

UNCT MALAYSIA: GENDER THEME GROUP

Promoting CEDAW implementation in Malaysia

INTRODUCTION

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) is a human rights treaty for women. The UN General Assembly adopted the CEDAW Convention on 19th December 1979. It came into force as a treaty on 3rd September 1981.

CEDAW is a comprehensive bill of rights for women and is monitored by the CEDAW Committee which operates out of the UN in New York. States party to this convention are obligated to report to the CEDAW Committee one year after ratification, and thereafter every four years.

While the CEDAW Convention does not detail exhaustively the specific types of discrimination that women may face in different cultures, it provides a framework within which a range of issues may be addressed, based on its core understanding of non-discrimination and equality. The convention is being continually updated to include new insights and new issues that are brought to the CEDAW Committee's attention, through the formulation of General Recommendations by the committee.

Malaysia has ratified *CEDAW in 1995*. The first accession to the Convention was made with a number of reservations, as it was felt that the relevant articles were in contradiction with the provisions of the laws of the country. Following the Beijing Conference, steps were taken to review Malaysia's reservations to the Convention and reservations for Articles 2(f), 9(1), 16(b),(d),(e) and (h) were withdrawn. The Ministry of Women, Family and Community Development (MOWFCD) has recently announced the government's intention to withdraw the reservations on Article 5(a), Article 7(b) and Article 16(2). The remaining reservations were made to the following Articles:

9(2): equal rights with men with respect to the nationality of their children; (The recent announcement by the Minister of Home Affairs states that Malaysian women would also be entitled to obtain citizenship status for their children. The MOWFCD clarifies that administrative procedure has been adopted to process such applications, without making any change in the Federal Constitution. Thus this article is still under the list of remaining reservations)

16 (1)(a) equal rights to enter into marriage;

16(1)(c): equal rights and responsibilities during marriage and at its dissolution;

16(1)(f): equal rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children,

16(1)(g): the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

The Committee on CEDAW considered the combined initial and second periodic report of Malaysia on 24 May 2006 and provided its concluding comments on 31 May 2006 (UN Document: CEDAW/C/MYS/CO/2). The CEDAW Committee is concerned that Malaysia is not ready to review and remove the remaining reservations. The Committee is particularly concerned at Malaysia's position that laws based on Syariah interpretation cannot be reformed.

OBJECTIVE

The objective of the proposal is to enhance coordination and common action to highlight the need to lift the country's remaining reservations to CEDAW which will fast track gender equality in Malaysia.

STRATEGIES and ACTIVITIES

While effective engagement of key national partners would be an important strategy in achieving the objective, strengthening the capacity of youth leaders to use the CEDAW Convention as an advocacy tool to interpret equality and use it to define rights, interpret needs, identify obstacles and actions to be taken by the State would be equally important. The following activities are based on some of the principal areas of concern and recommendations of the CEDAW Committee (CEDAW/C/MYS/CO/2):

1. Work/liaise with key national partners in raising greater public awareness on CEDAW in Malaysia in line with the CEDAW Concluding comments : quote **“The Committee requests the wide dissemination in Malaysia of the present concluding comments in order to make the people of Malaysia, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard.”**

To conduct a media education forum on CEDAW to encourage/advocate and guide media reporting on CEDAW

2. Provide a platform/space for constructive discussion with regard to the concluding observations and concerns of CEDAW committee on the reservations made by

Malaysia: quote **“The Committee urges the State party to review all its remaining reservations with a view to withdrawing them, and especially reservations to article 16, which are contrary to the object and purpose of the Convention” and “The Committee is concerned about the existence of the dual legal system of civil law and multiple versions of Syariah law, which results in continuing discrimination against women, particularly in the field of marriage and family relations”**

To organize a roundtable discussion among key stakeholders including representatives from the MOWFCD, JAG (sis-in-Islam, WAO, AWAM, WCC, EMPOWER), NCWO and the Parliamentarian Caucus on Gender, to review the concerns and share experiences of Muslim countries where there are no reservations for CEDAW.

3. Engage and encourage wider use of CEDAW as a tool to promote gender equality and empowerment of women, by enhancing the skills of youth leaders especially males and those working in gender related concerns.

To conduct an interactive training for youth leaders on using CEDAW as a tool

EXPECTED OUTPUTS

The specific outputs would be:

- Increased awareness and understanding of CEDAW among those in the media
- Enhanced skill in responsible media reporting on gender
- Enhanced process towards lifting of remaining CEDAW reservations
- Strengthened capacity of youth leaders (targeting at male) and national partners to promote gender equality and women’s empowerment

SUMMARY OF PROPOSED ACTIVITIES

OBJECTIVE	ACTIVITIES	PARTNERS	TIMEFRAME	BUDGET (Euro)
Enhance coordination and common action to highlight the need to lift the country's remaining reservations to CEDAW which will fast track gender equality in Malaysia.	<ul style="list-style-type: none"> To conduct a media education forum to advocate/encourage and guide media reporting on CEDAW 	Media Practitioners	October	2000
	<ul style="list-style-type: none"> To organize a roundtable discussion among key stakeholders including representatives from the MOWFCD, JAG (sis-in-Islam, WAO, AWAM, WCC, EMPOWER), NCWO and the Parliamentarian Caucus on Gender to review the concerns and share experiences of Muslim countries where there are no reservations for CEDAW 	MWFCD/CSOs/ Parliamentarians	November	2000
	<ul style="list-style-type: none"> To conduct an interactive training for youth leaders on using CEDAW as a tool for youth leaders. 	Youth Clubs/ Academia/CSOs	December	2000
	Total Requested Fund			6000