

# **CEDAW: Issues For Equality**

**Training Workshop for Management  
Committee Bahamas NGEP**

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<http://maryhoneyballmep.files.wordpress.com/2010/01/gender.jpg>

# CEDAW: Issues For Equality



# CEDAW: The Convention

The Convention on the Elimination of All Forms of Discrimination Against Women defines the right of women to be free from discrimination and sets the core principles to protect this right. It establishes an agenda for national action to end discrimination, and provides the basis for achieving equality between men and women through ensuring women's equal access to, and equal opportunities in, political and public life as well as education, health and employment. CEDAW is the only human rights treaty that affirms the reproductive rights of women.

(<http://www.unfpa.org/rights/women.htm>)



# The Importance of the Convention

- ❖ It is the most important international instrument to draw attention to the gender-related dimensions of human rights issues.
- ❖ It is the only human rights treaty that affirms the reproductive rights of women.
- ❖ It has been ratified by 180 states, making it one of the most ratified international agreements.

(<http://www.unfpa.org/rights/women.htm>)



# The Importance of the Convention

It both establishes an agenda for national action to end discrimination, and provides the basis for achieving equality between men and women through ensuring women's equal access to, and equal opportunities in, political and public life as well as education, health and employment.

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# The Importance of the Convention

- ❖ CEDAW has a broad and comprehensive definition of discrimination that can be used to enhance existing law to address policies that inadvertently have the effect of discriminating against women.
- ❖ Endorse the adoption of proactive measures to ensure the equal enjoyment of rights of women vis -à -vis men.



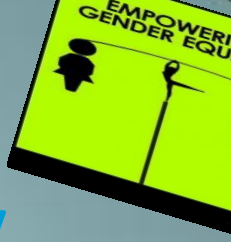
# The Importance of the Convention

In spite of this, there are still some states parties that continue to have on their books discriminatory laws governing marriage, land property and inheritance.

States parties are required to submit regular reports on the status of women in their countries and, those 71 that have signed the Optional Protocol have available to them procedures for individual complaints on alleged violations of the Convention by State parties, as well as, an inquiry procedure that allows the Committee to conduct inquiries into serious and systematic abuses of women's human rights in countries.

(<http://www.unfpa.org/rights/women.htm>)

# Equality, Social Justice and Equity



Gender equality means that women and men have equal conditions for realizing their full human rights and for contributing to, and benefiting from, economic, social, cultural and political development.

*(Source: ABC of Women Worker's Rights and Gender Equality, ILO, Geneva, 2000*

*+other definition on*

*<http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>)*



# Equality, Social Justice and Equity



Gender equality is therefore the equal valuing by society of the similarities and the differences of men and women, and the roles they play. It is based on women and men being full partners in their home, their community and their society. Gender equality starts with equal valuing of girls and boys.

*(Source: ABC of Women Worker's Rights and Gender Equality, ILO, Geneva, 2000*

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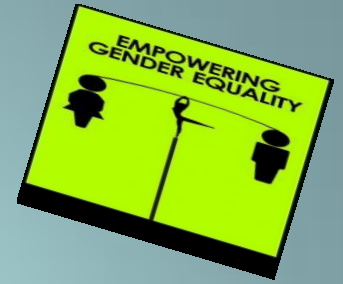
*<http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>*



# Equality, Social Justice and Equity

Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men.

(<http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>)



# Equality, Social Justice and Equity

Gender equality is not a women's issue but is a matter of human rights and, hence, concerns both men and women. It is both a precondition for, and indicator of, sustainable people development.

(<http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>).

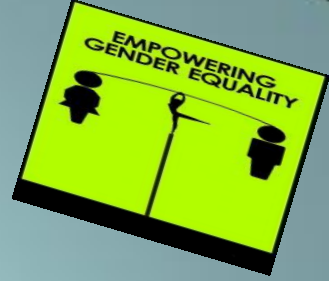
# Equality, Social Justice and Equity



**Gender equity** means fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities. In the development context, a gender equity goal often requires built-in measures to compensate for the historical and social disadvantages of women.

*(IFAD <http://www.ifad.org/gender/glossary.htm>)*

# Provisions in CEDAW

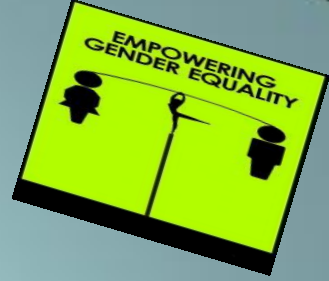


**Article 1:** Definition of Discrimination. Defines discrimination against women to cover all facets of human rights and fundamental freedoms.

**Article 2:** Country duties. Countries 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. Countries must take measures to uphold women's equality in the political, social, economic, and cultural fields.

# Provisions in CEDAW



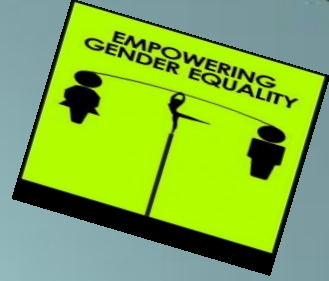
**Article 4:** Temporary special measures. Countries may implement temporary special measures to accelerate women's equality.

**Article 5:** Prejudice. Countries agree to modify or eliminate practices based on assumptions about the inferiority or superiority of either sex.

**Article 6:** Trafficking. Countries agree to take steps to suppress the exploitation of prostitution and trafficking in women.

**Article 7:** Political and public life. Women have an equal right to vote, hold public office, and participate in civil society.

# Provisions in CEDAW



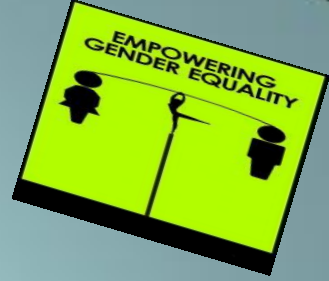
**Article 8:** International work. Women have the right to work at the international level without discrimination.

**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 scholarship opportunities.

**Article 11:** Employment. Women have equal rights in employment, including without discrimination on the basis of marital status or maternity.

# Provisions in CEDAW



**Article 12:** Health. Women have equal rights to affordable health care services.

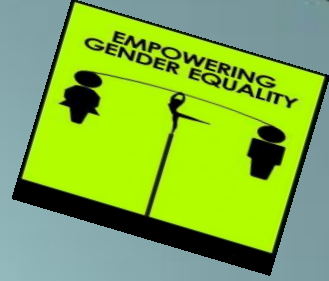
**Article 13:** Economic and social life. Women have equal rights to family benefits, financial credit, and participation in recreational activities.

**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.



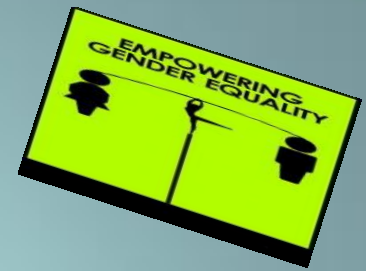
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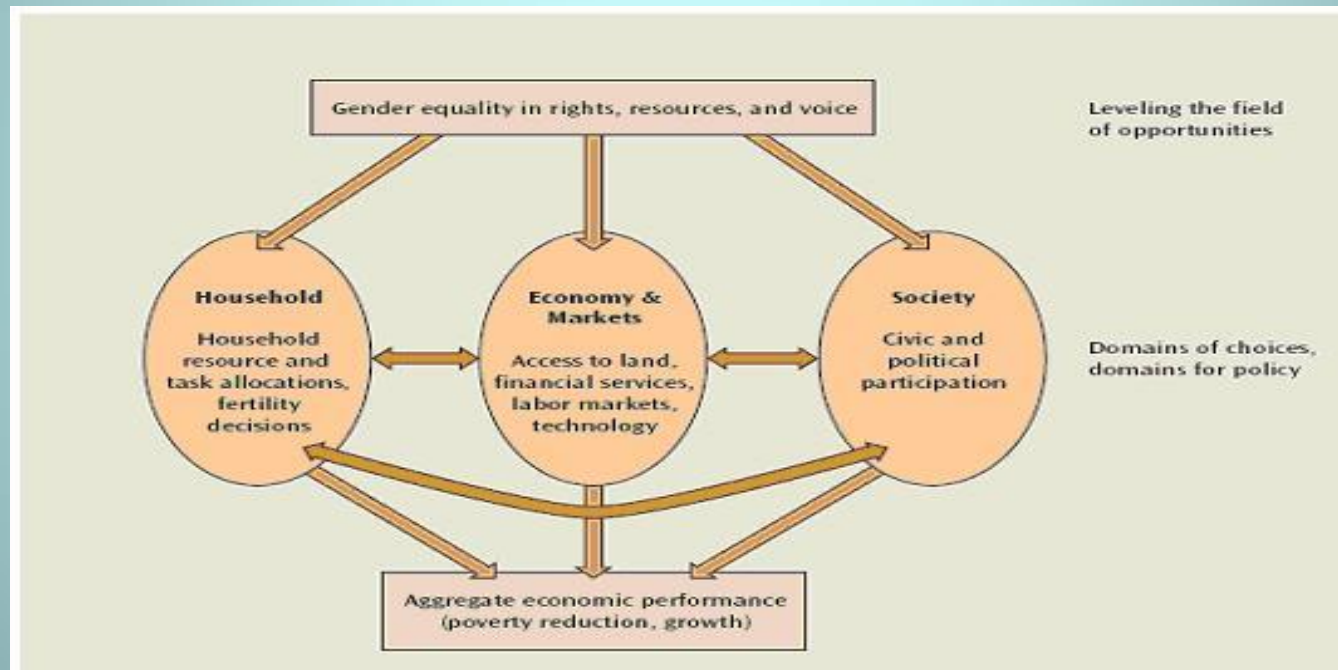
**Article 16:** Marriage and family.  
Women have equal rights with men in matters related to marriage and family relations.

**Articles 17-24:** The Committee on CEDAW and reporting procedures.

**Articles 25-30:** Administration of the Convention



# Importance of Equality



# General Recommendations

## *Recommendation #3*

Urges all States parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.



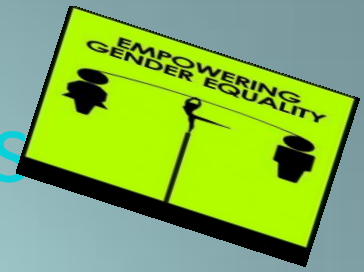
# General Recommendations



## *Recommendation #5.*

Taking note that the reports, the introductory remarks and the replies by States parties reveal that while significant progress has been achieved in regard to repealing or modifying discriminatory laws, there is still a need for action to be taken to implement fully the Convention by introducing measures to promote de facto equality between men and women...

# General Recommendations

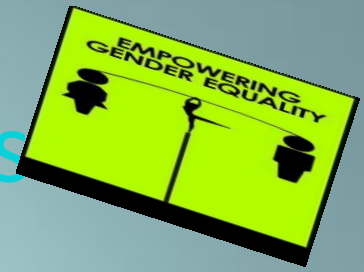


## Recommendations #6

### States parties:

- Establish and/or strengthen effective national machinery, institutions and procedures, at a high level of Government, and with adequate resources, commitment and authority to:
  - a. Advise on the impact on women of all government policies;
  - b. Monitor the situation of women comprehensively;

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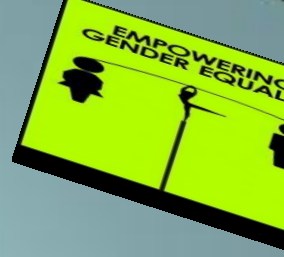
# General Recommendation



## Recommendation #9

Recommends that States parties should make every effort to ensure that their national statistical services responsible for planning national censuses and other social and economic surveys formulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested.

# General Recommendation #12



States parties should include in their periodic reports to the Committee information about:

- The legislation in force to protect women against the incidence of all kinds of violence in everyday life (including sexual violence, abuses in the family, sexual harassment at the workplace, etc.);
- Other measures adopted to eradicate this violence;
- The existence of support services for women who are the victims of aggression or abuses;
- Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence.



# General Recommendation #15

**Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS)**

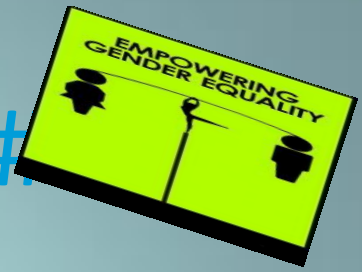


# General Recommendation #



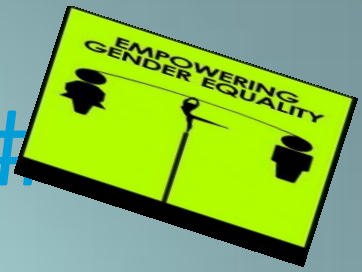
Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

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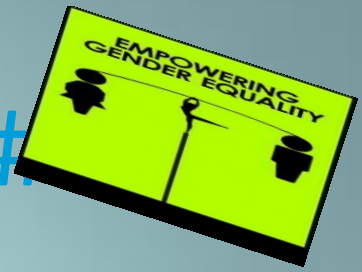
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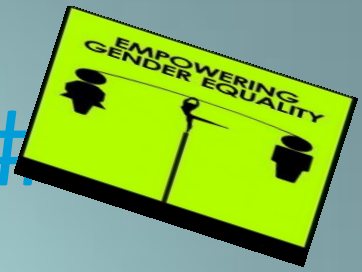
While the application of temporary special measures often remedies the effects of past discrimination against women, the obligation of States parties under the Convention to improve the position of women to one of de facto or substantive equality with men exists irrespective of any proof of past discrimination. The Committee considers that States parties that adopt and implement such measures under the Convention do not discriminate against men.

# General Recommendation #



- States parties should clearly distinguish between temporary special measures taken under article 4, paragraph 1, to accelerate the achievement of a concrete goal for women of de facto or substantive equality, and other general social policies adopted to improve the situation of women and the girl child. Not all measures that potentially are, or will be, favourable to women are temporary special measures.

# General Recommendation #



Article 4, paragraph 1, explicitly states the "temporary" nature of such special measures. Such measures should therefore not be deemed necessary forever, even though the meaning of "temporary" may, in fact, result in the application of such measures for a long period of time. The duration of a temporary special measure should be determined by its functional result in response to a concrete problem and not by a predetermined passage of time. Temporary special measures must be discontinued when their desired results have been achieved and sustained for a period of time.