

**A COMPARATIVE STUDY ON THE APPLICATION OF THE CONVENTION
FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN ON THE LABOUR LAWS OF MALAYSIA AND AUSTRALIA**

by

Nurul Huda Bt Padulli (2005491217)

Nur Shahira Bt Mohd Shahar (2005479523)

Nur Annisa Bt Azaharee (2005479251)

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Faculty of LAW

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ABSTRACT

This research project paper is a requirement for the LW213 – Bachelor of Legal Studies (Hons) course offered in Universiti Teknologi MARA. It is done as a follow-up to the subject Legal Research and Methodology completed last semester.

This research project addresses the issue of women's rights in Malaysia. It will compare and contrast the situation in Australia with that of the situation in Malaysia. This is because Australia has enacted several legislation that are specifically catered for women. This research project will study whether Malaysia would be able to draw upon Australia's laws and apply it in the Malaysian context.

An important element of this research is the application of the Convention on the Elimination of All Forms of Discrimination Against Women, which is a United Nations human rights treaty. This research will also study the application of this Convention into the labour laws of Malaysia and Australia.

On completing this research, we have found that Malaysia can indeed draw upon Australia's examples in addressing the issue of women's rights. However, this needs to be done at a gradual pace and in an appropriate manner to the customs and practices of Malaysians. The Legislature will have to look into whether the society in Malaysia is ready to adopt certain laws and whether it will contravene any other laws in Malaysia.

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CHAPTER ONE: LITERATURE REVIEW

1.0 Introduction

Women's rights refer to the fundamental freedoms that women and girls of all ages inherently possess.¹ These rights have eventually been grouped together to form a specific group of rights that are not considered to be a subset of "human rights" as we know it. Therefore, the Convention on the Elimination of All Forms of Discrimination against Women or better known as CEDAW was adopted in 1979 by the United Nations General Assembly as one of the core human rights treaties and the only women-specific international treaty, which aims to set women's rights as humans rights through three fundamental principles that is, substantive equality, non-discrimination and State obligation.²

Traditionally, women were confined to the home and private areas of life. They are stereotyped as home-makers, nurturers and carers of children. The workforce was dominated by men. The main issue that arose because of this is the question of why this work that women had done in the private life was not being recognised as a contribution to the economy, as it is not taken into account in a country's Gross National Product. Furthermore, the public life was where the position of power in society was situated. Therefore, women experienced that their voices were not being heard and their ideas were not being taken into account because they had no power in society to deal with their issues.

Over the years, women have managed to gradually assimilate themselves into the public sector of society, that is, the political and economic sectors, instead of being confined to the private sector of the home and family. The Suffragettes of the early 1900s had started the Women's Movement by campaigning for women's right to vote. This marked a turning point for

¹ Wikipedia the Free Encyclopaedia, "Women's Rights"
<http://en.wikipedia.org/wiki/Women%27s_rights> 21 February 2007.

² Convention on the Elimination of All Forms of Discrimination against Women.
<<http://www.womenstreaty.org>> 21 February 2007.