



Femmes Africa Solidarité

## Convention on the Elimination of Discrimination Against Women (CEDAW) and the Committee on the Elimination of Discrimination Against Women

### Facts

Fact Sheet on the Occasion of the 25<sup>th</sup> Anniversary of the Committee

#### A. What is the Convention?

The Convention is often described as an international bill of rights for women.<sup>1</sup> It was adopted by the United Nations (UN) General Assembly on 18 December 1979, with more than ninety percent majority. Since then, 185 member states of the UN have acceded to the Convention.

When a State accedes to the Convention, it commits to undertake a series of measures to end discrimination against women. Some of these measures include:

- ✓ to incorporate the principle of equality of men and women in the legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- ✓ to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- ✓ to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.<sup>2</sup>

#### Substantive provisions of the Convention

- ◇ *Modifying social and cultural patterns*
- ◇ *Suppressing the exploitation of women*
- ◇ *Equality in political and public life at the national level*
- ◇ *Equality in political and public life at the international level*
- ◇ *Equality in national laws*
- ◇ *Equality in education*
- ◇ *Equality in employment and labour rights*
- ◇ *Equality in access to health facilities*
- ◇ *Finance and social security*
- ◇ *Equal participation of rural women in rural development*
- ◇ *Equality in legal and civil matters*

#### B. Why a separate human rights convention for women?

The International Bill of Human Rights lays down a comprehensive set of rights to which all persons, including women, are entitled. Why, then, was it necessary to have a separate legal instrument for women? The mere fact of women's "humanity" has not been sufficient to guarantee that women's rights will be protected. For this reason, another means of protecting women's rights was developed. The preamble to the Convention on the Elimination of All

<sup>1</sup> <http://www.un.org/womenwatch/daw/cedaw/>

<sup>2</sup> <http://www.un.org/womenwatch/daw/cedaw/>

Forms of Discrimination against Women explains that, despite the existence of other instruments, women still do not have equal rights with men. Discrimination against women continues to exist in every society.<sup>3</sup>

## C. What is the Committee?

### *An Instrument*

The Committee is the instrument that monitors States' progress in the implementation of the Convention. It was established in 1982 and is composed of 23 representatives, elected from a list of persons of "high moral standing and competence in the field covered by the convention."<sup>4</sup> Representatives sit on the committee for four year terms, and only half of the representatives are re-elected at each election, to ensure continuity. The representatives must also reflect a wide geographical spread and a variety of different forms of government. Currently, the Committee is chaired by Ms. Dubravka Simonovic, from Croatia. Of the 23 representatives, five make up the Officers of the Committee. The Officers include the Chairperson, three Vice-Chairpersons and a rapporteur. The Chairperson participates on behalf of the Committee in the annual meeting of the chairs of UN treaty bodies, where recommendations are made to the UN General Assembly.

### *Working Method*

Member States must submit progress reports dealing specifically with every article of the Convention to the Committee every four years or more. The Committee meets twice a year, in January and June, for two weeks, to review the reports and note the progress made in the implementation of the Convention.<sup>5</sup> The Committee uses a method of "actual dialogue" whereby government officials from the States in consideration are present when the Committee meets to review their progress reports. The Committee can then comment on the reports, request more information from the representatives and open a dialogue. This method allows for an exchange of views, and allows the Committee to better analyse the anti-discrimination policies of the various countries.<sup>6</sup>

### **The Optional Protocol to CEDAW**

*The Optional Protocol was adopted in December 2000. The Optional Protocol allows the Committee to receive complaints by women or groups of women through a special communications procedure. This allows the Committee to function like a human rights court in regards to the implementation of the Convention. The Optional Protocol also gives the Committee power to launch inquiries into grave and systematic violations of women's rights on its own initiative.<sup>1</sup>*

The Committee may make recommendations to member States based on their progress, although to date, the committee has limited itself to making only general recommendations – 25 so far - applicable to all States that are signatories to the Convention.<sup>7</sup> The recommendations are measures that States can use to fulfil their obligations as parties to the Convention. Individuals can petition the Committee and NGOs can submit shadow reports to the Committee for review and recommendations thanks to the Optional Protocol.

<sup>3</sup> <http://www.unhchr.ch/html/menu6/2/fs22.htm>

<sup>4</sup> <http://www.unhchr.ch/html/menu6/2/fs22.htm#substantive>

<sup>5</sup> <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>

<sup>6</sup> <http://www.un.org/womenwatch/daw/cedaw/committee.htm>

<sup>7</sup> <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>

## **D. Why are the Convention and Committee Significant?**

The Convention introduced substantive equality for women, giving them the same opportunities as men and helped to bring about modifications of state laws that help to eliminate customary prejudices based on stereotyped roles. It has become a legal basis on which to prosecute private-sphere violations in the public sphere. Several national governments have used the Convention as measure of equality in prosecuting cases of discrimination against women. The Convention is the only UN treaty affirming the reproductive rights of women, and it is the only convention to suggest that culture and tradition influence the formation of gender roles in societies.

The Committee has been successful in putting the Convention on the same level of importance as that of other all UN treaties and it was the first UN body to make treaty recommendations on Female Genital Mutilation (FGM)<sup>8</sup> and women and HIV/AIDS.<sup>9</sup> The Committee has made the Convention a building block for recognizing Gender Based Violence (GBV) as a violation of human rights. On a more visible note, the Committee created the position of Special Rapporteur on Violence Against Women in 1994.

## **E. Participation of non-governmental organizations in the activities of the Committee**

Non-governmental organizations (NGOs) participate in the activities of the Committee by acting as consultants to States that are party to the Convention. The Committee recommends that States consult national-level NGOs in the preparation of their progress reports. The reports should describe the work of NGOs and women's associations in the implementation process of the Convention as well as in the preparation of the report.<sup>10</sup>

National and international NGOs can submit written reports that are specific to the States with progress reports before the Committee. They can also submit written reports to the working group that meets before each Committee session, and make oral presentations at the beginning of every Committee session.<sup>11</sup> Moreover, the Committee recommends that specialized agencies and other entities of the United Nations system with field representation work with NGOs to disseminate information on the Convention and on the work of the Committee.

## **F. Femmes Africa Solidarité and CEDAW**

Through its international advocacy programmes, Femmes Africa Solidarité (FAS) links the concerns of African women to the Convention. FAS advocates for the effective implementation of the Convention and monitors the progress made by States in their implementation efforts, with a particular focus on the progress made by African States which are party to the Convention.

More specifically, FAS monitors the implementation of the Convention through its participation in the UN's NGO Working Group on Peace, which FAS currently chairs. Since

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<sup>8</sup> Recommendation 14

<sup>9</sup> Recommendation 15

<sup>10</sup> [http://www.iwraw-ap.org/resources/pdf/committee\\_work\\_methods.pdf](http://www.iwraw-ap.org/resources/pdf/committee_work_methods.pdf)

<sup>11</sup> [http://www.iwraw-ap.org/resources/pdf/committee\\_work\\_methods.pdf](http://www.iwraw-ap.org/resources/pdf/committee_work_methods.pdf)

2000, FAS has attended over 25 meetings organized by the Working Group relating to the Convention.

## **G. CEDAW : Latest Developments**

The Committee is constantly evaluating its procedures and working methods to ensure its effectiveness. The most recent development concerns the frequency of meetings. In 2005 the United Nations General Assembly voted to extend the meeting time of the Committee. The sheer volume and number of CEDAW reports was becoming such that the Committee requested the General Assembly's approval to meet more frequently each year. As of 2007, the Committee now meets three times a year, in three-week sessions. Each session also has a pre-session working group meeting. The Committee can now allocate more time to the consideration of reports and to interactive dialogue.

### **Useful Resources**

United Nations Division for the Advancement of Women: *Convention on the Elimination of All Forms of Discrimination Against Women*

<http://www.un.org/womenwatch/daw/cedaw/>

Office of the High Commissioner for Human Rights: *Fact Sheet No. 22: Discrimination Against Women: The Convention and the Committee*

<http://www.unhchr.ch/html/menu6/2/fs22.htm>

International Women's Rights Action Watch Asia Pacific: *The CEDAW Convention*

<http://www.iwraw-ap.org/convention.htm>