

The Convention on the Elimination of All Forms of Discrimination against Women: A guide for non-lawyers

SUMMER 2020

What is CEDAW?

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international human rights treaty that was adopted by the UN General Assembly in 1979. Today, CEDAW has been ratified by 189 states and is often described as an international bill of rights for women. It is the only international human rights instrument that relates exclusively to women and its provisions require States Parties to address gender-based stereotypes and exclusions which create barriers to access to human rights and fundamental freedoms for women.

WHAT HAPPENS WHEN A COUNTRY RATIFIES CEDAW?

- 1 When a State ratifies CEDAW it becomes a State Party to the Convention. This means that the State agrees to be legally bound by the provisions of the Convention and to take all appropriate measures to eliminate discrimination against women and advance gender equality. On ratifying CEDAW, States Parties agree not only to refrain from discriminating against women in its own actions, but also to take positive steps to eliminate discrimination against women by private individuals and organisations.

WHAT DOES CEDAW SAY ABOUT DISCRIMINATION AGAINST WOMEN?

- 2 Article 1 of CEDAW gives a broad definition of discrimination against women which encompasses both formal and substantive equality. The Article 1 definition of discrimination against women is:

“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil and other field.”

- 3 CEDAW Article 2 sets out the core obligations of State Parties to pursue by all appropriate means and without delay a policy of eliminating discrimination against women. States are required to:
 - a. Embody the principle of equality of men and women in their national constitutions
 - b. Adopt appropriate legislative and other measures prohibiting all discrimination against women
 - c. Establish the legal protection of the rights of women on an equal basis with men
 - d. Refrain from engaging in any act or practice of discrimination against women
 - e. Take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise
 - f. Modify or abolish existing laws, customs and practices which constitute discrimination against women
 - g. Repeal all national penal provisions which constitute discrimination against women

- 4 The Convention emphasises the obligations of States Parties to take positive steps to ensure the realisation of women’s human rights on an equal footing with men. Article 3 refers to the obligation to take measures “in all fields” to “ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”
- 5 Article 4 of CEDAW makes provision for the adoption of temporary special measures in order to accelerate equality *in reality* between men and women. An example of a temporary special measure is a quota system to ensure equal representation of women and men in parliament. In the Commonwealth, several countries including Rwanda, Kenya, South Africa, have implemented some form of parliamentary quota system.
- 6 CEDAW Article 5 creates an obligation on States Parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.
- 7 States have specific obligations to abolish discrimination against women in:
 - + Political and public life: Article 7 and 8
 - + Nationality laws: Article 9
 - + Education: Article 10
 - + Employment: Article 11
 - + Health care: Article 12
 - + Economic and social life (including ensuring access to social welfare benefits): Article 13
 - + Legal capacity: Article 15
 - + Marriage and family relations: Article 16

States are also required to protect the rights of rural women (Article 14) and to take all appropriate measures to end all forms of trafficking of women and the exploitation of prostitution of women (Article 6).

CEDAW GENERAL RECOMMENDATIONS

- 8 The CEDAW Committee may adopt General Recommendations to provide guidance to States Parties on the interpretation and implementation of the provisions of the Convention. General Recommendations are guidance notes, intended to assist States Parties in interpreting and applying the provisions of international treaties and conventions.
- 9 There are currently a total of 37 General Recommendations adopted by the CEDAW Committee, relating to issues including the rights of women migrant workers (General Recommendation 26), the rights of older women (General Recommendation 27), violence against women (General Recommendations 19 and 35) and the gender-related dimensions of disaster risk reduction in the context of climate change (General Recommendation 37).

MONITORING & IMPLEMENTATION – STATE REPORTING PROCEDURE

10 When a State Party ratifies CEDAW, it is responsible for submitting regular reports to the CEDAW Committee about how the Convention is being implemented. States Parties must report within a year of ratification and then once every four years. The CEDAW Committee considers reports submitted not only by State Parties, but also by National Human Rights Institutions and civil society organisations (shadow reports). After considering these reports and engaging in a face-to-face dialogue with the State Party, the CEDAW Committee publishes its “Concluding Observations”. These Concluding Observations sets out the Committee’s findings, identifying areas of good practice, concerns and recommendations.

CEDAW OPTIONAL PROTOCOL – COMPLAINTS SYSTEM

11 The Option Protocol is an international treaty which establishes the complaint and inquiry mechanisms for CEDAW.¹ Parties to the Protocol allow the CEDAW Committee to hear complaints from individuals or inquire into “grave and systematic violations” to the Convention. The Protocol has led to a number of important decisions by the Committee on State Party *due diligence* obligations to prevent, protect against, investigate, prosecute and provide reparation for violence against women and girls, as well as decisions on sexual and reproductive health and rights.

For more information visit www.sistersforchange.org.uk
Follow us on [@sisters_4change](https://twitter.com/sisters_4change)
Registered Company No. 9136425
Registered Charity No. 1165647
Copyright © Sisters For Change 2020

¹ For further information on making a complaint to an international treaty body, see Sisters For Change Briefing Note, *A Practical Guide to Making a Complaint to the CEDAW Committee*, September 2020.