

ENDING DISCRIMINATION AGAINST WOMEN: AN ON-GOING CHALLENGE, 16 MAY 2005

The Women's Centre for Change, Penang (WCC) is heartened to read of the government's commitment to end discrimination against women in Malaysia in the recent Non-Aligned Movement Ministerial Meeting on the Advancement of Women. We now have the Putrajaya Declaration (2005), bearing similar sentiments to the Beijing Platform for Action (1995) and the Convention on the Elimination of All Forms of Discrimination Against Women (1979), which Malaysia ratified in 1995, albeit with reservations.

Experience has shown that ratifying international conventions, let alone adopting declarations, does not ensure its full and effective implementation at the local level.

Passing laws, formulating policies, enshrining our rights in the Constitution only mean women have formal equality. Formal equality is important – it shows that, at the very least, women's rights are recognized and, at the most, that it has the force of law which should be enforceable to benefit women.

But are we really able to enforce our rights? Are we really able to obtain justice?

Take the recent Beatrice Fernandez case, where her employer, Malaysia Airlines System, terminated her services when she became pregnant. Hers is a clear example of gender discrimination where formal equality under Article 8(2) of our Federal Constitution did not bring about substantive equality i.e., actual justice for Beatrice. It is meaningless to have a principle of non-discrimination in the Federal Constitution if it is interpreted to apply only when women are discriminated against by the government or one of its agencies. Where does it leave women who are discriminated against by fellow private citizens, be they persons or corporations?

In reality, our progress, despite our efforts in trying to obtain both formal and substantive equality at the local level, has been slow.

The Joint Action Group Against Violence Against Women (JAG-VAW), of which WCC is a member, has long campaigned for amendments to all forms of laws and regulations that discriminate against women. Over the last twenty years, JAG-VAW has submitted various memoranda to the government including, more recently, the Sexual Harassment Bill, amendments to the rape laws, the Domestic Violence Act, the Islamic Family Law, along with all other laws that continue to discriminate against women.

Over the years, our lobbying for gender equality with various Ministers and government officials have yielded poor returns – little has actually taken place, even though we are encouraged by them to continue with our ‘good work’.

What WCC would like to see is for the government to put their commitment to ending gender discrimination into practice.

WCC would also like the government to note that while ratifying conventions and adopting declarations and passing legislation are important steps forward, we must be aware that these alone will not end gender discrimination or ensure gender equality.

Working towards gender equality is no small task. It is an on-going process of public education, legal, social, and political reform which involves everyone: both women and men, from law-makers to judges and from Ministers to the ordinary citizen. A tremendous amount of work needs to be done to create greater awareness and understanding of gender issues in our society before any of us can expect to see effective change.

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