk of overpolicing or misuse, particularly in ways that could impact marginalised communities and dissenting voices. Additional issues include the lack of independence of the MCMC, and limited victim support. These issues are especially significant in the context of gender justice, where a lack of gender sensitivity has been widely observed in the application of the law.

The enforcement of the law also depends on adequate training, transparency, active engagement with CSOs, and clear SOPs. At the time of the interviews for KRYSS Network's research, the subsidiary legislative instruments to bring ONSA into effect had yet to be issued. The effectiveness of any subsidiary legislation, including the SOPs, therefore warrants a separate assessment outside the ambit of the KRYSS Network research that was conducted to support this policy brief.[9]

5. International Practices and Lessons

Countries are moving towards a stronger recognition of OGBV/TFGBV in the domestic legal framework, rather than relying solely on the general application of the law. There is a shift towards a more preventive approach, through emphasis on "safety by design". However, it is important to note that the measures highlighted below require further examination to ensure that, once in practice, they do not unreasonably restrict genuine exercises in freedom of expression.

Country/Region	Practice Highlighted
United Kingdom	• Age-Appropriate Design Code focusing on preventive design-based safety. • Internet Watch Foundation reporting portal and Report Remove tool for CSAM. • Trauma-informed policing and survivor support mechanisms.
Australia	• Independent e-Safety Commission with regulatory authority and reporting mechanism, enabling rapid platform compliance.
Philippines	• Safe Spaces Act recognising OGBV and establishing a Joint Congressional Oversight Committee to monitor implementation and review the implementing rules and regulations. A bill to amend the Act to mandate platform accountability is currently pending.
Singapore	• Protection from Harassment Act and Online Safety Code with dedicated courts and transparency rules.
Indonesia	• SafeNet collaboration model and national digital literacy initiatives.
European Union	• European Parliament's Directive on Combating Violence Against Women and Domestic Violence in 2024. • Stronger child protection, OGBV recognition and regulatory standards.

[9] KRYSS Network, *Effectiveness of Reporting Mechanisms in Ensuring Redress for Victims & Survivors of Online Gender-Based Violence / Technology-Facilitated Gender-Based Violence.*

Country/Region	Practice Highlighted
Australia; Brazil	• Age-based social media restrictions.
China	• Age- and time-based social media restrictions.

6. Policy Recommendations

Malaysia's current response to OGBV/TFGBV is insufficient despite legislative progress. Many of the barriers are structural. A major shift towards a more survivor-centred, preventive and rights-based approach is urgently needed in the law and its implementation. This approach must be grounded in clear laws, accountable institutions and meaningful civil society collaboration, in order to ensure safer and more inclusive online spaces for women, girls and gender minorities.

The primary responsibility to provide an effective complaints mechanism must remain with the State. The role of CSOs should be complementary, rather than being a replacement for State functions.

This policy brief outlines a set of recommendations to be implemented across the short, medium or long term, where applicable. Short-term recommendations are measures and/or policy changes that can be implemented immediately with the right political will. Medium-term recommendations involve legislative reforms or amendments warranting some form of parliamentary process. Long-term recommendations entail broader legal review and structural reform, as well as further study to inform more comprehensive reforms.

Issue Category	Current Systemic Failures	Proposed Recommendation	Target Authority or Framework	Intended Outcome	Strategy
Legislation	Lack of specific OGBV laws; fragmented, gender -blind legal framework characterised by broad and vague terminologies.	Adopt a rights-based framework that recognises the specific online and gendered harms, without the risk of arbitrary interpretation.	Lawmakers	There is legal clarity and preventive standards for gender-based online and digital harms.	Medium Term
Legislation	Laws and policies relating to OGBV/ TFGBV are reactive.	Prioritise a "safety by design" approach by incentivising technology companies.	Lawmakers Ministry of Communications	Online harms are prevented before they occur.	Short Term
Legislation	Punishment is not proportionate to the gravity of harm caused.	Review punishment to be proportionate to the offence, and ensure redress and reparation for harm.	Lawmakers	Beyond retribution, measures adopted effectively tackle the root causes of gender inequality.	Medium Term
Legislation	Weak child protection for CSAM cases.	Incorporate strict liability elements in CSAM cases.	Lawmakers	Enhanced child protection from online and digital harms.	Medium Term
Legislation & Enforcement	Requirement for survivors to suffer harm or severe harm before accessing the complaints mechanism.	Reform legal processes and policing approaches to prioritise proactive risk-based measures based on the risk of potential harm occurring, rather than harm-based measures that require actual harm to occur before action can be taken.	Lawmakers Royal Malaysia Police (*Polis Diraja Malaysia*, PDRM)	More proactive and preventive measures, rather than reactive.	Medium Term

Issue Category	Current Systemic Failures	Proposed Recommendation	Target Authority or Framework	Intended Outcome	Strategy
Enforcement & Coordination	Survivors are bounced between agencies due to a lack of SOPs on deciding/ assigning jurisdiction.	Establish a centralised, accessible government platform and hotline for all complaints and resources relating to OGBV/TFGBV.	PDRM MCMC	Streamlined reporting processes and improved coordination between agencies; survivors no longer have to navigate multiple agencies, reducing the procedural burden.	Medium Term
Enforcement	Non-responsive, slow or limited communication, leading to inconsistent follow-ups and unexplained delays.	Mandate timely follow-ups with clear time frames for the processes.	PDRM MCMC	A more transparent and accountable investigation process that is survivor -centred.	Short Term
Institutional Capacity	Dismissive attitude towards online/digital harms and victim-blaming mindsets among frontline officers.	Increase resources for specialised units and institutionalise gender sensitivity training.	PDRM	A more empathetic response to online and digital harms suffered by survivors/victims of OGBV/TFGBV.	Short Term
Institutional Capacity	Technical illiteracy, including relating to the protection of victims/survivors' online safety and security during the investigation process.	Increase resources for specialised units and provide continuous training on digital harms.	PDRM	A more technically competent response to online and digital harms suffered; victims/survivors' online and digital safety and security are not compromised by the investigation.	Short Term
Access for Minor Survivors	Mandatory parental involvement for children.	Create a standardised and safer national reporting pathway for students; implement third-party reporting options and mandatory in-school OGBV/TFGBV prevention programmes.	Ministry of Education PDRM	Safe and accessible reporting channels for minors, without fear of reprisal.	Medium Term

Issue Category	Current Systemic Failures	Proposed Recommendation	Target Authority or Framework	Intended Outcome	Strategy
Access for Marginalised Groups	Fear of criminalisation or outing for LGBTQ+ persons during reporting.	Implement third-party reporting options.	PDRM	Safe and accessible reporting channels for vulnerable populations, without fear of reprisal.	Medium Term
Procedural & Technical Barriers	Mandatory in-person filing requirements; rigid process -serving requirements for anonymous perpetrators.	Reform rules to remove strict physical process-serving requirements and mandatory in-person filing.	TAGS	Reduction of procedural burden for survivors.	Short Term
Support Services	Overreliance on CSOs for assistance; lack of State-run shelters for OGBV/TFGBV victims; unresponsive State legal aid.	Expand access to free legal aid and mental health support; enhance government-operated shelter facilities.	Government support agencies particularly under the purview of: Ministry of Women, Family and Community Development Department of Social Welfare Ministry of Health	Comprehensive State -funded safety nets and legal resources which are survivor-centred.	Short Term

7. Conclusion

As a State party to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, Malaysia must demonstrate its commitment to ensure safer and more enabling online spaces for all women, girls and gender minorities in Malaysia. The constitutional guarantee of non-discrimination under Article 8(2) of the Federal Constitution on the basis of gender must translate into actual practice. The national legal framework must be reformed in both law and practice, so that all persons, regardless of gender, are able to freely express themselves and meaningfully participate in public and political life.

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