

# CEDAW

The Convention on the Elimination of All Forms of Discrimination Against Women  
*international human rights treaty that focuses on women's rights and women's issues worldwide*

30 Articles covering civil rights and legal status, sexual and reproductive health and the impact of cultural factors on gender relations.

## 3 Principles

- Substantive Equality
- Non-Discrimination
- State Obligation\*

Upon ratification, CEDAW becomes a legally binding document that obligates State Parties to subscribe to the Articles to the Convention – following the 3 Principles.

## State Obligation

- ✓ Upon ratification, CEDAW becomes a legally binding document that obligates the State party to subscribe to the articles of the Convention
- ✓ Courts are bound to apply the principle of equality and interpret the law, to the maximum possible, in line with the obligations under the Convention.
- ✓ Where it is not possible, courts should draw any inconsistency between national law and the State party's obligation under the Convention to the attention of the appropriate authorities for law reform.



## GOVERNMENT



**LEGISLATIVE**  
(law maker)



**EXECUTIVE**  
(Law Enforcement)



**JUDICIARY**  
(Court of Justice)

## RESEPECT

- × enact discriminatory laws
- × engage in discriminatory principles
- ✓ repeal all discriminatory laws

## PROTECT

- ✓ ensure complaints and redress mechanisms
- ✓ regulate institutions and individuals
- ✓ prohibit discrimination
- ✓ impose sanctions

## PROMOTE

- ✓ raise awareness of women's rights

## FULFILL

- ✓ provide enabling conditions
- ✓ develop capacity
- ✓ build women's ability
- ✓ ensure both de jure (in law) and de factor (in actual) equality

## GOOD PRACTICES FOLLOWED BY THE COURTS IN SOUTH EAST ASIA

### Philippines

*Patricia Halaguena, et al. v. Philippine Airlines Incorporated.* [CEDAW Casebook, 40-42]  
*Ang Ladlad LLGBT Party v. Commission on Elections.* [CEDAW Casebook, 25-28]

### Indonesia

*Jance Faransina Mooy- Ndun v. Junus Ndoy, et al.* [CEDAW Casebook, 31-32]  
*Khoffah Indar Parawansa, et al.* [CEDAW Casebook, 34-36]

### Malaysia

*Noorfadilla Ahmad Saikin v. Chayed Basirun & Ors.* [CEDAW Casebook, 42-45]

### Timor-Leste

*People of Timor-Leste v. Helio Goncalvez Soares,* [CEDAW Casebook, 64-65]

COUNTRIES	CONSTITUTIONAL PROVISIONS	CEDAW RESERVATIONS
Cambodia	Art.31	None
Indonesia	Art. 28(2)	Art.29
Lao PDR	Art. 35 and 37	None
Malaysia	Art. 8	Art. 9(2), 16(1) (a), (c),(f), (g)
Philippines	Art.2 (11) and 2 (14)	None
Timor-Leste	Sec. 16 and 17	None
Thailand	Sec. 30	Art. 29(1)
Myanmar	Art. 348 & 349	A. 29
Viet Nam	Articles 16 and 26	Article 29

\* Refer to page 8-9, Sections on Reservation and Constitutional Guarantees on Gender Equality of the CEDAW Casebook