

## **GOVERNMENT WITHDRAWS APPEAL; CEDAW HAS THE FORCE OF LAW, 27 JUN 2013**

If it wasn't crystal clear before today, it is now: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has the force of law in Malaysia.

In January 2009, when Noorfadilla Ahmad Saikin had her job offer retracted by the Education Ministry because she was pregnant, she sued the government for discrimination. She won. The landmark High Court judgement asserted that CEDAW "has the force of law and [is] binding on member states, including Malaysia." Regrettably, the government chose to appeal the decision.

Today, the case was heard in the Court of Appeal. We are elated that the government withdrew its appeal, and by doing so affirmed the High Court's judgement.

This withdrawal is not just a victory for women's rights activists, the legal team, and of course Noorfadilla and her family, it is a victory for all women in Malaysia who face gender discrimination in their lives. There can be no more excuse for an employer, be it the government or private entity, to deny a woman her right to work and to the same employment opportunities as men, on the basis of gender.

This is also a victory for Malaysia, and we would like to congratulate the government for its decision to withdraw the appeal. We also urge the government to honour its legal obligations under CEDAW, including by:

1. Ensuring that all state and federal laws prohibit gender-based discrimination, in line with CEDAW and Article 8(2) of the Federal Constitution.
2. Submitting the government's combined third and fourth periodic report on CEDAW, which was due in August 2008, to the Committee on the Elimination of Discrimination against Women.

*JAG press statement 27 June 2013*