

THROUGH OUR EYES

INFORMATION ONLY

UNDERSTANDING CEDAW

A SIMPLIFIED STUDY OF
CONVENTION ON ELIMINATION
OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN

Disclaimer: This document is not a verbatim representation of the actual CEDAW convention.
Its language has been simplified for practical use and application.

Prepared By SANGRAM and VAMP
for Discussion
Amongst community representatives



**LEVI STRAUSS
FOUNDATION**





THROUGH OUR EYES

UNDERSTANDING CEDAW **INFORMATION ONLY**

A SIMPLIFIED STUDY OF
THE CONVENTION ON ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN



Introduction

CEDAW or the Convention on Elimination of All Forms of Discrimination Against Women is the main treaty which deals with the rights of women. 187 out of 194 countries have ratified this international treaty making it one of the most widely signed treaties. It describes the human rights of women in detail and hence has tremendous application for people from different backgrounds including women's rights collectives, policy makers, activists and organisations implementing rights based interventions at the grassroots. Sex worker activists, collectives and networks can benefit immensely from an engagement with the CEDAW framework and use it to develop standards of human rights for women and trans women in sex work within their countries. It can also be used at international forums by sex worker networks, activists and groups to seek recognition of their rights and standards to be applied to prevent sex workers from violence and abuse and also ensure that their right to safe working environments are protected and promoted.

However a common challenge faced by sex workers in the South Asia region is the limited understanding of law and reluctance to engage with complicated words and expressions. Our own experience of working with CEDAW was interesting. It opened our eyes to a new way of understanding rights. We would like to share this experience with other collectives and activists in the region.

We love images and shapes - they leave behind a lasting impression in our minds. So we thought - what better way to share the CEDAW journey than through pictures!

This is CEDAW - Through our eyes. Please enjoy while you learn -

INFORMATION ONLY

Anaya Mukti Parishad (VAMP) Collective
And
Sangram

30
ARTICLES

34
GENERAL
RECOMMENDATIONS

ARTICLES
2 - **4**



RESPONSIBILITY OF STATE
TO ENSURE EQUALITY

ARTICLES

1 DEFINES DISCRIMINATION

ARTICLES

5 - **16** COVER DIFFERENT
AREAS OF DISCRIMINATION &
ROLE OF STATE IN
ELIMINATING THOSE

ARTICLES

17 - **30** GUIDELINES FOR FUNCTIONING OF
COMMITTEE, REPORTING PROCESS COMMUNICATION
PROCEDURES WITH OTHER UN BODIES.

Background

The Convention on Elimination of All Forms of Discrimination Against Women was adopted in 1979 by the United Nations General Assembly. It is also commonly referred to as the International Bill of Human Rights for women.

CEDAW provides the basic foundation on which equality of men and women can be realized. This includes equal access and equal opportunities in Political and Public life, education, health and employment. Through this convention States have also agreed to use temporary special measures and legislations so that women can enjoy equal rights and freedoms.

There has been a lot of discussion that people in sex workers must use the treaty obligations of their respective countries to generate awareness around the violations.

Why CEDAW?

Before the introduction of CEDAW in 1979, there were many other major conventions that were signed by UN nations.

- 👤 The United Nations Charter, 1945
- 👤 Universal Declaration of Human Rights, 1948
- 👤 International Covenant on Civil and Political Rights, 1966
- 👤 International Covenant on Economic, Social and Cultural Rights, 1966

The United Nations Charter stated for the first time that one of the main goals of the United Nations would be to establish “faith in fundamental human rights, in the dignity and worth of a human, in the equal rights of men and women”. Through the UN Charter, all States were required to ensure full realization of human rights of men and women.

The Universal Declaration of Human Rights stated that “All human beings are born free and equal in dignity and rights.” Article 1, UDHR

The International Covenants of Civil and Political Rights and Economic, Social and Cultural Rights aim to translate the principles of the Charter and the Universal Declaration into a comprehensive set of rights for all people. However, these covenants were insufficient to guarantee to women.

Therefore the Commission of Women set up in 1946 tried to provide recommendations for the urgent problems that required attention in the field of woman’s rights in order to achieve the principle that men and women should have equal rights. In addition to establishing an international bill of rights for women, CEDAW also provides an agenda for action by countries to guarantee the enjoyment of these rights.

The Convention is an extremely dynamic documents that has developed tremendously since 1979 drawing on the submissions made by countries and the observations of the Committee.

The Design

There are 30 articles of the Convention and 34 General Recommendations. Let us take a quick walk through them.

The first article defines discrimination where as Article 2-4 clearly states the responsibilities of the State to ensure equality between women and men.

Article 5- 16 cover different areas of discrimination and the role of the State in eliminating discrimination in each of those areas.

Article 17 - 30 provide guidelines on the functioning of the Committee, reporting processes and communication procedures with other UN Bodies.

General Recommendations - These emerge from the review of State parties by the CEDAW Committee and the observations made by the Committee. The General Recommendations interpret and expand the articles of the Convention. Most often cross cutting issues have been addressed through the General Recommendations. For instance Violence Against Women, Old Women, migrant workers and disabled women. From time to time key issues have also been made the subject matter of the General Recommendations such as Women's access to justice, addressing the concerns of women in conflict situations, Economic consequences of marriage, family relations and their dissolution amongst others.

There are 34 General Recommendations made to date. Some important ones include

Disabled Women (GR 18)

Violence Against Women (GR 19)

Equality in Marriage and Family Relations (GR 21)

Economic consequences of marriage, family relations and their dissolution

Access to justice (GR 33)

Outlining the steps to be taken to recognise the contribution of unpaid women workers in rural and urban family enterprises (GR 16)

Measurement and quantification of the un-remunated domestic activities of women and their recognition in the gross national product (GR 17)

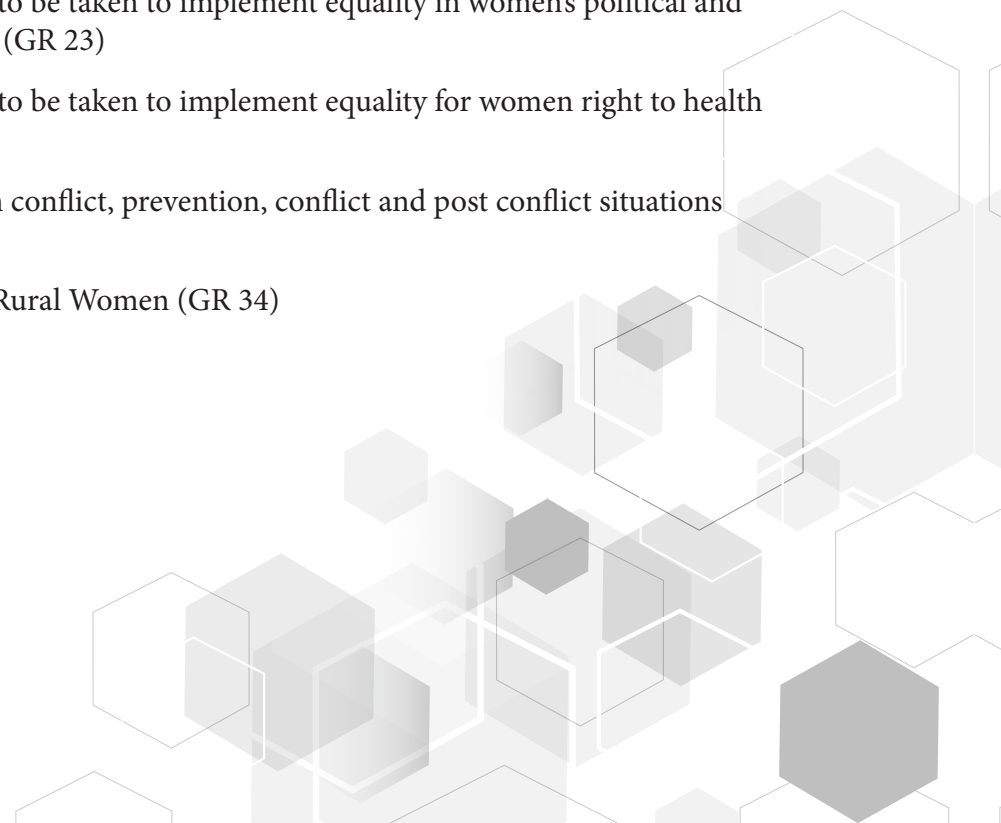
Measures to be taken to implement equality in women's political and public life (GR 23)

Measures to be taken to implement equality for women right to health (GR 24)

Women in conflict, prevention, conflict and post conflict situations (GR 30)

Rights of Rural Women (GR 34)

INFORMATION ONLY



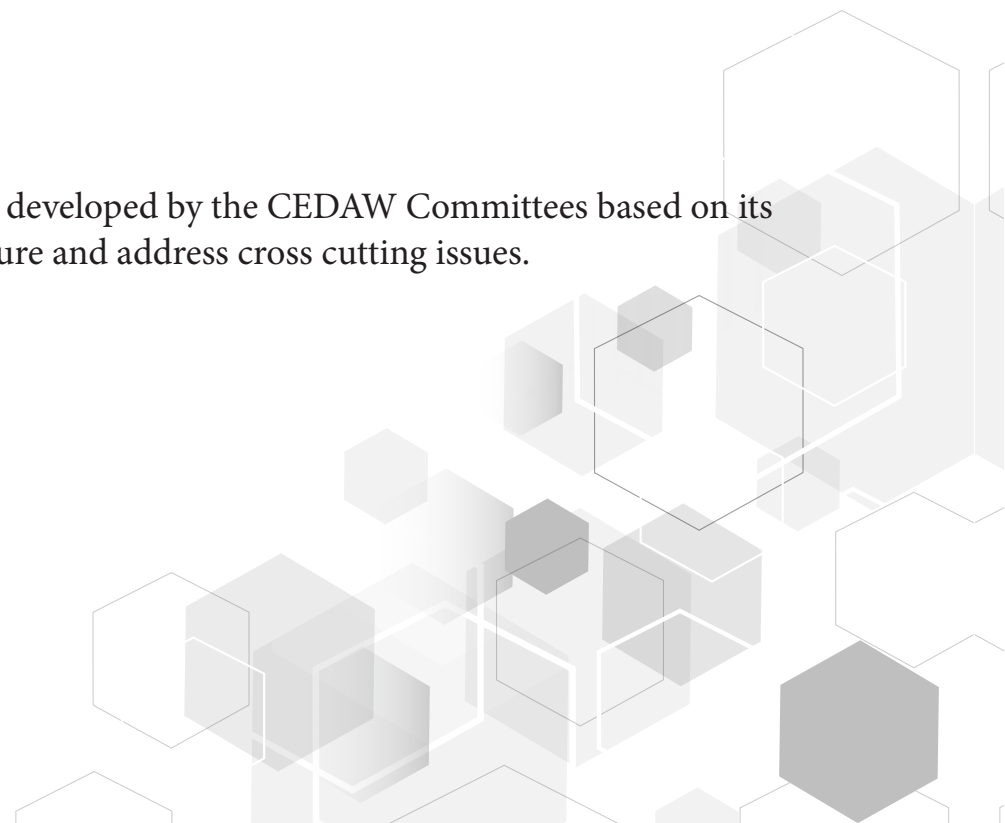
Short Note of CEDAW

- Article 1. Discrimination – Definition
- Article 2. Policy Measures to be taken by the State to eliminate discrimination
- Article 3. Guarantee of Basic Human Rights and Fundamental Freedoms on an equal basis with men
- Article 4. Temporary Special Measures to achieve equality are not discriminatory
- Article 5. Measures to reduce Sex Role Stereotyping and Prejudice
- Article 6. Trafficking prohibition and prevent exploitation of Prostitution
- Article 7. Political and Public Life
- Article 8. Representation
- Article 9. Nationality
- Article 10. Education
- Article 11. Employment
- Article 12. Health
- Article 13. Economic and Social Benefits
- Article 14. Rural Women
- Article 15. Law
- Article 16. Marriage and Family Life

These articles deal with the formation of Committees and Implementing CEDAW.

- Article 17. Committee on the Elimination of Discrimination against Women
- Article 18. National Reports
- Article 19. Rules of Procedure
- Article 20. Committee Meetings
- Article 21. Committee Reports
- Article 22. Role of Specialized Agencies
- Article 23. Effect on Other Treaties
- Article 24. Commitment of States Parties
- Article 25.
 - 30. Administration of the Convention

In addition there are 34 General Recommendations that have been developed by the CEDAW Committees based on its experience of working with countries. These are interpretive in nature and address cross cutting issues.



A list is provided below of the General Recommendations

Title	Subject
GR- 1 (5 th session, 1986)	Timeframe for initial and periodic reports
GR -2 (6 th session, 1987)	Format of initial and periodic reports
GR -3 (6 th session, 1987)	Role of education and public information programs to reduce stereotypical representations of women [Article 5]
GR - 4 (6 th session, 1987)	Reservations to the Convention
GR -5 (6 th session, 1987)	Use of affirmative measures to advance women's integration into education, the economy, politics and employment. [Articles 4,7,8,10,11]
GR - 6 (7 th session, 1988)	Establishment of effective national machineries for the advancement of women; and distribution of CEDAW concluding observations
GR - 7 (7 th session, 1988)	Resources of CEDAW committee
GR - 8 (7 th session, 1988)	The use of affirmative action measures to achieve representation of women in international work [Article 4, 8]
GR - 9 (8 th session, 1989)	Statistical data concerning the situation of women
GR - 10 (8 th session, 1989)	Actions to commemorate the 10th anniversary of CEDAW
GR - 11 (8th session, 1989)	Technical advisory services for reporting obligations
GR - 12 (8 th session, 1989)	Violence Against Women [Article 2,5,11,12,16]
GR - 13 (8 th session, 1989)	Equal remuneration for work of equal value [Article 11]
GR - 14 (9 th session, 1990)	Female circumcision [Articles 10,12]
GR - 15 (9 th session, 1991)	Avoidance of discrimination against women in national strategies for the prevention and control of AIDS [Article 12]
GR - 16 (10 th session, 1991)	Outlining the steps to be taken to recognise the contribution of unpaid women workers in rural and urban family enterprises [Article 2,11]

GR - 17 (10 th session, 1991)	Measurement and quantification of the un-remunated domestic activities of women and their recognition in the gross national product [Article 11]
GR - 18 (10 th session, 1991)	Disabled Women [Articles 3,4,10,11,12,13,14]
GR - 19 (11 th session, 1992)	Violence Against Women [Articles 1,2,5,6,10,11,12,14,16]
GR - 20 (11 th session, 1992)	Reservations to the Convention
GR - 21 (13 th session, 1994)	Equality in Marriage and Family Relations [Articles 9,15,16]
GR - 22 (14 th session, 1995)	Amending article 20 of the Convention to increase meeting time available to CEDAW Committees
GR - 23 (16 th session, 1997)	Measures to be taken to implement equality in women's political and public life [Articles 4,7,8]
GR - 24 (20 th session, 1999)	Measures to be taken to implement equality for women right to health [Article 12,5,10,11,14]
GR - 25 (30 th session, 2004)	Temporary special measures (elaboration on article 4.1]
GR - 26 (42 nd session, 2008)	Women migrant workers
GR - 27 (47 th session, 2010)	Older women and protection of their human rights
GR - 28 (47 th session, 2010)	The core obligations of State Parties under Article 2 of CEDAW
GR - 29 (54 th session, 2013)	Article 16, Economic consequences of marriage, family relations and their dissolution
GR - 30 (56 th session, 2013)	Women in conflict, prevention, conflict and post conflict situations
GR - 31 (Joint Recommendation of CEDAW and CRC)	No. 18 of the CRC on harmful practices
GR - 32 (2014)	Gender related dimensions of refugee status, asylum, nationality and statelessness of women
GR - 33 (2015)	Women's access to justice
GR - 34 (2016)	Rights of Rural Women



Provisions in Detail

"Discrimination against women" means

Any **distinction, exclusion or restriction** made on the basis of sex **Which prevents** 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 or any other field

- 👤 Access to justice impacted by plural justice systems (i.e. State law, regulations, decisions exist along with religious, customary, community laws and practices)

Discrimination based on gender, patriarchal cultural norms and gender based violence impact women's ability to access justice. It may also be based on race/ethnicity, minority status, maternal status, age, rural/urban location, health status, disability political opinion, national origin, property ownership, being lesbian, bisexual, transgender women or intersex person.

- 👤 Other factors making it harder to access justice include – illiteracy, trafficking of women, armed conflict, criminalisation of prostitution, women heading householders, widowhood, living with HIV/AIDS, migration, stigmatization of women fighting for their rights. Human rights defenders and organisations are frequently targeted for their work.

- 👤 Women from such groups do not report violations for fear that they will be humiliated, stigmatized, arrested, deported or have other forms of violence inflicted including by law enforcement. When these women do report, the authorities frequently fail to

act with due diligence to investigate, prosecute and punish perpetrators.

- 👤 Six interrelated components essential to ensure access to justice for women
 - a. Justiciability – unrestricted access and the ability and empowerment of women to claim their constitutional rights and legal entitlements
 - b. Availability – courts should be established and funded and maintained in rural, urban and remote areas
 - c. Accessibility – All justice systems should be secure, affordable, physically accessible to women and adapted and appropriate to the needs of women especially those at the intersection of discrimination
 - d. Good Quality of Justice
 - e. Provision of remedies – viable protection and meaningful redress for harm suffered
 - f. Accountability of justice system.

