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## CEDAW +30: Celebrating the Anniversary of the Magna Carta for Women's Rights

By Brita Neuhold

**F**or all those interested in enforcing and protecting women's human rights, 18 December 2009 is a particularly important date. It was 30 years ago to the day that the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the General Assembly of the United Nations. This Convention is one of the six most important international documents on human rights, a milestone on the road to gender justice.

### Long history

The struggle for the eradication and elimination of discrimination against women can be partially traced back to the time of the League of Nations. During the 1950s and 60s it was driven forward energetically, mostly inside the UN Commission on the Status of Women (CSW). In 1967 a Declaration on the Elimination of All

Forms of Discrimination against Women was adopted, but it was only during the UN's "women's decade" that a binding international convention was attained. This convention aims at safeguarding the civil and political as well as the economic, social and cultural human rights of women at all levels, in all regions and walks of life.

### Key responsibilities

The CEDAW is made up of 16 substantial and 14 procedural articles. It is a surprisingly significant convention because it deliberately goes beyond conventional equality approaches and puts forward "positive measures" to promote women, and contains active political and legal steps towards gender equality. Articles 1 and 2 define and strongly condemn gender-specific discrimination. In this context, the State parties commit themselves to undertake a number of actions to end discrimination against women and to implement measures against misogynous private "persons, organizations or enterprises". Moreover, it also requires a series of changes in customary law concerning religious laws and

traditional practices. Even more important from a historical perspective is Article 4, which establishes that temporary special measures to ensure gender equality are not considered discrimination and should be undertaken “until the objectives of equality of opportunity and treatment have been achieved”.

In this context, a number of comprehensive measures are suggested to eliminate discrimination against women at all levels and in all areas of life. These include:

- the encouragement of women’s social participation, through their promotion in political, social and economic fields;
- modifying behavioural patterns and traditions;
- a new distribution of upbringing, household and care responsibilities within families;
- the suppression of traffic in women and exploitation of women through prostitution;
- the elimination of discrimination in political and public life;
- the promotion of women’s civil rights;
- the elimination of discrimination against women in the field of education, employment and health services;
- combating female poverty in rural areas, with a clear reference to development cooperation; and
- advocacy for women and girl’s equality within marriage and the family (Article 16).

#### Implementation, evaluation and constraints

CEDAW is very widely accepted and has been ratified by many states – in 2008 there were 185 parties. However, the USA has only just signed it, and many Islamic states have failed to do so.

The Committee on the Elimination of Discrimination against Women (CEDAW Committee), established in 1982, is an expert body responsible for evaluating the measures of the State parties. For this purpose it develops its own “General Recommendations” related to specific articles and periodically evaluates national reports, criticising them when necessary.

The objections very frequently made by many Islamic states during the signing and ratification of the Convention, particularly those raised

against articles 2 and 6, should be considered a serious problem.

Even in those states which have already ratified it, implementation is flawed in many ways. In this sense, the facultative protocol which was first mentioned at the 2<sup>nd</sup> Conference on Human Rights in 1993 in Vienna and entered into force in December 2000 is particularly important.

The communications procedure indicated therein provides individuals and groups in all the State parties with the ability to report violations of their fundamental rights to the CEDAW Committee. The authorities can use the inquiry procedure established by the CEDAW Committee in case of “grave or systematic violations by a State Party of rights established in the Convention”.

Up to now, more than ten complaints from women or women’s groups have been upheld. Regrettably, Austria had to face two complaints from the non-governmental organisation (NGO) Verein Frauen-Rechtsschutz, forwarded by the Committee, concerning the lack of protection against domestic violence. Specifically, the complaint focused on the case of two Turkish women who did not survive after being battered by their husbands. In addition, the Committee also started an inquiry procedure against Mexico on issues related to migration.

#### The important role of NGOs

In this context, NGOs have an essential role, as the CEDAW Committee has always maintained. They contribute to the implementation of measures in the areas of information and education, carry out lobbying activities at the governmental and non-governmental level, develop shadow reviews on governmental reports, and continuously collaborate with the CEDAW Committee.

#### WIDE CEDAW Campaign and Blog

WIDE Network, jointly with Karat (WIDE regional platform for Eastern Europe and CIS countries), GADNET, WIDE UK platform (One World Action, Womankind), WIDE Italian CEDAW platform (Action Aid Italy and Fondazione Pangea Onlus), WIDE Austria (WIDE national platform), BGRF (WIDE Bulgarian

platform) and KULU (WIDE Danish platform) is running the WIDE CEDAW +30 campaign. To celebrate the 30<sup>th</sup> anniversary of the Convention on the Elimination of All Forms of Discrimination against Women, we have developed a blog, containing information around the convention and celebration of its 30<sup>th</sup> anniversary. In the framework of the campaign, WIDE network and our partner organizations have developed a joint statement and a newsletter, which you are enjoying reading now.

We invite you to visit our blog at:  
<http://cedaw30.wordpress.com/>

## Women's Rights under Threat: the EU Must Finally Ratify and Implement CEDAW!

WIDE Statement

**O**n the occasion of the 30<sup>th</sup> anniversary of the adoption of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)\*, WIDE Network reminds the European Union (EU) about the importance and timeliness of CEDAW for women's human rights and about the EU's commitments to advance gender equality!

Three decades have passed since CEDAW was adopted by over 90% of the Member States of the United Nations; yet the EU still has not ratified the convention, and EU Member States have not implemented it.

WIDE believes that in the present context of the multiple global crises, women's rights and gender equality are at stake more than ever, and Europe needs to act urgently!

The EU's political agenda of today is dominated by unfettered trade liberalisation, deregulation, privatisation and an absence of government intervention. We are experiencing a global backlash against policies that promote gender equality, women's rights and social justice. This backlash has additionally been aggravated by the global crisis and by religious and political fundamentalism and conservative, right-wing policies.

Nevertheless, the policies put into place to curb the crisis fail to pinpoint the lack of sustainability of the current neo-liberal economic system, based on competition, profit-making and the artificial separation of the productive and reproductive economies.

The 30<sup>th</sup> anniversary of CEDAW in 2009 is a crucial reminder for the European Commission and EU Member States to meet their commitments towards the advancement of gender equality and women's rights in Europe and worldwide.

CEDAW is a key convention, an instrument to drive national and international law and policy.

Thus, WIDE calls on the EU and Member States to take action and comply with their commitments to gender equality and women's rights as stated in the Treaty of Lisbon, the EU Pact for Gender Equality, the Communication on Equal Opportunities between Men and Women, the Consensus on Development, and the Communication of Gender Equality and Women's Empowerment for Development.

Therefore, WIDE calls on the EU to take the following measures:

1. The EU must commit itself to CEDAW by ratifying and implementing the Convention without reservation. The EU must condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, and, to this end, undertake action in political, social, economic and cultural fields (Article 3 of CEDAW). By ratifying the Convention, the EU has a duty to present reports in compliance with CEDAW's provisions and to implement the recommendations of the CEDAW Committee.
2. The EU must involve civil society organisations – especially women's rights organisations – in consultations while preparing the reports. As a first step, we ask the EU to organise a high-level conference to commemorate the 30<sup>th</sup> anniversary of CEDAW and to bring the EU, national governments, the CEDAW Committee, civil society and women's human rights

organisations together to launch the discussion on women's rights.

3. The EU must lead a more gender- and socially just economic and social policy. The EU must promote a social and economic model that puts people at its centre and incorporates the reproductive economy or 'care economy' at the heart of its policies. Women's paid and unpaid work has to be recognised and taken into account.
4. The EU must have legislation on gender equality that is strong, binding and going further than the current 'Road Map for Gender Equality'. The implementation of such legislation needs to be supported by adequate resources and budget allocations.
5. The EU must increase policy coherence and link women's rights, trade and development. The European Commission must commit itself to CEDAW when conducting the European Neighborhood Policies as well as development and trade policies with developing countries. The EU institutions and Member States must place CEDAW at the centre of their policymaking!

\*Thirty years ago (in 1979), governments worldwide reached a milestone for women's equality with the adoption of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to reinforce equality between men and women and to defend the rights of women.

#### CEDAW and the EU

In the CEDAW +30 Campaign WIDE has been urging the EU to ratify and implement CEDAW. The Convention was drafted 30 years ago, and so far it does not recognise entities such as the EU. Accordingly, CEDAW could be ratified only by State parties.

With the Lisbon Treaty coming into force, this might change. Indeed, in his speech at a CEDAW conference organised by the Austrian Development Agency on 27 November, Mr Cornelius Flinterman from the CEDAW Committee called on the EU to go for CEDAW. This point was also raised by Laura Paulus from WIDE. Furthermore, the Austrian delegation made a similar request to the European

Commission in the Gender Action Plan Consultation on 14 December. The EU's ratification would be a first step for the EU to meet its commitments towards gender equality and women's human rights.

#### How to Use CEDAW as an Advocacy Tool

By International Land Coalition

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hat is CEDAW and why it is important to women's land rights?

CEDAW is the only internationally binding treaty on preventing discrimination against women. In December 1979, CEDAW was adopted by the United Nations General Assembly and to date has been ratified by 185 of the 192 UN Member States. Reservations on specific sections of the Convention have been permitted as long as these are not "incompatible with the object and the purpose" of the Convention itself (Article 28).

The Convention acknowledges that women worldwide face extensive discrimination, defined 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 1).

This is recognition that discrimination against women violates the principles of equality of rights and respect for human dignity. The Convention not only covers civil and political rights but also draws attention to the economic, social and cultural dimensions of discrimination. Furthermore, CEDAW considers both de jure (in law) and de facto (in practice), as well as violations committed by private individuals or in private contexts.

Because it sets an international standard for women's human rights in areas such as education, employment, health care, marriage and family relations, politics, finance, and law, CEDAW provides a platform for lobbying governments to promote gender equality and hold them accountable at the international

level. CEDAW has been an important advocacy tool for the women's movement over the last 30 years.

CEDAW can serve as a tool to promote women's equitable and secure access to land because it is the only international human rights convention that explicitly deals with rural women and their rights (Article 14 "rural women"). Other articles on equality before the law (Article 15) and discrimination in marriage and family relations (Article 16) are equally relevant to rural women.

How does CEDAW work?

State parties to CEDAW sign and ratify the Convention, in some cases, with reservations. All state parties to the Convention submit initial and periodic reports on implementation of the Convention to the CEDAW Committee. The CEDAW Committee – composed of 23 independent experts – monitors implementation of the Convention based on reports received from State parties every four years or on request.<sup>1</sup> The review process is structured as follows:

1. A pre-session working group, composed of between five and ten Committee members, reviews the report and prepares a list of critical issues and questions for each reporting State scheduled two sessions ahead.
2. This list is sent to the State party, with a request to respond within six weeks.
3. The CEDAW session begins reviewing the report and response to the list of critical issues and questions, then the Committee and State parties discuss in plenary (other participants can observe but not intervene).
4. The Committee drafts Concluding Observations, including concerns and recommendations.

The Committee also produces general recommendations, by which it draws attention

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<sup>1</sup> The Committee may request exceptional reports to obtain and examine information on actual or potential violations of women's human rights where there is a special cause of concern (Rules of Procedure 48.5, decision 21/I and 31/III (h)).

to a specific issue at the global level.<sup>2</sup> Since there are no quantitative indicators in the Convention and State parties often define articles very narrowly, general recommendations are an important tool in interpreting the Convention's application at national level.

In addition to the Convention, an Optional Protocol to CEDAW ([www2.ohchr.org/english/law/cedaw-one.htm](http://www2.ohchr.org/english/law/cedaw-one.htm)) allows the Committee to receive and consider complaints from individuals or groups within the State party's jurisdiction. This Protocol contains two procedures:

- Communications procedure: this allows individual women or groups of women to submit claims of violations of rights protected under CEDAW to the Committee, provided that all steps to submit such a claim have been exhausted at national level;
- Inquiries procedure: the Committee can initiate inquiries into situations of grave or systematic violations of women's rights any time it receives reliable information, provided a State is party to CEDAW and the Optional Protocol. States, however, can opt out of this procedure.

How can civil society organisations engage?

Since its early sessions, the CEDAW Committee has invited NGOs<sup>3</sup> to follow its work – principally to provide country-specific information. Civil society organisations have an important role in monitoring the implementation of CEDAW and assess de facto compliance at the national level.

NGOs can engage in the CEDAW review process in three ways, each with their procedures, requirements and deadlines:

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<sup>2</sup> So far, the Committee has produced 25 general recommendations on specific reports as well as, increasingly, on themes and articles of the Convention, including, for instance:  
- No. 16 on Unpaid women workers in rural and urban family enterprises (10th session, 1991)  
- No. 21 on Equality in marriage and family relations (13th Session, 1994)

<sup>3</sup> The term NGO is used by the Committee to refer to civil society actors in general.

Option 1: submit reports or country-specific information to the pre-session working group

The review process starts with a pre-session working group, composed of members of the CEDAW Committee. This is a crucial moment in agenda-setting, as a list of issues and questions on reports which the Committee will consider at upcoming sessions is prepared two sessions ahead and sent to the reporting State. Usually, such lists contain no more than 30 clear and direct questions, to which the reporting State is requested to provide a written answer within six weeks of notification.

NGOs may contribute to this process by submitting information on specific issues that they would like the CEDAW Committee to include in the list of issues and questions. Information can be submitted as a shadow report up until one month before the pre-session meeting to [cedaw@ohchr.org](mailto:cedaw@ohchr.org) or through International Women's Rights Action Watch Asia Pacific (IWRRAWAP), an NGO that is accredited with the CEDAW Secretariat to submit NGO reports.

Option 2: attend pre-session or session working groups and provide information in plenary

The CEDAW Committee sets aside time in each of its sessions in Geneva and New York, including the pre-session working groups, for NGO representatives to provide information orally. Such interventions must be concise, and coordination between NGOs from the same country is encouraged. On average, no more than ten minutes are allocated for NGO interventions for any one country.

To address the Committee or the pre-session working group, NGOs have to register with the Office of the High Commissioner for Human Rights (OHCHR) at [cedaw@ohchr.org](mailto:cedaw@ohchr.org) at least two weeks prior to the session, providing full title of NGO, names of representative and the proposed dates of attendance.

Option 3: submit alternative reports for the CEDAW session

NGOs can submit alternative reports, either providing a critical evaluation of an official report submitted by a State party ("shadow reports"), or independent reports, when a State

party has not shared its report prior to the session. Alternative reporting allows civil society organisations to play a role in monitoring and holding their governments accountable. Reporting can raise awareness at the national level and can be an opportunity to build broad coalitions among civil society actors. The CEDAW Committee welcomes NGO reports and posts them on its website for the specific session.

Before drafting alternative reports, you should check whether the government of your country has ratified CEDAW with any reservations, and read any previous reports and recommendations made by the CEDAW Committee to your government. There are no set formats for these reports, and reports submitted by NGOs vary widely, from discussions of the general status of women in a country to analysis of specific articles of CEDAW and a government's compliance in terms of policy.

Generally speaking, reports should be substantial yet concise and provide relevant data (from case studies to national census data) to back up your argument. Focus on a specific theme – for example, rural women's access to and control over land – or articles – in this case, 14, 15 and 16 – is encouraged. You should quote specific CEDAW articles you are reporting against as well as other international treaties that support your arguments.

The CEDAW Committee encourages NGOs in a country to coordinate their efforts to produce a single report, so it is recommended that you build alliances with other organisations to combine reports on specific issues into one country report. IWRRAWAP has been entrusted by CEDAW to collect NGO reports for submission, and it has produced some helpful guidelines on how to draw up shadow or alternative reports (see [www.iwrawap.org/using\\_cedaw/sr\\_guidelines.htm](http://www.iwrawap.org/using_cedaw/sr_guidelines.htm)). However, you can also submit reports independently.

In sum, high-quality research and data to back up alternative reports as well as a focus on specific articles can help capture the attention of the Committee, as can a joint submission by an alliance of NGOs active at the country level.

Reflecting on CEDAW in the International Environment:  
One World Action and Womankind Conference in London

By Kasia Staszewska

On 18 December 1979, women's groups around the world celebrated the UN General Assembly's approval of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It was a success hard to overestimate. Followed up by inspiration, energy and motivation for further campaigning, this important milestone strengthened the women's movement's faith that positive change is possible.

Today, 30 years later, women's groups around the world are celebrating the anniversary of CEDAW. However, the process, implementation and belief in change are not that strong any more. Why is that so? Could CEDAW be outdated? Are there gaps? What can women's groups do to bring the Convention back to the table? Participants at the One World Action and Womankind International CEDAW Conference that took place on 11 November in London tried to address these challenges. Over 100 women from Africa, Asia, Latin America and Europe strategised, shared their CEDAW experiences and lessons learned. WIDE was also there and followed the discussion.

Could CEDAW be outdated?

Three decades after approving the Convention, most of the challenges remain the same. Women still constitute the majority of the world's poor and illiterate, are significantly under-represented in political life, and become victims of violence much too often. There is no doubt that CEDAW is still relevant, particularly now – during times of crisis – when women are again the most likely to pay the price.

CEDAW challenges the gender-blind politics of the State and leaves the door open for demands for accountability. Thus, women's organisations around the world are using it as a tool to promote women's rights and advocate for political change. Jane Magigita from the Women's Legal Action Centre (WLAC) in Tanzania, for example, has been using CEDAW to

challenge the traditional law that prohibits widows from inheriting from their husbands. It is the children who inherit on the widow's behalf, which is a clear violation of Article 2 of the Convention. The case is still in court, and WLAC plans to take it further to the CEDAW Committee under the Optional Protocol procedures.

The conference participants reflected on similar actions in Zambia, Bolivia, South Africa, India, Nepal and the UK. None of this would ever happen without CEDAW. Being internationally recognised as a human rights bill, it has a binding power for states to comply with. The countries' performance is therefore another question that does not really undermine the Convention's content.

Are there gaps?

Yes, quite a few. After 30 years of campaigning, CEDAW still lacks proper international recognition, the CEDAW Committee's decisions and recommendations are not sufficiently binding, and the Optional Protocol mechanism is complicated, expensive and extremely time-consuming. Furthermore, there are no resources attached to CEDAW, nor any implementation framework.

These are, however, the weakness of all the UN treaties that we, as civil society representatives, have to face. A strategy of addressing the gaps is therefore a key to success.

There are obstacles, and there are successes. In South Africa, for example, the government was not going to present a country report to the CEDAW Committee on the progress made in implementing the Convention for the ten years from 1998 to 2008. But, thanks to South African women's advocacy actions, the government finally went under review in 2008. But this is just a first step. Now the work on monitoring and pushing for implementation of Concluding Comments has begun.

The nature of CEDAW is complex. Mostly, because it is not only about CEDAW. It is also a bottom-up base for the full execution of the other crucial documents such as the Millennium Declaration and the Convention on Economic, Social and Cultural Rights. Therefore, it cannot

be considered in isolation. "The implementation of CEDAW is a pre-requisite for successful poverty reduction," said Dorcas Coker-Appiah, Executive Director of the Gender Studies & Human Rights Documentation Center in Ghana and CEDAW Committee Member. And it is up to women's rights groups worldwide to build the links and overcome the gaps. A lot has already been done. However, the workload remains huge.

What can women's groups do to bring the Convention back to the table?

The key is to bring it to the grassroots and local level and constantly raise decision-makers' awareness. The preparation of the shadow reports is great but not enough. That is why groups like WLAC set up CEDAW desks in the communities they work with. Participation in the UN structures and at official events is crucial but not effective without the support of national-level advocacy action. With this in mind, the conference participants questioned the UK Secretary of State for International Development (Rt. Hon. Douglas Alexander, MP) and the Shadow Minister for Women and Equalities (Theresa May, MP) about CEDAW. This raised their awareness, and commitments for follow-up were made.

CEDAW has a complex nature, and so do the related actions. There are many entry points that women's groups around the world could follow, such as: advocating for financial resources and an implementation framework for CEDAW; promoting the need for gender - disaggregated data; exploring the new gender architecture within the UN; strengthening actions for accountability – to mention just a few.

The key issue is empowerment. Women with stable finances are better positioned to demand gender equality in other spheres of life. Coherence is also important. It is hypocrisy from the donor community to demand gender-sensitive politics in developing countries when CEDAW is not fully implemented in the global North. In the UK, for example, only 19.5% of elected MPs are women. CEDAW is not just working in one area. Coordinated actions around the world are needed to bring it back as a truly global, effective working tool.

## Conclusion

The London conference was a great opportunity for the women from around the world to reflect on and take a stock of the progress made. This one day of discussions and workshops again proved CEDAW's importance and relevance, despite the state dynamic being disappointingly slow. The participants re-confirmed their will to continue working with CEDAW and make it stronger as far as political change is concerned. The fact is that woman trapped in poverty may not have any idea about CEDAW. But it does not mean that the Convention cannot positively change their lives. CEDAW is not about what governments are doing but about what has been achieved. Hopefully, we will be happier with the progress made by its 40<sup>th</sup> anniversary in 2019.

Womankind used the conference to launch its publication on CEDAW and the 30-year struggle for equality. It is available at:

[www.womankind.org.uk/documents/Cedaw\\_Web.pdf](http://www.womankind.org.uk/documents/Cedaw_Web.pdf)

### KARAT OP-CEDAW Toolkit

KARAT Coalition has developed a toolkit on the Optional Protocol to the Convention on Elimination of All Forms of Discrimination against Women (OP-CEDAW).

You can find detailed information on how the Convention and the Optional Protocol work, and how OP-CEDAW can be used to advance women's human rights, on KARAT's website.

We strongly encourage you to check out this very useful toolkit, by clicking the link below:

[http://www.karat.org/op\\_cedaw/](http://www.karat.org/op_cedaw/)

### Violence Against Women Knows No Borders

By Daria Suwala

**V**iolence against women is especially dangerous because often it remains invisible. It is a much more common phenomenon than we are willing to admit. Violence against women is a cross-cutting issue: it can affect poor, disadvantaged inhabitants of

developing countries to the same degree as well-situated women from developed Western countries. It infringes the most basic human rights – to life, to security, to dignity – turning the existence of thousands of women into a nightmare. Recommendation 19 to the CEDAW Convention states that gender-based violence is a form of discrimination that seriously inhibits women's rights and freedoms.

To remind us about this problem and to reflect on whether CEDAW can be an effective tool to protect women from violence, Fondazione Pangea Onlus organised an international conference entitled 'Libere di Essere' ('Free to be'). The event was run in cooperation with Internazionale Casa delle Donne, Provincia di Rome and Action Aid and was hosted in Rome on 21 November.

The conference was devoted to the situation of women's rights around the world, with special attention given to gender-based violence and CEDAW.

When we think about abuse of women's rights we are usually focusing on problems faced by women living in our neighbourhood. We look at these problems from our local perspective, not realising how wide their international scope is, what obstacles we share with women from other traditions and cultures, in which aspects our situation is worse and in which better, what kind of solution can be proposed to others, and what advice can be offered to us. Comparative perspective is very significant because it can contribute to correct identification of the problem and sharing good practices in fighting it.

That is why the conference was attended by representatives of Italian NGOs (Fondazione Pangea Onlus, WIDE Italy, Giuristi Democratici) and partner organisations from other countries (India, Mozambique, Afghanistan, Eastern Europe and Central Asia). Speakers outlined the biggest problems of gender-based violence faced by women in their countries. Non-governmental activists also tried to present the problem of gender-based violence in the context of CEDAW, highlighting how the Convention can be used as an effective tool in combating violence and when its scope is not sufficient. Issues raised during the conference were very

diverse, from domestic violence, through economic rights of rural women, to the shadow reporting procedure.

CEDAW, violence and Italian women

Italian women are far too often victims of domestic and psychological violence, and they are neither offered relevant help nor given understanding in society. That is why WIDE has recently launched the Italian CEDAW Campaign 'Work in Progress'. In her presentation Beatrice Costa from WIDE Italy's Gender Working Group diagnosed the situation of women in Italy and emphasised that necessary steps need to be taken to overcome obstacles in women's everyday lives.

Titto Carrano from Differenza Donna also referred in her speech to the problem of violence against women in Italy. She gave a brief introduction into what CEDAW really is and what its potential is for tackling problems faced by Italian women, especially for victims of domestic violence.

Barbara Spinelli from Giuristi Democratici concentrated her presentation, 'CEDAW and gender violence: from global to local', on the problem of femicide, the systematic killing of women. One of the best known examples of this brutal action, violating the most basic human right – the right to life – is a case from Mexico, known as the Ciudad Juarez case. This case has been examined by the CEDAW Committee under its inquiry procedure.

OP-CEDAW: advocating for women's rights in Eastern European, Caucasus and Central Asian countries

In my presentation, I underlined the role of CEDAW and the Optional Protocol to the Convention as instruments to implement women's rights – emphasising the right to life in dignity, the right of free marriage, and the need to fight forced prostitution and human trafficking. I highlighted the strengths and weaknesses of CEDAW and OP-CEDAW. I briefly presented KARAT Coalition's programme on the promotion of the Optional Protocol in Eastern Europe, Caucasus and Central Asian countries. I also singled out the most burning problems connected with violence that are encountered

by women in these countries. In my conclusion I proposed strategies using OP-CEDAW to tackle these problems.

#### Silence about disabled women

In her presentation entitled 'The silence about disabled women', Kuhu Das from the Association of Women with Disabilities, India brought the audience's attention to a tremendously important issue: oblivion and neglect of disabled women's rights. She aimed to show the weakness of CEDAW by highlighting that disabled women are practically excluded from its scope. Their rights as mothers, employees, and family and society members are constantly infringed. State parties fail to mention this violation in their reports, and the problem is insufficiently addressed in shadow or alternative reports. Another obstacle in defending women's rights under CEDAW in India is the fact that India neither signed nor ratified OP-CEDAW.

After presenting facts and figures about the tragic situation of disabled women in India, Kuhu Das called on the audience in a very moving way not to forget or neglect disabled women's rights because there are women without disabilities in the same situation.

#### Afghanistan: fighting for basic women's rights

Selay Ghafar from Humanitarian Assistance for the Women and Children in Afghanistan (HAWCA) focused her presentation on a very crucial and tragic issue – violence against women in Afghanistan. She underlined that, although violence against women is a cross-cutting issue and a phenomenon affecting women all around the world, the situation of women in Afghanistan is especially hard due to three decades of internal conflict.

During the Taliban regime women were violated in all areas of life, to an incredible degree. Nowadays Afghanistan is struggling to establish a democratic regime, but respect for human rights – and women's rights in particular – is still not ensured.

Selay emphasised that, although Afghanistan has become a CEDAW Member State, practical implementation of the Convention does not take place. Although Afghanistan is obliged to report to the CEDAW Committee as a requirement of

the Convention, it has not yet submitted any reports. Selay highlighted the need for Afghanistan to do so. She also shared with the audience the recent positive news from Afghanistan about the activity of women's NGOs in this field: a decision to write together a shadow report to the CEDAW Committee.

Selay's presentation was very impressive and intense. Everyone could appreciate her fight for women's rights in Afghanistan. Hopefully, sustainable donor support for the activities of HAWCA will be ensured.

#### Shadow report: example from Mozambique

The next speaker, Terezinha da Silva from Mozambique, represented Women and Law in Southern Africa (WLSA). She presented an interesting, in-depth study of the shadow reporting process in Mozambique. Terezinha herself was co-author of a shadow report on Mozambique to the CEDAW Committee, and she shared with the audience her experience.

The shadow report was written thanks to encouragement from International Women's Rights Action Watch (IWRAP). Terezinha described the process of cooperation with IWRAP, during which representatives of WLSA took part in training in New York, as very fruitful and inspiring. She presented step by step the process of writing a shadow report, highlighting all the obstacles that might be faced by non-governmental activists.

Terezinha emphasised that shadow reports can be an effective tool to bring the issue of gender-based violence to the attention of the CEDAW Committee and national governments.

#### Economic violence can be also gender-based

The last speaker, Esther Miariaselvam from ActionAid, India, focused on the issue of rural women and their economic rights. Her presentation aimed at informing the audience about women working on farm fields but denied the right to own the land. Esther decided to concentrate on one particular article of CEDAW: Article 14, which is especially devoted to rural women's rights and states "women have rights (...) to obtain equal access to economic opportunities". Esther underlined the need to

use this specific article in defence of Indian women who are excluded from enjoying this right.

## Work in Progress

By Claudia Signoretti

### 3 0<sup>th</sup> Anniversary of the Convention on the Elimination of All Forms of Discrimination against Women

Thirty years ago the General Assembly of the United Nations approved the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), still today considered one of the most complete international treaties on women's rights. The Convention, to date signed by 185 countries, is made up of 30 articles which identify specific areas of discrimination and suggest ways of eliminating it. In particular, CEDAW asks for the elimination of discrimination that limits the participation of women in public and working life and decision-making processes and for a contribution to be made towards eliminating gender-based violence. It also asks for a commitment towards changing the widespread acceptance of stereotypes associated with the traditional roles of men and women in the family and in society generally, encouraging an image of women as people with equal rights in all spheres of life and changing the traditional perception of women as sex objects, with the main responsibility for raising children. Commemorating the 30<sup>th</sup> anniversary of this Convention, we would like to celebrate the success obtained by women against many forms of oppression and exclusion, but also remind institutions and society how much still remains to be done. Let us not allow another 30 years to pass before the Convention is fully implemented.

A useful tool in Italy and around the world

Italy ratified CEDAW in 1985, and in September 2000 it ratified the Optional Protocol. The last report was presented to the CEDAW Committee in 2005.

Between 2009 and 2010 Italy should present the sixth periodic report on the status of implementation of CEDAW's articles: our country is preparing to assess what has been

done in the last few years to improve the position of women and girls in Italy and to eliminate the barriers and obstacles that are preventing them all from benefiting from equal rights and opportunities as compared to men and boys, modifying stereotypes linked to the social roles attributed to men and women.

We believe that it is fundamental to underline that the Convention is a legal tool that allows us to compare notes with all those around the world who are working to improve the position of women, above and beyond the level of poverty in the country of origin.

Discrimination, violence and the impossibility of enjoying fundamental rights unfortunately take place for women in all countries, in different ways and with differing intensities, independently of their status, income, level of education and religious or ethnic origin.

CEDAW is thus a platform where national battles against gender inequality can be commented on, given prominence and set within a global context.

The objectives of our campaign

As a network active in the promotion of gender equality and safeguarding women's rights in Italy and at the international level, we would like to celebrate the 30<sup>th</sup> anniversary of the Convention in order to:

1. inform and raise the awareness of the public as regards the existence, topical relevance and importance of CEDAW as a tool for improving the position of women in Italy and around the world;
2. contribute towards disseminating an approach based on rights and a stronger gender perspective, proposing a positive, non-discriminatory and respectful image for women and their role as players in development at local, national and global levels;
3. disseminate initiatives and action linked to CEDAW undertaken by women in other countries in the world on issues such as violence against women and the contribution of women to the economy,

attempting to compare good practice coming from the global South; and

4. reinforce the network of organisations and links with people actively involved with gender issues on a local and international scale, including public bodies, women's representative associations, universities, and young people's and immigrant women's organisations.

To take a closer look at our CEDAW +30 campaign, you can visit the website of the International Network of Women in Solidarity: [www.womenin.net](http://www.womenin.net), where you can find the Italian text of the Convention and the Optional Protocol, the most recent reports presented by Italy, focusing on issues, stories and examples of campaigns from various countries, the events we are organising all over Italy, and updates on the activities of the network.

Our platform is open to new members and ideas that can give prominence to the celebration of the 30<sup>th</sup> anniversary of CEDAW. The project administration office is available to provide information and include interested people in the working group.

### CEDAW – A Well-Kept Secret

For the last three decades, progress on CEDAW has been disappointingly slow. Despite pledging to ensure women – on equal terms with men – would hold public office and participate in the formulation of government policy, less than 20% of parliamentarians worldwide are women.

The UK is no exception, and just 19.5% of our MPs are women. One World Action's 'More Women More Power' campaign is demanding action on CEDAW and advocating for radical measures to deliver 50% or more women in elected positions in the UK and worldwide.

Download One World Action's brochure and join the campaign!

[http://cedaw30.files.wordpress.com/2009/11/owa\\_cedaw\\_booklet\\_final\\_v2\\_visual.pdf](http://cedaw30.files.wordpress.com/2009/11/owa_cedaw_booklet_final_v2_visual.pdf)

### CEDAW and Migrant Women – Regional Celebration in Geneva

By Filomenita Mongaya Høgsholm

**A**fter a whole week of Beijing +15 deliberations, the UN family in Geneva was ready to celebrate the 30th anniversary of CEDAW by holding a regional roundtable, this time touching on the theme of women and migration.

There is now a Recommendation no. 26 on women migrant workers that initially highlights CEDAW, when it affirmed during its 32<sup>nd</sup> session that migrant women, like all women, should not be discriminated against in any sphere of their lives, and, pursuant to Article 21, issues a general recommendation on some categories of migrant workers who may be at risk of abuse and discrimination.

While the Migrant Workers' convention protects the labour rights of migrant women and their migration status as families, CEDAW is necessary in supplementing when it comes to sex- and gender-based discrimination. All recommendations must then aim to elaborate on the "specific vulnerability of women migrant workers of their experiences of sex- and gender-based discrimination as a cause and consequence of the violations of their human rights".

On 4 November 2009, at the Palais des Nations, Room XX in Geneva, the OCHCR, in partnership with the UN Economic Commission for Europe (UN ECE) and the UN Development Fund for Women (UNIFEM) devoted a half day for a panel discussion on 'Women and Migration in Europe and the Commonwealth of Independent States [CIS], Including in the Context of the Financial Crisis'.

Participants, not only from the European region but also from other parts of the world interested in the subject, accessed the three-hour session which was webcast and also a teleconference involving several countries: Belgium, Kazakhstan, Kyrgyzstan, Moldova, and Tajikistan.

Two migrant women living in Europe were invited to give insights 'from the ground': Filomenita Mongaya Hoegsholm, formerly from the Philippines, now in Denmark representing

WIDE as KULU Platform member, and Virginia Wangare Greinger, formerly of Kenya, now living in Germany and Interim Chair of the European Network of Migrant Women, representing the European Women's Lobby. They informed on the human rights challenges of women migrant workers in Europe.

Ms. Violet Awori, a CEDAW member, was the lead panellist on the question regarding common responsibilities of countries of origin and destination with respect to the protection of the rights of migrant women. Another panellist and CEDAW member was Ms. Violetta Neubauer, who informed on the “ways to render migration and integration policies in Europe and CIS countries more gender sensitive and protective of migrant women’s rights”.

The sole male discussant at this roundtable was Mr. Serfiu Sainciuc, Deputy Minister of Labour and Social Protection from Moldova, who zeroed in on the financial crisis and related this to the rights of migrant women in Europe and in the CIS. The State Secretary from the Ministry of Sweden (EU Presidency for this second half of 2009) Ms. Lina Ljungren, who should have tackled the topic of “multiple discrimination of migrant women in their countries of destination owing to cultural differences, language barriers and xenophobia”, regrettably could not attend.

And in spite of a short delay, because the migrant women panellists could not get cleared by the Security Detail officer on the basis of their papers – including an official invitation from the UN – prompting someone from the Secretariat to come and escort them through, the whole meeting really went smoothly, ably moderated by Ms. Jane Connors, Director at the Special Procedures Division of the OHCHR.

After an hour of presentations from the panellists, it was time to answer the questions fielded by the groups organised around CEDAW in the abovementioned countries, with Russian interpretation helping the process along and all the panellists given the opportunity to answer the questions from afar. With the remaining half hour, Ms. Connors started to also entertain questions from the floor.

It is strongly recommended for states to respect, protect and fulfil the human rights of women

migrant workers, alongside the legal obligations in other treaties but especially those bodies focusing on migration – for example, the Committees on the Protection of the Rights of All Migrant Workers and Members of their Families.

States must be expected to guarantee safe migration procedures by respecting women’s human rights throughout the migration process, and must recognise the contribution of migrant women to their countries of destination and origins, including their domestic work. Additionally, all categories of women migrants, including the undocumented, must be protected against all forms of discrimination under CEDAW. Bilateral and regional cooperation is endorsed, in terms of sharing best practice and information.

There are myriads of recommendations, but those concerning monitoring and reporting are very relevant, so are pressure or encouragement to states to ratify the abovementioned conventions and human rights treaties.

Female migration must be understood from the perspective of gender inequality, traditional female roles, a gendered labour market, the universal prevalence of gender-based violence, and the worldwide feminisation of poverty and labour migration. Without this gender perspective, it is not possible to analyse the position of female migrants and develop policies to counter their discrimination, exploitation and abuse.

#### Questions and Answers about the CEDAW Review Process

International Land Coalition (ILC) has published a document with frequently asked questions about the CEDAW review process. This document provides detailed information about the procedures on how non-governmental and civil society organisations can lobby the CEDAW Committee.

Find answers to your questions regarding this topic at:  
[www.landcoalition.org/wp-content/uploads/qaweb.pdf](http://www.landcoalition.org/wp-content/uploads/qaweb.pdf)

## Eastern European and Central Asian Coalition on the Optional Protocol to CEDAW

By Alexandra Solik

**O**n 3–4 December KARAT Coalition met with its partners from Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Moldova, Tajikistan, Uzbekistan and Ukraine to evaluate the strategy and outcomes of the two-year project focused on the promotion of the Optional Protocol to CEDAW (OP-CEDAW) in Eastern Europe and Central Asia as well as to explore the possibility of further cooperation.

During the meeting it became quite clear that the partnership established and the OP-CEDAW trainings organised at the regional level by KARAT Coalition and IWRAWAP acted as a catalyst for multiple actions taken in particular countries by all partners. The meeting allowed the participants to learn about each others' strategies for advancing women's rights by using CEDAW. The strategies differed depending on the situation in particular countries and on the capacity and field of activity of the organisations involved.

In Tajikistan the Public Foundation 'Panorama' took advantage of the positive political atmosphere and concentrated on activities aimed at having the Optional Protocol ratified as soon as possible. To achieve this goal, the coalition of 90 women's organisations 'From de-jure Equality towards de-facto Equality' sent a letter to the President of the Republic of Tajikistan, Emomali Rahmon, and to the Ministry of Foreign Affairs, in which it stressed the need to ratify the Optional Protocol. The roundtable held by the Coalition was widely covered by the media and followed by a meeting with the Deputy-Minister of Foreign Affairs. As a result, the Ministry agreed to discuss the proposal on ratification of OP-CEDAW with the President.

In Belarus the project team (Public Association 'Women's Independent Democratic Movement' and Public Association 'Vitebsk Women's Club') focused on mobilising women's NGOs and activists to develop the CEDAW alternative report and on disseminating information about CEDAW standards and mechanisms by training teachers and supporting their anti-

discrimination educational scenarios and projects.

The strategies used by partners in Moldova (Gender Centre) and Ukraine (Ukrainian Women's Fund), where governments are supportive of gender issues, embraced training for governmental agencies, including gender focal points and local units.

The Uzbek organisation 'Generation of the Future', addressing the victims of trafficking in women, used its skills and knowledge of OP-CEDAW to build the capacity of its local branches, while the Georgian, Armenian and Azerbaijani NGOs focused more on training lawyers.

As a result of the trainings on OP-CEDAW, the cases that could potentially be submitted to the CEDAW Committee under the communication procedure were considered. However, the whole process of formulating a complaint proved to be more difficult and demanding than had been expected. One of the main reasons for this was related to the requirement of exhausting domestic remedies – a necessary condition for the communication submitted under OP-CEDAW to be accepted by the CEDAW Committee.

During the discussion held within the meeting the following barriers keeping women from going through the process were mentioned:

- the pressure put on them, as a consequence of the patriarchal system, to not reveal the facts and seek justice;
- the fear of possible sanctions for claims against the state;
- the difficulties in proving discrimination on the basis of sex (for example, in the labour market or when the law or practice officially favours women but in fact leads to discrimination);
- extremely long duration of the legal processes at national level;
- lack of adequate laws or legal mechanisms;
- distrust of courts; and
- lack of access to legal support (for example, to affordable legal counselling, gender-sensitive lawyers or – in some cases – to any lawyers).

KARAT Coalition finds the problem of women's access to justice extremely important and aims to explore it in the future.

#### About the project

The project activities implemented in 2008–2009 with the support of OXFAM Novib included: the training on OP-CEDAW organised in cooperation with International Women's Rights Action Watch Asia Pacific and events ran as the follow-up "multiplying activities" at national level (trainings, seminars and roundtables); lobbying and advocacy actions aimed at promoting the Optional Protocol and – in the case of Tajikistan and Uzbekistan – at its ratification; and publications addressed to different target groups identified by project partners individually at national level.

In 2009 the e-toolkit on OP-CEDAW was developed and translated into Russian and seven other national languages. The English version of the toolkit is available [here](#), and the Russian version will soon be available on the Russian version of the website. For links to the e-toolkit in national languages, please visit [http://www.karat.org/op\\_cedaw/useful-link.html](http://www.karat.org/op_cedaw/useful-link.html)

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The opinions and analysis provided in the newsletter are those of the author(s) and do not necessarily reflect the positions of WIDE.