

# **CEDAW** the 30-year struggle for equality



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***Cover photograph:***

***Akawani village, Ghana. Husband and wife Joyce and Mensah have enjoyed a happier, more equal relationship since participating in WOMANKIND's anti-violence programme.***

# Contents

ACKNOWLEDGEMENTS .....	1
FOREWORD .....	3
INTRODUCTION .....	5
CEDAW — STILL RELEVANT .....	8
CEDAW FOR CHANGE .....	9
THE OBSTACLES .....	22
RECOMMENDATIONS .....	28
APPENDICES	
GLOSSARY OF TERMS .....	31
CEDAW AT A GLANCE .....	32
USEFUL RESOURCES AND WEBSITES .....	34

## **Acknowledgments**

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**‘If you asked an ordinary woman living in poverty in Ghana about the Convention on the Elimination of Discrimination against Women, she may not know what it is nor understand if it makes any difference to her life.**

**‘But not knowing about CEDAW does not mean it does not make a difference in her life. CEDAW is the yardstick by which government policies that affect her are measured — and the government is held accountable for her situation at the international level.’**

**Dorcas Coker-Appiah, Executive Director,  
Gender Studies & Human Rights Documentation Centre, Ghana**

# Foreword

*'I am delighted to introduce this inspiring publication from WOMANKIND, which showcases the work of their partners to secure women's rights worldwide. The adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the United Nations General Assembly on 18 December 1979 stands out as a landmark moment for women's rights. For the first time, women's rights activists around the world had a legal instrument with which to hold their governments to account — for violations of women's rights and to deliver real equality in the home, the workplace, the community and wider society. This milestone came about because of the determination of women's rights advocates — and it is their efforts that have turned it from a distant legal instrument into a practical living tool that can be used to educate women about their rights, to challenge discriminatory laws and practices and provide redress to women whose rights have been violated.*

*But we still have a long way to go before we achieve full implementation of the Convention's provisions. Women still constitute the majority of the world's poor and illiterate; they remain significantly under-represented in political and public life in every country; and violence against women continues on a huge scale, with at least one in every three women beaten, forced into sex or otherwise abused in her lifetime. In addition, the scourges of fundamentalism, HIV and AIDS and economic upheaval also threaten to undermine the gains made by women over the last three decades.*

*However, there is much to inspire and encourage us in this publication rooted in what WOMANKIND and its partners around the world have learned. Thirty years on, CEDAW still has the power to act as a catalyst for change if we all commit to make its standards come alive.'*

## **Dorcas Coker-Appiah**

Gender Studies & Human Rights Documentation Centre, Ghana



# Introduction

**CEDAW is the international bill of rights for women. It is a valuable and practical tool for women’s rights campaigners — providing a clear legal framework for women’s rights worldwide. It can be used to lobby for stronger equality legislation at national and regional levels.**

Successful implementation of CEDAW requires political will, resources and accountability. CEDAW must be monitored comprehensively and governments held to account so that these requirements are met.

This is the story of how WOMANKIND Worldwide and its partner organisations have used CEDAW in their struggle to improve life for women, the challenges, the successes — and their vision of what is needed to make CEDAW an even more effective instrument.

The emphasis is on the words of the women who have used CEDAW at different times, in very different contexts over the last 30 years. What they have to say will be hugely valuable to other women activists — and the wider, international development and human rights sectors.

## **WOMANKIND’s approach**

WOMANKIND works in partnership with women’s organisations around the world to increase women’s ability to participate in all aspects of public and political life, to eliminate violence against women and girls and to mobilise political will and resources for promoting women’s rights.

CEDAW is the principal framework guiding and shaping all our activities. We have used it extensively — as a tool to educate and train women on their rights, as an advocacy instrument to lobby the UK and other governments to challenge discrimination against women, and as a lens through which to address the gender dimensions of many different development issues.

Together with the Beijing Platform for Action<sup>1</sup> — an agenda for women’s empowerment — CEDAW forms the foundation of the global women’s rights movement.

*CEDAW — The 30-year struggle for equality* is part of our commitment to make our partners’ voices heard and acted on by a wider audience.

1 [www.un.org/womenwatch/daw/beijing/platform/](http://www.un.org/womenwatch/daw/beijing/platform/)

**WOMANKIND  
and its partners  
have a vision of  
how to make  
CEDAW more  
effective.**

*Zimbini outside her shack on the outskirts of Cape Town.  
Photograph by Hazel Thompson/Rape Crisis Cape Town*







## **CEDAW by numbers**

**1** CEDAW was adopted by the UN General Assembly on 18 December 1979 and came into force on 3 September 1981

**2** CEDAW has been ratified by 186 States Parties — only 7 countries have not ratified CEDAW: USA, Sudan, Iran, Nauru, Palau, Tonga, and Somalia

**3** Initial country reports should be submitted by the government within 1 year of ratification and every 4 years after that

**4** The CEDAW Committee was established in 1982 and consists of 23 experts (elected by States Parties) who currently meet 3 times a year

**5** The Committee has issued 26 General Recommendations

**6** The Optional Protocol entered into force on 22 December 2000 and has 98 States Parties and 70 signatories

# CEDAW — still relevant today

WOMANKIND's partners agree that CEDAW is still relevant:

*'CEDAW continues to be the most important international instrument to demand the fulfilment of women's rights.'*

**Mónica Novillo, Policy and Advocacy Co-ordinator,  
Co-ordinadora de la Mujer, Bolivia**

*'It is still relevant throughout the world — the struggle for gender equality is ongoing and the same challenges to eliminate all forms of discrimination are still in place.'* **Emilia Muchawa, Zimbabwean Women Lawyers' Association, Zimbabwe**

*'I can assure you CEDAW is still very, very relevant. We have seen countries improving the legal framework on women's rights as a direct consequence of CEDAW.'* **Dorcas Coker-Appiah, Director of the Gender Centre & CEDAW Committee member, Ghana**

Our partners highlight the global-local linkages and opportunities presented by having an international instrument in place:

*'It is important because it gives an international dimension to our work in helping women in communities to see that we are part of an international effort working for women's rights.'*

**Kathleen Dey, Rape Crisis, South Africa**

Above all, WOMANKIND's partners believe CEDAW has succeeded as an instrument to strengthen national laws and standards on women's rights:

*'CEDAW is the principal instrument we use in our work to defend and promote women's rights — and a fundamental part of the work we carry out to advance the recognition of women's rights in national standards.'*

**Mónica Novillo, Policy and Advocacy Co-ordinator,  
Co-ordinadora de la Mujer, Bolivia**



**Dorcas Coker-Appiah believes that 'improvements to the legal framework on women's rights are a direct result of CEDAW.'**

*‘For WILDAF, which empowers women through the law, it provides the foundation for our work. We situate everything we do through CEDAW as the overarching treatise that then rolls down to the regional and national levels.’* **Bernice Sam, National Programmes Co-ordinator, WILDAF, Ghana**

*‘CEDAW has been an essential lobbying tool for the women’s movement in Nepal. The positive impact of the women’s movement has been incredibly strong, as evidenced by the fact that our Parliament currently has 33% women (based on a quota system for women). We also had a Domestic Violence Act passed by Parliament this year.’*

**Durga Sob, Feminist Dalit Organisation, Nepal**

At the same time, our research shows that WOMANKIND’s partners have had to become adept at making use of every instrument at their disposal, because of the numerous challenges involved in persuading governments to implement CEDAW’s provisions.

They have supplemented it by using national laws and constitutions, and other international human rights instruments and commitments, as well as regional instruments, such as the Inter-American Convention on the Prevention, Punishment & Eradication of Violence against Women and the Protocol on the Rights of Women in Africa.



**Zimbabwean Women Lawyers’ leader Emilia Muchawa emphasises that CEDAW is a vital tool in the struggle for equality.**

## CEDAW for change

### CEDAW reforming national laws

WOMANKIND’s partners have found numerous ways to use CEDAW in their work. Overall, the greatest successes have been in introducing and reforming national laws to promote gender equality.

### Legal and constitutional reform in Zimbabwe

Women’s rights advocates in Zimbabwe have used CEDAW to strengthen national laws. For example, in 1982, the Government of Zimbabwe passed the Legal Age of Majority Act that gave all citizens legal status on reaching 18. For the first time African women, previously regarded as ‘minors’ throughout their lives, were able to apply for passports, enter into contracts and to own property in their own name. But the Act did not revise the minimum age of marriage for girls, who

can still marry at the age of 16 (as opposed to 18 years for boys) if their parents give their consent. WOMANKIND's partner Zimbabwe Women Lawyers' Association is working to raise the age for girls to 18.

In 2000, using Article 16 of CEDAW which promotes equality in marriage and family life, Zimbabwe Women Lawyers' Association (ZWLA) embarked on its marriage-reform project. ZWLA is calling for Zimbabwe's marriage laws to be reformed to ensure that women's rights are protected in relation to raising the minimum age of marriage; ownership and control of property in marriage, guardianship rights over children, and divorce rights. Through ZWLA's persistent advocacy, women, communities and policymakers are now aware of the shortcomings of the current marriage laws. However, changes to the legislation have not yet been achieved.

CEDAW has also informed the content of the Sexual Offences Act (based on CEDAW General Recommendation 12 on violence against women and General Recommendation 15 on women and HIV and AIDS), which protects women and girls from sexual abuse and the 'wilful transmission' of HIV and AIDS. Furthermore, the 2007 Domestic Violence Act (CEDAW General Recommendation 12) aims to protect women from domestic violence.

Finally, CEDAW and the Beijing Platform for Action provided the basis for the Women's Charter in 2000. This was drawn up by the Women's Coalition of Zimbabwe, in consultation with ordinary Zimbabwean women, to form a common basis for lobbying on women's rights at the national level. For example, the Charter is the basis for current lobbying for women's demands to be included in the new (2010) Constitution including the removal of provisions which permit discrimination on the grounds of sex and gender in the application of customary law; the removal of a section which prevents the automatic application of international human rights treaties; and the incorporation of social and economic rights.

Clearly, there is still a long way to go before these achievements translate into change on the ground, but they illustrate the way in which CEDAW gives women's rights advocates a stronger platform from which to ensure women's human rights are integrated at the domestic level.

The same is true of Bolivia, where WOMANKIND partner, Co-ordinadora

## **Zimbabwe's breakthrough 2007 Domestic Violence Act was based on CEDAW General Recommendation 12**

de la Mujer, has recently used CEDAW to lobby for a new Constitution.

## Constitutional reform in Bolivia

When Evo Morales, Bolivia's first indigenous President, swept to power in January 2006, his priority was a new Constitution. So women's organisations formed a diverse alliance made up of indigenous women and women from rural and urban areas to ensure that their needs and concerns were reflected in the new Constitution.

They consulted with 30,000 women across the country before drawing up proposals for the Constituent Assembly, the body responsible for overseeing and drafting the Constitution. CEDAW informed many of their demands.

On 24 January 2009, Bolivians voted in a new Constitution giving much greater political rights to women and indigenous peoples. The new Constitution enshrined the principles of equal opportunities, non-discrimination, equity and affirmative action and, in addition, women's specific rights to a life free from violence; education; health; political participation without discrimination; recognition of the value of housework; sexual and reproductive rights; safe motherhood; land and labour rights; and equal rights and duties in domestic responsibilities.

*'The new Constitution took international instruments and conventions as a basis and has made important advances in the recognition of women's rights... Now we have the challenge of ensuring that what is set out in the Constitution is translated into laws and public policies that will consolidate women's rights. One of our priorities is to guarantee women's increased participation as representatives in political spaces, particularly in the next elections to be held in December 2009.'*

**Mónica Novillo, Co-ordinadora de la Mujer, Bolivia**

## CEDAW informing legal cases

One of the ways in which women's rights advocates have used CEDAW is to inform legal cases in domestic and international courts. To date, CEDAW has not been cited as a precedent for Court decisions in many cases, unlike some of the other international human rights instruments, such as the UN Convention for Civil and Political Rights. However, as more advocates use it to make legal arguments and share the learning from these processes, such cases can prove useful in helping advocates learn how to better advocate and argue for women's rights in court.<sup>2</sup>



**Street vendors in Bolivia's capital La Paz. Indigenous women had a real say in the drafting of the new Constitution which enshrines women's rights.**

WOMANKIND's partner ZWLA initiated just such a test case — Margaret Dongo vs. The Registrar General of Zimbabwe — in March 2009.

ZWLA pointed out that the Guardianship Act — which states that married women have no guardianship rights over their children — is contrary to Article 16 of CEDAW. The court is still to pass its judgment. ZWLA's Programme Officer, Fadzai Chatiza, said, 'Even if we are not successful in this case we are nevertheless going to press for the removal of these discriminatory laws in the ongoing constitutional reform process.'

## **CEDAW use in lobbying and advocacy work in Peru**

WOMANKIND partner, DEMUS, is a women's rights organisation that campaigns to eliminate violence against women. It uses CEDAW extensively at the national, regional and international level to secure improved conditions for women in Peru. DEMUS first used CEDAW 20 years ago to challenge sexist advertising, using Article 5 — the elimination of practices based on the stereotyping of the sexes — as a basis for its advocacy.

As a result of their campaign, these commercials were withdrawn.

More recently, in collaboration with other rights-based organisations, DEMUS has used CEDAW in its efforts to secure compensation for women survivors of sexual violence committed during the country's civil war (1980-2000).

In 2007 it prepared a shadow report to the CEDAW Committee<sup>3</sup> outlining the government's failure to extend compensation to all survivors of sexual violence. At the time compensation was only awarded to women who had been raped, leaving women who had experienced other forms of sexual violence such as enforced prostitution, enforced sterilisation and mutilation without any recourse to justice.

As a result, the CEDAW Committee recommended specifically that the Peruvian government expand the definition of sexual violence — and award compensation to survivors.

## **CEDAW as an educational tool**

CEDAW is an important educational tool for many of WOMANKIND's



*Former DEMUS Director, Maria Ysabel Cedano, pushed for the Peruvian government to expand its definition of sexual violence.*

partners who have used it extensively when training women — and men. Women in Law and Development — Ghana (WILDAF) uses it to train volunteer paralegals to provide legal advice and support to poor women in Ghana.

## CEDAW education work in Ghana

In Ghana, copies of CEDAW are translated into local languages and distributed widely by the Ministry for Women’s and Children’s Affairs — as well as by civil society organisations. WOMANKIND’s partner WILDAF uses CEDAW to educate the police and judiciary about women’s rights:

*‘In our training with the community we make references to CEDAW to explain the provisions and for them to understand equality and what needs to be done to address discrimination against women. We refer to specific articles in CEDAW.’*

**Bernice Sam, WILDAF-Ghana**

WILDAF is producing a CEDAW toolkit so that Ghanaian women can contribute to shadow reports and understand the recommendations made by the CEDAW Committee the last time the government reported.

WILDAF and the Gender Centre are also members of the Ghanaian women’s rights network, NETRIGHT, which is using CEDAW Articles 4 (temporary special measures) and 7 (women’s rights to participate in public and political life) together with CEDAW General Recommendations 23 & 25 (relating to increasing women’s share of political seats) to push for an affirmative-action policy<sup>4</sup> to address women’s low rate of representation in formal political spaces.

Since 2004 women’s organisations have used a Women’s Manifesto for Ghana — set out like CEDAW but made specific to the Ghanaian context — in every general election.

*‘After the 2008 election there are now only 20 women MPs out of a total of 230. Women are also not very well represented on local councils and general assemblies — for example, out of 170 positions for district, municipal and metropolitan chief executives, only 8 were women.’*

2 Further examples of using CEDAW in legal cases can be found in *Bringing Equality Home: Implementing the Convention on the Elimination of Discrimination against Women* at: [www.unifem.org/resources/item\\_detail.php?ProductID=2](http://www.unifem.org/resources/item_detail.php?ProductID=2) and at: [www.globaljusticecenter.net/casebank](http://www.globaljusticecenter.net/casebank)

3 [www.fidh.org/IMG/pdf/Peru\\_Alternative\\_Report\\_CEDAW.pdf](http://www.fidh.org/IMG/pdf/Peru_Alternative_Report_CEDAW.pdf)

4 Policies that take gender, ethnicity or race into consideration in an effort to promote equal opportunity or increase ethnic or other forms of diversity.

*'The reality is that they [the Ghanaian government] have not put measures in place to ensure equal representation of women. There are no legal quotas to mandate the number of women for political decision-making structures...Ghana has not ratified the Optional Protocol, so advocates need to use the recommendations and conclusions from CEDAW more in lobbying the government.'*

**Bernice Sam, WILDAF-Ghana**

## **Using CEDAW to educate women and agencies in Nepal**

FEDO (Feminist Dalit Organisation) in Nepal uses CEDAW to educate Dalit women about their rights. It also lobbies the government on specific cases of gender discrimination as well as in relation to systematic discrimination against women.

*'CEDAW has shaped the form and focus of our advocacy; the rights outlined in CEDAW — as well as in other international human rights instruments — form the basis of our rights training.'*

*'We encourage the women we work with to file cases with the police and the courts, and to pressurise political leaders to fulfil the civil, political, economic, social and cultural rights that are set out in CEDAW and other international human rights treaties, as well as in Nepali law.'*

*'When women do become aware of CEDAW, it is often seen as a basis on which to fight back against the oppression that many Dalit women in Nepal suffer, for example, because of gender-based violence, domestic violence, discrimination against inter-caste marriages.'*

**Durga Sob, President, FEDO, Nepal**

In June 2009, for example, FEDO conducted training for 30 women survivors of domestic violence on their rights under CEDAW; their legal rights relating to marriage and birth registration; laws protecting them against caste-based discrimination; and how to claim those rights.

Afterwards, many of the women felt confident enough to approach their Village Development Committee (local council) for help and to lodge complaints with the police about the violence they'd experienced. The women also received counselling and formed a support group to help and educate others in the community.

But Durga emphasises that *'we need to engage in much broader*

**'When Nepali women do become aware of CEDAW, they often see it as a basis on which to fight back against oppression'**





*awareness-raising, changing of attitudes and lobbying if we are to achieve the gains which are anticipated in CEDAW.'*

## **Afghanistan — using CEDAW to educate and lobby**

In countries like Afghanistan, where the government has ratified the Convention, but never submitted a report to the CEDAW Committee, CEDAW still provides a helpful tool for educating women and lobbying the government, according to Shahnaz Kerami, Advocacy Manager at the Afghan Women's Resource Centre:

*'We have conducted workshops on the articles in CEDAW and why it's important.*

*'In the routine advocacy work that we do as a member of the Afghan Women's Parliamentary Working Group we also use some of the articles from the Convention. Whenever the government is passing a law or policy on women's rights or gender equality we strive to implement the CEDAW Convention in order to make space for some opportunities for women.'*

## **CEDAW's Optional Protocol**

None of WOMANKIND's partners have yet made use of the CEDAW Optional Protocol mechanism, which gives individual women or groups of women the right to complain to the CEDAW Committee about violations of their human rights (provided that they have already tried to pursue the case through all available legal remedies available at the domestic level). In some cases, their governments have not yet signed up to this mechanism, thus preventing them from bringing a case. Others are waiting for a case that fulfils the relevant legal requirements — or feel they do not have the capacity to make use of the Optional Protocol.<sup>5</sup>

## **CEDAW Shadow Reports**

The majority of WOMANKIND's partners have followed the process of government reporting to the CEDAW Committee — and have made use of the CEDAW shadow reporting process to highlight their concerns at an international level.

*'We use the periodic reports to monitor public policies at the national*

5 To find out more about the CEDAW Optional Protocol see: [www.un.org/womenwatch/daw/cedaw/protocol/whatis.htm](http://www.un.org/womenwatch/daw/cedaw/protocol/whatis.htm)



**Marwan Dinarhi's life was turned around by WOMANKIND's partner in Afghanistan. AWRC makes extensive use of the Convention to teach women like Marwan about their rights.**

level, such as the lack of gender-disaggregated statistics and the institutionalisation of gender within state bodies, and we put pressure on the government afterwards to meet their commitments.’

**Mónica Novillo, Co-ordinadora de la Mujer, Bolivia**

## Peruvian shadow CEDAW report

Maria Ysabel Cedano, former Director of DEMUS in Peru, worked with other civil society organisations, in particular the Caribbean and Latin America women’s rights network, CLADEM, to prepare a shadow report to the CEDAW Committee in 2007. She says the process of putting the report together was as important as the outcomes:

*‘CLADEM recruited a team of organisations (including DEMUS) from across the country and established objectives and principles to use in creating the report. They sought participation from civil society as much as resources allowed and presented the draft shadow report to human/women’s rights organisations and incorporated their comments into the final report.’*

Maria emphasises that they could only take part because of the funding and training provided by IW-RAW (International Women’s Rights Action Watch) Asia-Pacific — designed to help women from national organisations contribute to the CEDAW reporting process:<sup>6</sup>

*‘The feminist movement in Peru is working on its strategies to fight for women’s rights. The CEDAW Committee’s recommendations provide an excellent opportunity and tool for promoting gender equality and fighting against unfair government policies and programmes.’*

## South African problems with shadow reporting

Problems often occur when States fail to submit reports on time. In the case of South Africa, for example, the government did not submit any reports between 1998 and 2007.

When it then failed to consult with women’s organisations before submitting its backlog of reports in 2008, WOMANKIND partner, Rape Crisis (RCCTT) and other organisations were so outraged that they came together to reflect on what had gone wrong — and how they could

**WOMANKIND’s partners make good use of shadow reporting to highlight their concerns and pile pressure on their governments.**

<sup>6</sup> See [www.iwraw-ap.org/](http://www.iwraw-ap.org/) for more information about their work.



become more effective at holding the government to account for the gaps in its implementation of CEDAW.

In June 2009 the new umbrella group met with the South Africa's Commission on Gender Equality. The Commission admitted that it should have held the government to account for its failure to submit regular country reports.

The group is now developing a strategy that will lead to more-effective monitoring of the government's progress on implementing the CEDAW Committee's recommendations as well as a more-comprehensive country report and shadow report in 2013. RCCTT is determined to hold the government to its commitment as CEDAW signatories, but also has to focus on the concrete implementation of domestic provisions:

*'The government is paying lip service to women's rights... rape is a very big issue in South Africa (which has the highest statistics in the world). We will continue to work with the Parliamentary Unit responsible for the [government's] CEDAW report, but much of our day-to-day work is based around implementation of the sexual violence legislation. Different articles of CEDAW attract different NGOs who work on different issues and who don't usually work together — groups tend to specialise, whereas the Convention is very broad.'* **Kathleen Dey, RCCTT.**

Photograph by Hazel Thompson/Rape Crisis Cape Town

## Increasing women's political participation in Albania

WOMANKIND partners, the Albanian Centre for Population and Development and the Independent Forum of Albanian Women, both worked on CEDAW shadow reports — in 2002 and again in 2006 — and agree that this is a good way to hold their government to account.

The Albania shadow reports have tended to focus on just two or three specific areas of concern, rather than covering every article set out in CEDAW. In particular, the 2002 report focused on the absence of measures in the Albanian government's policies and in national law to reverse the lack of representation of women in national and local politics. When the Albanian government failed to take action after the CEDAW Committee had issued its 'concluding comments', WOMANKIND funded the NGOs to set up a national coalition of human rights NGOs, women's

organisations and Women's Committees of the main political parties.

The coalition launched a media campaign, trained politicians and journalists to be more gender sensitive — and lobbied for guaranteed quotas for women in Parliament. They also lobbied MEPs to put pressure on the Albanian government to fulfil its international human rights commitments to promote equal participation of women and men in politics.

Five years on, the Albanian government finally introduced a Gender Quota Law that mandates that 30% of elective positions be filled by women, by placing women in one of every three positions on their electoral lists or through other mechanisms.

After Albania's national elections in June 2009 the percentage of women in Parliament leapt from 7% to 16% — and the Speaker is a woman for the second time in a row. These are significant achievements for the organisations which have campaigned for so long.

## Regional instruments

Women's rights advocates are increasingly using regional women's rights instruments where these exist — particularly in Latin America and Africa — as a primary tool to advance their agenda.

CEDAW is the framework from which all of these have been developed — but their regional ownership, focus and relevance mean that they often have greater currency than the international agreements alone.

*'We use the African Union Protocol on Women's Rights<sup>7</sup> to raise awareness with ordinary women and they identify more with it — it is homegrown and addresses issues that affect African women, such as the rights of widows, the right to peace.*

*'In campaigning for the Zimbabwean Domestic Violence Act, we used the Protocol because the arguments about standards are more convincing with politicians because they apply to the African context. The government has adopted an anti-Western stance and is very hostile to the UK, EU and UN, so the African Protocol is much more useful now.'*  
**Netsai Mushonga, National Co-ordinator, Women's Coalition of Zimbabwe**



*Election rally in Tirana, 2005. After Albania's 2009 elections the percentage of women in Parliament leapt from 7 per cent to 16 per cent.*  
**Photograph by Andrew Testa/ Panos Pictures**

Also in Africa, the effort to secure equal rights for women led a coalition of women's organisations that included WOMANKIND partner ZWLA to push for the creation of the SADC (Southern African Development Community) Protocol on Gender & Development<sup>8</sup> – the most binding sub-regional instrument of its kind, that brings together all the existing global and African commitments to gender equality, and strengthens them through specific timeframes missing in other agreements.

In Latin America, partners use the Inter-American Convention on the Prevention, Punishment & Eradication of Violence against Women<sup>9</sup> (or the Belem do Para Convention) extensively in their work:

*'It allows us to widen the coverage of women's rights. Governments have to prepare national reports on measures adopted to prevent and tackle violence against women – and any person can lodge complaints of violations to the Inter-American Commission that oversees the Convention.'* **Maria-Ysabel Cedano, DEMUS, Peru**

However, in other regions, such as Asia, where no such regional instruments exist, CEDAW continues to play a more central role. Durga Sob of WOMANKIND's Nepali partner organisation, FEDO, says CEDAW is particularly relevant in a country like Nepal that is not part of any regional treaty.

Her organisation encourages Dalit women<sup>10</sup> to file cases with the police and the courts, and to put pressure on political leaders to fulfil the rights set out in CEDAW and other international human rights treaties, as well as in Nepali Law. FEDO is a member of the Human Rights Treaty Monitoring Co-ordination Committee, a group of Nepali NGOs which monitors the Nepal Government's compliance with its human rights obligations under the major human rights treaties.

## A CEDAW Committee member's perspective

Dorcas Coker-Appiah is Director of WOMANKIND partner organisation, the Gender Studies & Human Rights Documentation Centre in Ghana. She has also served as a CEDAW Committee member since 2004 and



**Netsai Mushonga, of the Women's Coalition of Zimbabwe, says: 'The African Union Protocol is homegrown and addresses issues that affect African women.'**

7 [www.africa-union.org](http://www.africa-union.org)

8 [www.sadc.int/index/browse/page/172](http://www.sadc.int/index/browse/page/172)

9 [www.oas.org/cim/English/Convention%20Violence%20Against%20Women.htm](http://www.oas.org/cim/English/Convention%20Violence%20Against%20Women.htm)

10 Dalit is a self-designated term for a group of people traditionally regarded as 'untouchables' or people of 'low caste'. They are a mixed population of numerous caste groups living throughout South Asia.

is well aware of the strengths and weaknesses of the Convention:

*'The CEDAW shadow report is very useful and the CEDAW Committee takes the recommendations from NGOs very seriously — this helps them to see what the situation is really like on the ground and whether the government report reflects these concerns.*

*'The "Concluding Comments" on the government's report are most useful to follow up. Not many women know about the Optional Protocol mechanism and there have been no African cases to date, but one woman from Hungary was recently awarded compensation by the State in a case of discrimination brought before the CEDAW Committee. Another useful mechanism is the inquiry procedure under the Optional Protocol — when the CEDAW Committee gets information on systematic violations, it can be proactive and take steps to go to that country and investigate.'*

## The obstacles

*'Sometimes I feel at a loss, but what makes me feel better is when I think about my grandmothers' and my mother's lives and compare my life — there have been some incremental changes. My daughter will have a very different perspective. For example, she will have access to maternity leave and benefits.'*

**Emilia Muchawa, Chair, Women's Coalition of Zimbabwe**

For activists who have been active in the struggle to improve women's lives for many years, the lack of progress on implementing CEDAW 30 years on can seem insurmountable. Despite their best efforts, the statistics on how women's rights are violated every day remain horrific:

- ▶ A quarter of South African men surveyed in a 2009 study admit rape
- ▶ A child is raped every three minutes in South Africa
- ▶ In Afghanistan, 98% of women do not have formal papers, citizenship or legal identity <sup>11</sup>
- ▶ Every day, around 1,500 women die from complications related to pregnancy and childbirth <sup>12</sup>
- ▶ Globally, women make up just 18% of Parliamentarians <sup>13</sup>

<sup>11</sup> [afghanistan.unifem.org/media/events/2002/IWD.html](http://afghanistan.unifem.org/media/events/2002/IWD.html)

<sup>12</sup> UNICEF, 2009 *The State of the World's Children: Maternal and newborn health*.

<sup>13</sup> [www.ipu.org/wmn-e/world.htm](http://www.ipu.org/wmn-e/world.htm)

**The statistics on how women's rights are violated remain horrific — a quarter of South African men surveyed in a 2009 study admit rape**



## Hostile external environment

WOMANKIND's partners are keen to point out that the ongoing restrictions on women's rights are less to do with the Convention itself and more to do with the wider external environment which is often hostile to women's rights.

In Peru, Maria-Ysabel Cedano, from DEMUS, puts this down to 'the interference of the hierarchy of the Catholic Church', particularly in matters related to sexual and reproductive health. In Zimbabwe, Emilia Muchawa, Director of ZWLA, cites traditional, patriarchal cultural values as one of the obstacles to the implementation of CEDAW's provisions:

*'Within the community, men don't take it seriously — they fear that if women are given the same rights what will remain for them? Patriarchal culture is very strong and some women who support traditional values don't agree with aspects of equality proposed by CEDAW either.'*

## Lack of government commitment

One of the biggest concerns WOMANKIND partners share is that governments are still failing to take women's rights seriously:

*'There is a government structure for monitoring CEDAW and gender machinery, but it is not properly resourced: budgets and human resources are inadequate — and they are fighting for survival as the government prioritises other issues. The government is paying lip service to women's rights.'* **Kathleen Dey, Rape Crisis Cape Town**

## Poor information

Even when the political will exists, governments often lack the capacity or the resources to monitor progress on the Convention's provisions:

*'In Albania, the government does take it seriously, but they are still not complying with some of the articles. They lack information and sometimes ask NGOs to collaborate and provide expertise.'*

**Elona Hoxha, Albanian Centre for Population & Development**

In Peru, *'there were no disaggregated statistics (according to sex, age, geographical location) or comparative data in the government's report [to the CEDAW Committee]. This made it difficult to analyse progress or setbacks. Also, the budget assigned by the State for*



**Women activists on the march in Peru. WOMANKIND's Latin American partners are constantly battling to overcome entrenched attitudes.**

women's rights laws, policies and plans, programmes and services does not bear any relation to the magnitude and seriousness of the problems.' **Maria-Ysabel Cedano, DEMUS, Peru**

## **Lack of awareness**

WOMANKIND's partners and their civil society allies play a key role in holding their governments to account, but one of their frustrations is that, 30 years on, very few people have heard of CEDAW.

*'In Ghana it is widely known among the NGO community, but not by the ordinary man or woman in the street. But that is the same for the laws of the country. But women's organisations are using it as an advocacy tool to make women's lives better.'* **Dorcus Coker Appiah**

*'The majority of women in Peru still do not know it and therefore do not use it to claim their rights. The government has not run campaigns and has not taken it upon itself to advertise CEDAW.'*

**Maria-Ysabel Cedano, Peru**

And when people don't know their rights, they can't take their government to task if it fails to implement these rights:

*'The fact that many people do not know about CEDAW and its importance has hindered advocacy and has meant that across a wide range of sectors where discriminatory practices continue, the government has not been forced to act.'*

**Durga Sob, FEDO, Nepal**

All the organisations which participated in the research for this publication were clear that governments need to do more to publicise CEDAW — and that women's organisations need training and resources to enable them to monitor its implementation effectively.

## **Failure to enact national legislation**

Many of the respondents also highlighted their government's failure to enshrine the gender-equality guarantees, set out in the Convention, in their national laws and constitutions. In many countries, national legal systems do not obligate governments to automatically incorporate CEDAW and other international human rights obligations into law; instead, specific laws have to be adopted by Parliament:



*‘Despite the fact that CEDAW is legally binding at the international level, the Nepali government has not treated CEDAW as law, and has not passed appropriate domestic legislation to protect and empower women as required by CEDAW.’*

**Durga Sob, FEDO, Nepal**

## Gaps in CEDAW

The examples above show how the principles set out in CEDAW have been used in a variety of ways to tackle different forms of discrimination against women and to promote their participation in society.

But, there have been many changes in the world since CEDAW was first introduced 30 years ago, which raise new challenges for the Convention. How do WOMANKIND’s partners feel CEDAW can continue to support women in the different contexts in which they are working — are there new gaps to fill?

## Supporting minority and indigenous women

Several organisations highlighted the need for CEDAW to be used to better help minority and indigenous women around the world. Minority and indigenous women are often doubly discriminated against — because they are women and because they are indigenous or a member of a minority group.

Often they do not know where to seek help when they face discrimination — it is important that they become more aware of their rights.

In Peru, DEMUS said, *‘emerging social movements, such as LGBTT (lesbian, gay, bisexual, transsexual and transgender), peasant movements, indigenous Andean and Amazonian and African descendants should know and appropriate CEDAW for their own particular inter-cultural, gender and human rights focus to achieve parity within their own movements and to fight for their rights.’*

**Maria-Ysabel Cedano, DEMUS**

FEDO in Nepal also believes *‘it is important that the women’s movement takes steps to identify the issues facing all groups within the broader grouping of “women” — we need to get better at addressing the particular issues faced by the most marginalised women.’*



*Dalit women crowd into a meeting with WOMANKIND’s partner FEDO — they will benefit hugely if Nepal incorporates CEDAW principles into domestic laws.*

## Action to address gaps

In addition to providing training and support to minority women on CEDAW at the community level, the CEDAW Committee can also ensure that ‘intersecting’ forms of discrimination – such as a woman being treated badly because she is a woman and because she is disabled – are better understood and dealt with by working more closely with the other human rights treaty bodies – something which it has already started to do. Committee member, Dorcas Coker-Appiah, said:

*‘The Committee regularly participates in the inter-committee meetings of the treaty bodies. These meetings are meant to streamline the working methods of the different bodies.*

*‘One of the outcomes of the meetings is the new reporting guidelines that were adopted by the CEDAW Committee which includes the Common Core document and the Treaty-specific document.’<sup>14</sup> In January this year, the CEDAW Committee and the Committee on the Rights of the Child had a joint meeting to strategise on the commonalities of the two treaties. It is hoped that this engagement might result in a joint general recommendation as well as a follow-up meeting in-country.’*

Our partners felt that the General Recommendations provided by the CEDAW Committee *do* help to expand and contextualise the obligations in the Convention in the areas it doesn’t expressly cover.

CEDAW Committee member, Dorcas Coker-Appiah, added that *‘the CEDAW Committee is consistently interpreting the Convention to take into account new forms of discrimination as they are emerging.’*

The CEDAW Committee has developed 25 General Recommendations over time, but it is constantly developing new ones to guide CEDAW member countries in dealing with different issues of discrimination against women. Most recently it has started work on drafting a General Recommendation on Older Women’s Rights and also on the rights of women who divorce, with a particular focus on the economic consequences of divorce.<sup>15</sup>

<sup>14</sup> The ‘Common Core’ document includes more general information relating to the provisions common to all the core human rights treaties. It aims to minimise the repetition of information in States’ reports to the different UN Committees, including the CEDAW Committee. This information is compiled in addition to treaty-specific information.

<sup>15</sup> For a full list of the CEDAW Committee’s General Recommendations see [www.un.org/womenwatch/daw/cedaw/recommendations/index.html](http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html)

# Recommendations

A number of organisations made specific recommendations about CEDAW:

*'The convention needs to be more responsive and bring new issues to the fore. In our context [Zimbabwe], CEDAW needs to address aspects of gender inequality as a result of HIV and AIDS.'*

**Emilia Muchawa, ZWLA and Women's Coalition of Zimbabwe**

Looking ahead, another of the key areas in which work is needed to ensure CEDAW is fully implemented is around attitudinal change. According to Emilia Muchawa of ZWLA and the Women's Coalition of Zimbabwe:

*'Working with men is tactical and we need to devise strategies to change men's attitudes...we need to make everyone feel responsible for translating CEDAW into practice, to change things and to hold each other accountable.'*

*'People respond more to humanitarian crisis than to the high number of cases of domestic violence. Women's organisations need to develop different tactics to work with men's organisations on gender. There are also generational issues and it is important to work with young people too on gender issues.'*

*'We should involve communities, for example, by using theatre to get people talking...we need to talk openly about gender roles and differences and see opportunities for change and question how we do things. Even at my level, as a mother, I have internalised many cultural attitudes and have been challenged in the way I raise my son and daughter, so as not to repeat these gender roles and stereotypes.'*

But above all, the organisations we interviewed felt that most value would be added to the Convention by increasing accountability and finding ways to ensure that governments follow through the recommendations made by the Committee – above and beyond the periodic review currently in place.

*'Four years is too far apart for governments to report – every two to three years would be better.'*

**Netsai Mushonga, Women's Coalition of Zimbabwe.**

**'I would give the Committee power to enforce its recommendations ... State Parties [should] take it seriously'**

*'Having a new Women's Minister [in Ghana] is an important opportunity — this is an exciting period in which to discuss women's issues and to table concerns, not only on CEDAW but also on other women's rights instruments.'* **Bernice Sam, WILDAF**

## Still at the heart of women's activism

CEDAW continues to be a source of inspiration, a yardstick against which to measure progress — and a useful standard-setting tool for women's rights activists and policymakers around the world. *CEDAW — The 30-year struggle for equality* shows how women's organisations have found creative ways of translating the Convention's provisions of equality and non-discrimination into their day-to-day work with women — and men.

The Convention remains at the heart of a network of women's rights activists, all of whom are working hard to turn the vision set out in CEDAW into a reality. These efforts have contributed hugely to changes in national laws, policies — and increasing awareness in different countries. In some instances, it has led to the development of regional mechanisms and constitutions that can be used to advance CEDAW further at national level. The recommendations of the CEDAW Committee have helped to guide policymakers towards the measures required to address the problems women face.

But there is a long way to go and huge challenges lie ahead, not least the current global economic crisis, which is deeply affecting women.<sup>16</sup> It is crucial that we scale-up our efforts to promote gender equality and women's rights if we are to successfully tackle poverty and the deep-rooted inequalities that prevent women from playing a full and meaningful role in the development of their societies. WOMANKIND will continue to work with and support these organisations in a worldwide effort to achieve these goals.

## WOMANKIND's recommendations

### Governments should:

- ▶ Allocate adequate funding for the full and effective implementation of CEDAW and the Beijing Platform for Action
- ▶ Urgently increase the level of funding available to women's rights organisations to enable them to engage in CEDAW and other

16 See WOMANKIND's policy briefing on the impact of the economic crisis on poor women at: [www.womankind.org.uk/documents/WhoPaysThePrice.March09.pdf](http://www.womankind.org.uk/documents/WhoPaysThePrice.March09.pdf)

human-rights monitoring processes

- ▶ Educate people about CEDAW at the local and national level — this should include translating its provisions into different languages to make it widely known to everyone
- ▶ Remove any reservations to CEDAW
- ▶ Ratify the CEDAW Optional Protocol
- ▶ Prepare and submit CEDAW reports in a consistent way

**Women's rights and human rights organisations should:**

- ▶ Involve ethnic-minority women and indigenous women in their work to promote CEDAW — and ensure their concerns are incorporated in any advocacy work
- ▶ Make more use of CEDAW Committee recommendations in their monitoring and advocacy work
- ▶ Use all the tools at their disposal to lobby their governments — including the CEDAW Optional Protocol, CEDAW shadow reports, regional women's rights instruments, and broader international and regional human rights legislation
- ▶ Strategise, plan, form networks and mobilise to ensure their governments implement their commitments under CEDAW and the Beijing Platform for Action

**All stakeholders — including the CEDAW Committee, governments and non-governmental organisations — should work together to:**

- ▶ Introduce more accountability mechanisms, such as the development of indicators to measure progress between reports
- ▶ Educate the whole population about how the rights set out in CEDAW can benefit whole communities if implemented effectively



## CEDAW Glossary of Terms

**Ratification** the step that makes a State legally bound to implement that Convention

**CEDAW Committee** the independent expert body responsible for monitoring and evaluating implementation of the Convention

**Reservation** a caveat entered by the State at the time of ratification that allows it to opt out of certain provisions in the convention — reservations are discouraged by the Committee because they water down the Convention. CEDAW is the Convention with the most reservations and some of these reservations are very broad

**Shadow report** a report that allows non-governmental organisations (NGOs) to supplement or present alternative information to the periodic reports produced by their government

**General Recommendations** recommendations issued by the Committee that offer State Parties guidance on the application in particular situations, for example, to increase women's participation in politics (General Recommendation 23)

**Optional Protocol** can be thought of as an appendix to the original Convention. It enables the CEDAW Committee to consider complaints by individual women or groups of women (the communications procedure) of violations of rights protected by the Convention and/or to conduct inquiries into grave or systematic abuses of women's rights (the inquiry procedure), but only if the Protocol has been ratified by the State

**Concluding comments** these are the written observations or comments made by the CEDAW Committee once it has considered a State's report

**Temporary special measures** refers to the obligation of a State to take positive action (sometimes referred to as affirmative action or positive action) to accelerate equality of outcome i.e. to ensure women and men enjoy the same rights in reality, not just in the law

# CEDAW at a glance<sup>17</sup>

The Convention on the Elimination of Discrimination against Women (CEDAW), also known as the Women's Bill of Rights, was adopted by the UN in 1979. A summary of the key articles follows:

## **Article 1. Definition of discrimination**

Defines discrimination against women as '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 or any other field.'

## **Article 2. States duties**

States must eliminate discriminatory laws, policies, and practices in the national legal framework.

## **Article 3. Equality**

Women are fundamentally equal with men in all spheres of life. States must take measures to uphold women's equality in the political, social, economic, and cultural fields.

## **Article 4. Temporary special measures**

States are allowed to implement temporary special measures to accelerate women's equality.

## **Article 5. Culture**

States must modify or abolish discriminatory cultural practices.

## **Article 6. Trafficking**

States are obligated to take steps to suppress the exploitation of prostitution and trafficking in women.

## **Article 7. Political and public life**

Women have equal rights to vote, hold public office, and participate in civil society.

## **Article 8. Governmental representation**

Women are allowed to work and represent their governments at the international level.

## **Article 9. Nationality**

Women have equal rights with men to acquire, change, or retain their nationality and that of their children.

## **Article 10. Education**

Women have equal rights with men in education, including equal access to schools, vocational training, and curricula.

## **Article 11. Employment**

Women have equal rights in employment, including equal pay and healthy working conditions, as well as a right to reproductive health and maternity leave.

## **Article 12. Health**

Women have equal rights to access to health care, including reproductive health services.

## **Article 13. Economic and social life**

Women have equal rights to family benefits, financial credit, and participation in recreational activities.

## **Article 14. Rural women**

Rural women have the right to adequate living conditions, participation in development planning, and access to health care and education.

## **Article 15. Equality before the law**

Women and men are equal before the law. Women have the legal right to enter contracts, own property, and choose their place of residence.

## **Article 16. Marriage and family**

Women have equal rights with men during marriage, including family planning.

## **Articles 17–24**

The Committee on CEDAW and reporting procedures.

## **Articles 25-30**

Administration of the Convention.

17 [www2.ohchr.org/english/law/cedaw.htm](http://www2.ohchr.org/english/law/cedaw.htm)

## Useful resources and websites

**Association of Women in Development** Articles and analysis of current women's rights issues. [www.awid.org](http://www.awid.org)

**Bora Laskin Law Library** A vast collection of information on women's human rights law. [www.law-lib.utoronto.ca/diana](http://www.law-lib.utoronto.ca/diana)

**CEDAW SE Asia** Resources related to CEDAW in South-east Asia. <http://cedaw-seasia.org/>

**IWRAP Asia-Pacific Knowledge Portal** Information on the application of CEDAW. [www.iwraw-ap.org/protocol/doc/opcedaw.pdf](http://www.iwraw-ap.org/protocol/doc/opcedaw.pdf)

**Office of the High Commissioner for Human Rights** CEDAW Committee information and reports, shadow reports, ratification status, and full texts of CEDAW and the Optional Protocol. [www.ohchr.org/EN/Pages/WelcomePage.aspx](http://www.ohchr.org/EN/Pages/WelcomePage.aspx)

**South African Development Community** Includes a collection of key regional human and women's rights declarations. [www.sadc.int/](http://www.sadc.int/)

**UN Development Fund for Women** A collection of UNIFEM publications related to CEDAW. [www.unifem.org.in/cedaw.html](http://www.unifem.org.in/cedaw.html)

**UN Division for the Advancement of Women (DAW)** Information about UN gender mechanisms. [www.un.org/womenwatch/daw/](http://www.un.org/womenwatch/daw/)

**Women's Institute for Leadership and Development for Human Rights** Documentation and advocacy of women's rights issues. [www.wildforhumanrights.org](http://www.wildforhumanrights.org)

The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) is the international bill of rights for women.

This framework to end discrimination and inequality worldwide is 30 years old this year.

In *CEDAW – the 30-year struggle for equality*, WOMANKIND Worldwide and its partners show how they have used this vital human rights instrument to achieve change for women worldwide.

WOMANKIND calls on governments, the UN and other international, regional and national decision-making bodies to:

- ▶ Commit more money to implement CEDAW
- ▶ Remove reservations to CEDAW
- ▶ Ratify the CEDAW Optional Protocol
- ▶ Prepare and submit regular CEDAW reports



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