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policyUPDATE

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What is CEDAW?

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the most central and comprehensive international treaty working for the advancement of women.¹ Since its adoption in 1979 by the United Nations (UN) General Assembly, it has been ratified by 189 states. The treaty addresses women's rights in all facets of society: political, civic, and economic, and calls for equality between men and women.

CEDAW has 14 articles covering a wide range of issues. These can be classified into three main areas. The main focus of the treaty is on civil and legal rights for women; for example, women's ability to hold office and equal rights over property in marriage. Women's reproductive rights are a large subject area covering maternity leave, access to childcare and appropriate information on family planning. The last main focus is on gaining an understanding of the concept of human rights - highlighting the stereotypes and barriers to women gaining equality. A key achievement of CEDAW has



been calls for revisions in education systems to make sure that school programmes, textbooks and teaching methods are not discriminatory towards women, to avoid perpetuating stereotypes.²

A Committee of 23 experts on women's rights from around the world monitors the implementation of the Convention. Every four years, UN Member States are required to submit a report to the Committee, showing significant developments, key trends and remaining barriers to the full achievement of the Convention. Non-Governmental Organisations (NGOs) can submit country-specific alternative reports to be considered in addition to the governmental reports. After review through a two-way dialogue between the state party and the Committee, the Committee's observations are then published, highlighting areas where work is still needed to strengthen legislation on women's rights.

1. United Nations Human Rights Office of The High Commissioner, "Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979." <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>
2. United Nations Human Rights Office of The High Commissioner, "Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979."

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Why CEDAW?

"I measure the progress of a community by the degree of progress which women have achieved."

- B. R. AMBEDKAR, INDIA'S FIRST LAW MINISTER AND MAIN CREATOR OF THE INDIAN CONSTITUTION

As the first convention which combines all aspects of women's interests, CEDAW is extremely comprehensive³. It reflects the need for protection against discrimination for women in all aspects of society. That protection ensures that the advancement of women can progress cumulatively, by building on achievements following each review. Countries that have ratified or acceded to the convention are legally bound to put its provisions into practice. State parties should then apply all appropriate measures, including enactment of legislation, establishing tribunals and other measures to eliminate discrimination. This has enabled increased access for women to their rights and fundamental freedoms in a number of countries.

"Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance."

- KOFI ANNAN

What are CEDAW's applications and opportunities?

Advocacy in Action

There have been notable GWI successes with CEDAW. Dr. Gloria Ramirez and the Mexican Federation of University Women (FEMU) appealed to CEDAW in 2012 for changes to discriminatory articles in Mexico's electoral law. Changes to the rules now mean that a political party is required to submit candidates comprising 50% men and 50% women. The New Zealand Federation of Graduate Women (NZFGW) contributed to a report from the CEDAW Coalition of New Zealand NGOs. Together, more than 20 concerned NGOs came together to advocate for an action plan "with authentic targets and strong accountabilities" developed in consultation with civil society. The report went step-by-step through the Coalition's concerns including aspects ranging from violence against women to equality in pay and the right to health. The coalition called for the Universal Periodic Review (UPR)⁴ to request New Zealand to come up with a concrete action plan for the implementation of CEDAW.⁵ Having women's rights issues codified in an international arena allows people from all over the world to know their rights and fight for them in their respective countries. Examples of success like these can provide a model for other defenders of women's rights.

3. CEDAW AWARE (2012) 7 reasons why CEDAW matters." <http://cedaw.aware.org.sg/7-reasons-why-cedaw-matters>.

4. The Universal Periodic Review (UPR) is a periodic review of the human rights record of all 193 UN member states. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

5. Report by the CEDAW Coalition of New Zealand NGOs (2012), http://www.parliament.nz/resource/en-nz/50SCSO_EVI_00DBSCH_OTH_12378_1_A36400/50091d3f72a3f64a34326575ccb7a55b6b1e73a9

Barriers to CEDAW

"Achieving gender equality requires the engagement of women and men, girls and boys. It is everyone's responsibility."

– BAN KI-MOON UN SECRETARY GENERAL

Like many international treaties, CEDAW suffers from the lack of enforcement.⁶ CEDAW is only a treaty, so there are few consequences for signatory countries if they do not abide by the rules. Reports are often turned in late and the recommendations of the Committee are non-binding.

Another major issue with CEDAW is that countries are able to make reservations when they ratify the treaty. This means that parts of the treaty do not apply to them. Over 50 countries have reservations to CEDAW, many of which were made on account of religion.⁷ In some cases, countries have not ratified the treaty at all, such as the United States. This means that the United States is not bound by any of CEDAW's rules.

The Optional Protocol to CEDAW was developed in recognition that signing the Convention does not always guarantee compliance. It allows the CEDAW Committee

"We must not accept anything less than gender equality and the time for action is now."

– DR. JACKIE BLUE, EQUAL
EMPLOYMENT OPPORTUNITIES
COMMISSIONER



- (a) to hear complaints from individuals and groups of women who consider that their rights under the Convention have been violated. The country must be a signatory to CEDAW and to the Optional Protocol and the complainant must have exhausted all available means of redress within that country;
- (b) to investigate grave or systematic abuses within a country that is a signatory to CEDAW and the Optional Protocol of rights provided under the Convention.

Articulating and advocating for the issues that women face is a big step towards eliminating discrimination. However, paper only has so much power. CEDAW must be backed up by action for any positive change to occur. This is where the involvement of civil society is invaluable.

"The best judge of whether or not a country is going to develop is how it treats its women. If it's educating girls, if women have equal rights, that country is going to move forward. But if women are oppressed and abused and illiterate, then they're going to fall behind."

– PRESIDENT OBAMA

6. Ontario Women's Justice Network (OWJN). (2009). "CEDAW: Background Information." http://owjn.org/owjn_2009/legal-information/international-law/281-cedaw-background-information

7. Stacy, Helen. (2004). "CDDRL Working Papers Equality and Difference: Regional Courts and Women's Human Rights." http://cddrl.fsi.stanford.edu/sites/default/files/Equality_and_Difference_Regional_Courts_and_Women.pdf

How can NFAs become involved?



GWI members, national associations and federations (NFAs) can take a prominent role in the advocacy and monitoring of CEDAW. It is with the support of informed and proactive representatives from civil society that the Convention can have the most impact.

Advocacy for CEDAW

- 187 countries are party to the treaty. In Member States who have not ratified, NFAs can reach out to their governments by contacting their Ministers or Members of Parliament by letter or meeting them in their constituencies about their refusal to sign. They can also advocate for other governments to sign, for example encouraging their own governments to pressure the United States to ratify CEDAW.
- If your country is a CEDAW signatory, you or your NFA can highlight areas where the articles of the convention are neglected in your country. For example, you could encourage the inclusion of human rights education against discrimination for women, both institutionally at schools (by speaking directly to school governors and boards) and informally within communities, in order to keep discriminatory practices against women on the political agenda.
- NFAs can provide information to citizens about their rights that are guaranteed under CEDAW. Sometimes achievements on legislation are not publicised in-country – so NGOs can raise awareness that they exist, for example through the media.
- States may not submit complete reports, and there is a tendency to minimise problems and maximise accomplishments. States are obliged to involve NGOs input into report drafting, but sometimes do not allow the ‘civil society space to do this’. Recognising this, the CEDAW Committee invites direct NGO input in the form of independent ‘Shadow Reports’. These are then used by the Committee to evaluate government reporting to CEDAW, by including ‘real voices’⁸.
- NFAs can see if there is a forum to contribute to the in-country discussion on the states’ progress on CEDAW.⁹ If not, they can establish one with other NGOs to form a coalition for greater voice.
- Governments appoint the 23 members of the CEDAW Committee. NFAs can lobby and advise their governments to appoint technically qualified women.¹⁰

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8. International Women's Rights Action Watch (IWRAP). <http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html>

9. Women's Aid Organization. "Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)." [http://www.wao.org.my/Convention+on+the+Elimination+of+All+Forms+of+Discrimination+Against+Women+\(CEDAW\)_52_5_1.htm#cedaw4](http://www.wao.org.my/Convention+on+the+Elimination+of+All+Forms+of+Discrimination+Against+Women+(CEDAW)_52_5_1.htm#cedaw4)

10. International Women's Rights Action Watch Asia Pacific. "Using CEDAW for NGOs." <http://www.iwraw-ap.org/cedaw/using-cedaw/for-ngos/>