The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol

Handbook for Parliamentarians

2003

NOTE

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Foreword

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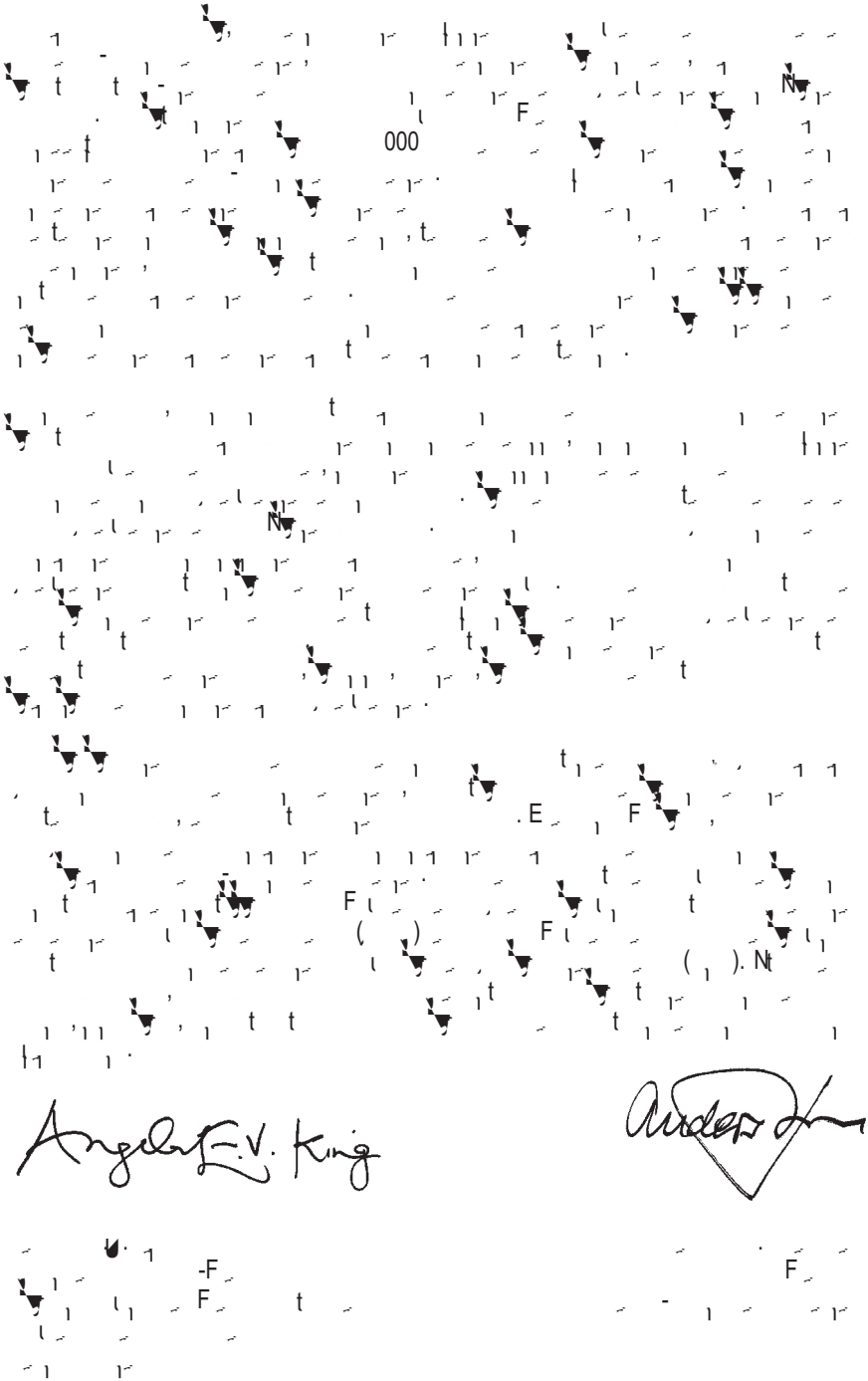

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Chapter 1: [illegible] ..... [illegible]

Chapter 2: [illegible] ..... [illegible]

Chapter 3: [illegible] ..... [illegible]

Chapter 4: [illegible] ..... [illegible]

Chapter 5: [illegible] ..... [illegible]

Chapter 6: [illegible] ..... [illegible]

Chapter 7: [illegible] ..... [illegible]

Chapter 8: [illegible] ..... [illegible]

Chapter 9: [illegible] ..... [illegible]

A[illegible]e I: [illegible] ..... [illegible]

A[illegible]e II: [illegible] ..... [illegible]

A[illegible]e III: [illegible] ..... [illegible]

A[illegible]e IV: [illegible] ..... [illegible]

A[illegible]e V: [illegible] ..... [illegible]

A[illegible]e VI: [illegible] ..... [illegible]

A[illegible]e VII: [illegible] ..... [illegible]

“The combination of efforts on the part of all of society's components is indispensable to tackle and resolve the problems facing society. Emphasis should thus be placed on two complementary concepts: the concept of parity which reflects the fact that persons of one or the other sex are different but nonetheless equal; and the concept of partnership, which shows that a creative synergy can be created between men and women so as to tackle and resolve the community's problems effectively.”

IPU Plan of Action to Correct Present Imbalances in the Participation of Men and Women in Political Life, 1994

“Heads of State and Government consider equal rights and opportunities of women and men and the right of women and men to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice as fundamental values essential to international relations in the twenty-first century, and resolve to combat all forms of discrimination against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.”

United Nations Millennium Declaration, 8 September 2000

“...the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields”

Preamble of the Convention on the Elimination of All Forms of Discrimination against Women, 1979

Note for the reader:

Chapter 1

Introducing the Convention on the Elimination of All Forms of Discrimination against Women

Why a Convention on discrimination against women?

[illegible]

[illegible]

Vienna Declaration and Programme of Action, 1993, paragraph 18

History of the Convention

[illegible]

Mechanisms to ensure implementation of the Convention

The Convention's implementation procedures

[illegible]

▷ The Reporting Procedure

[illegible]

▷ The Inter-State Procedure

[illegible]

[illegible] I [illegible]

Mr. Kofi Annan, Secretary-General of the United Nations, 10 December 1999

Other implementation procedures provided by the Optional Protocol to the Convention

[illegible]

The Committee on the Elimination of Discrimination against Women

[illegible]

Chapter 2

Rights and provisions set out in the Convention

Obligations of States parties to eliminate discrimination

Article 2

Article 3

Temporary special measures

Article 4

Prejudices, customary and other practices based on the idea of stereotyped roles for men and women

Article 5

Traffic in women and exploitation of prostitution

Article 6

Part II

In articles 7 to 9, States parties undertake to protect women's rights in public and political life.

Women's rights in public and political life

Article 7

[illegible]

Article 8

[illegible]

[illegible]

- Despite the long-standing recognition of the fundamental right of women and men to participate in political life, in practice the gap between [illegible] and equality in the area of power and decision-making remains wide.
- Women remain largely excluded from the Executive in their countries although there has been some progress here. Between 1994 and 1998, the number of countries where women held at least 15 per cent of ministerial positions increased from 16 to 28, and the number of countries where women held at least 20 per cent of ministerial positions increased from 8 to 16.
- Women account for a world average of 15 per cent of members of national parliaments. This represents a certain progress. It is still far from the 30 per cent

Nationality

Article 9 [illegible]

Part III

In articles 10 to 14, States parties make commitments to eliminate discrimination in education, employment, health, economic, social and cultural life

Elimination of discrimination in education, health, economic, social and cultural life

Ed ca

Article 10 [illegible]

F [illegible]

[illegible] 2

[illegible]

- The gender gap in primary and secondary schooling is closing but women and girls still lag behind men and boys in some countries of Africa and Southern Asia.

I [illegible]

- Despite significant progress in school enrolment, nearly two-thirds of the world's 876 million illiterates are women.

H [illegible]

- Women have made significant gains in higher education enrolment in most regions of the world
- In the Caribbean and Western Asia, there are more women than men enrolled in higher education.

[illegible]

- More women than men lack the basic literacy and computer skills needed to enter "new media" professions.
- In many countries, women represent a rapidly increasing share of internet users.

[illegible]:

– [illegible] *2000,* [illegible], United Nations, 2000
– [illegible], UNDPI, May 2000
– www.un.org/womenwatch/daw/followup/session/presskit/presskit.htm

E [illegible] **e**

Article 11 [illegible]

Article 11.3

- In 2000, women comprised an increasing share of the world's labour force - at least one-third in all regions except North Africa and Western Asia.
- Since 1980, the differential between women's and men's economic activity rate - i.e. the proportion of the working-age population in the labour force - has narrowed from region to region, as well as within regions.
- Self-employment and part-time and home-based work have expanded opportunities for women's participation in the labour force, but remain characterized by lack of security, lack of benefits and low income.
- More women than before are in the labour force throughout their reproductive years, although obstacles to combining family responsibilities and employment persist.
- Women, especially younger women, experience more unemployment than men and for a longer period of time than men.
- Women remain at the lower end of a segregated labour market and continue to be concentrated in a few occupations, to hold positions of little or no authority and to receive less pay than men.
- Rural women and migrant workers are particularly hard hit during times of economic downturn when they are much more vulnerable to unemployment and are often forced to carry an even larger burden of unpaid work.

Sources:

– *2000,* , United Nations, 2000

– , UNDPI, May 2000

– www.un.org/womenwatch/daw/followup/session/presskit/presskit.htm

Hea

Article 12

[illegible]

Part V

In Part V, the Convention establishes the Committee on the Elimination of Discrimination against Women for the purpose of considering the progress made in the

Article 28 [illegible]

Article 29 [illegible]

Article 30 [illegible]

Chapter 3

The Committee on the Elimination of Discrimination against Women

Composition of the Committee

"of high moral standing and competence in the field covered by the Convention".

00 [illegible]

00 [illegible]

Committee officers

[illegible] "provided that the principle of rotation is upheld".

[illegible] (FN).

00 [illegible]

In 1966, the General Assembly adopted the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The two Covenants translated the principles set forth in the Universal Declaration of Human Rights into specific rights, stipulated the measures that States must take to give effect to those rights and established the obligation for States parties to report regularly on their efforts to implement them.

Other United Nations human rights treaties, aimed at providing increased protection to particularly vulnerable groups or against particularly heinous violations and requiring States parties to report on their efforts, have also been adopted and entered into force:

- the International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- the Convention of the Elimination of All Forms of Discrimination against Women (1979);
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);
- the Convention on the Rights of the Child (1989).
- the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (1990). It will enter into force on 1 July 2003.

The implementation of these human rights treaties is monitored by committees, known as “treaty monitoring bodies”.

The legal basis for most of these treaty bodies can be found in the treaties themselves although the monitoring body for the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights, was established by a resolution of the Economic and Social Council. Treaty bodies are composed of independent experts of recognized competence in the field of human rights who are nominated and elected by States parties.

In addition to the Committee on Economic, Social and Cultural Rights, there are currently five other treaty bodies: the Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights; the Committee against Torture; the Committee on the Elimination of All Forms of Racial Discrimination; the Committee on the Rights of the Child; and the Committee on the Elimination of Discrimination against Women. When the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families enters into force, a seventh UN human rights treaty body will begin its work.

Functions of the Committee

[illegible]

[illegible]

[illegible]

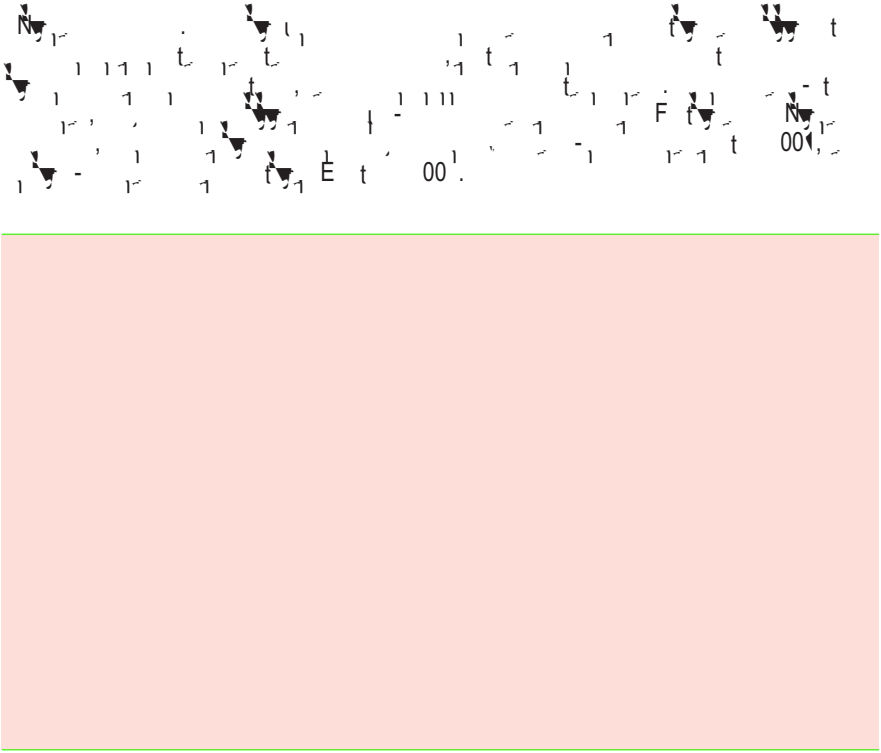
The Committee at work

[illegible]

[illegible]

[illegible]

[illegible], a pre-session working [illegible]



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Andorra	14	Oct	2002
Australia	4	Jun	1998
Austria	11	Sep	2000
Bahamas	17	Jan	2003
Brazil	5	Mar	1997
Canada	3	Nov	1997
Chile	8	May	1998
China	10	Jul	2002
Cyprus	30	July	2002
Denmark	12	Mar	1996
Egypt	2	Aug	2001
Finland	18	Mar	1996
France	8	Aug	1997
Germany	25	Feb	2002
Guatemala	3	Jun	1999
Iceland	8	May	2002
Italy	31	May	1996
Jordan	11	Jan	2002
Lesotho	12	Nov	2001
Liechtenstein	15	Apr	1997
Madagascar	19	Jul	1996

Maldives	7	Feb	2002
Mali	20	Jun	2002
Malta	5	Mar	1997
Mauritius	29	Oct	2002
Mexico	16	Sep	1996
Mongolia	19	Dec	1997
Netherlands	10	Dec	1997
New Zealand	26	Sep	1996
Niger	1	May	2002
Norway	29	Mar	1996
Panama	5	Nov	1996
Portugal	8	Jan	2002
Republic of Korea	12	Aug	1996
Sweden	17	Jul	1996
Switzerland	2	Dec	1997
Turkey	9	Dec	1999
United Kingdom of Great Britain and Northern Ireland	19	Nov	1996

The Committee's secretariat

[illegible]

Contact information:

[illegible]

What you can do as a parliamentarian

Parliamentarians, as representatives of the people, should be aware and informed of the Committee's work so that they can take it into account in their legislative activities and relay it to their constituencies and to the public at large.

With this in mind, you may wish to:

- Verify the status of cooperation between your State and the Committee by requesting information from your Government. You may wish to put a question to your Government on the subject.

- Ensure that Parliament is informed of the work of the Committee.
  - Make sure that relevant information is made available to Parliament on a regular basis by parliamentary support services. The latest information on the Committee's work can be found on the following website: www.un.org/womenwatch/daw/cedaw/index.html
  - Seek to ensure that information received by Government on its obligations as a State party and other matters of concern are brought to the attention of Parliament. You can put questions to your Government, if appropriate.
  - You may also wish to establish contact with the Committee's secretariat, should you require guidance or information on its work, and, if one of the experts on the Committee is a national of your country, seek her/his guidance or assistance.
  - In order to facilitate cooperation between your State and the Committee, you may also wish to enquire about the possibility and recommend, if appropriate, that the Permanent Mission of your country in New York follow the work of the Committee. You may also wish to ensure that information forwarded by the Permanent Mission is relayed to Parliament.

It is important that the reports are submitted to the Secretary General in accordance with the periodicity established in the Convention and that they comply with the Committee's guidelines for reports and contain comprehensive information.

The role of Parliament in this context is further developed in Chapter 5. Nevertheless, a few brief recommendations are listed below:

You may wish to:

- Ensure that your State's reports to be submitted in accordance with the provisions of the Convention are presented to the Secretary-General in a timely fashion and in accordance with the Committee's guidelines;

- V

Chapter 4

Becoming party to the Convention

Signing the Convention

Ratifying the Convention

[illegible]

Acceding to the Convention

[illegible]

Succession

[illegible]

Guidance from the UN

[illegible] Treaty Handbook [illegible]

[illegible] 200

State	Date of signature	Date of receipt of instrument of ractification, accession or succession
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Reservations

[illegible]

Nature and scope of reservations

[illegible] Multilateral Treaties deposited with the Secretary-General. [illegible] E [illegible] N [illegible] ([illegible]). [illegible] procedural [illegible] not fundamental to the object and purpose of the treaty.

[illegible] challenge the fundamental principles of the Convention. F [illegible]

[illegible]

O[illegible] C[illegible] C[illegible] C[illegible] L[illegible] P[illegible] C[illegible] MPs [illegible] CEDA [illegible]

Cooperation with the United Nations system: Parliamentary action for national follow-up to international agreements and treaties regarding women; 162nd session of the Council of the Inter-Parliamentary Union (Windhoek, Namibia, April 1998)

▷ [illegible]

"Ways and means of addressing the particularly large number of reservations to the Convention should be encouraged…the Committee… should continue its review of reservations to the Convention. States are urged to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law."

▷ [illegible]

"Actions to be taken at the national level by Governments: 68 (c): …limit the extent of any reservations.., and withdraw reservations that are contrary to the object and purpose of the Convention or otherwise incompatible with international treaty law."

The Committee's concern about reservations

[illegible]

article 2 and 16, [illegible]

[illegible]

Withdrawals of reservations

[illegible]

What you can do as a parliamentarian

▷ If your State is not yet a party to the Convention, or if your State has signed but not yet ratified the Convention, you can:

– Find out whether ratification/accession is under consideration;
– Put an oral or written question to your Government to determine why the Convention has not yet been ratified or acceded to;
– Consider using your right to submit a private member's bill on the matter;
– Encourage a parliamentary debate on the question;
– Mobilize public opinion in support of the Convention.

▷ Examples of ratification or accession instruments can be found in annex 3.

▷ Practical information on how to ratify or accede to international conventions can be found in the publication prepared by the UN Treaty Section of the Office of Legal Affairs available through the Permanent Mission of your country in New York and on the website of the Treaty Section of the Office of Legal Affairs (http://untreaty.org). The Treaty Section conducts regular workshops on this and related themes in New York and in the regions as necessary.

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▷ If the Government has sent your Parliament a request for ratification accompanied by any reservation(s) or declaration(s) of understanding which limit the Convention's scope, you can:

– Verify that, as provided for in article 28 of the Convention – which states that "a reservation incompatible with the object and purpose of the present Convention shall not be permitted" – the suggested reservations or declarations of understanding are not contrary to the object and purpose of the Convention or do not undermine its substance;
– Determine the validity of the suggested reservation(s);
– Encourage a parliamentary debate on the matter of reservations;
– Mobilize public opinion to encourage the Government to ratify or accede without any reservation(s) or declaration(s) of understanding.

A , , ∠∠s , l∠:

Chapter 5

Implementing the Convention

A State party's obligations

[illegible] *2000*, published by the United Nations, notes that since the Fourth World Conference on Women in 1995, a number of States parties to the Convention have:

- Prepared or strengthened national action plans of action for the advancement of women;
- Created the post of Secretary of State for Women to coordinate official policies, or formed ministries for women's affairs or assigned gender focal points in already existing ministries;
- Compiled statistics to monitor the impact of policies and programmes on girls and women;
- Amended or added provisions to their constitutions that guarantee the enjoyment of human rights without discrimination on the basis of sex;
- Adopted legislation that guarantee women's economic, social, civil and political rights; and,
- Introduced law reform and policy change regarding violence against women.

[illegible] *2000:* [illegible], United Nations, 2000

Incorporating the Convention in national legal systems

[illegible]

Including the principles of the Convention in the national constitution

Guidelines adopted by participants to the IPU seminar on “The Process of Engendering a New Constitution for Rwanda” (Kigali, Rwanda, June 2001)

In 1988, Brazil revised its Constitution, which now includes extensive guarantees reflective of the Convention. It contains provisions on gender equality, gender-based violence, State responsibility for the prevention of domestic violence, equality of rights within marriage, family planning, and equality in employment. The constitution also revoked the principle of the husband's leadership ("chefia") of the family unit and established that "the rights and duties relating to the conjugal unit are exercised equally by the man and the woman" (article 16 of the Convention).

(Source: Bringing Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination against Women, UNIFEM, 1998)

In Rwanda, the Forum of Rwandan Women Parliamentarians launched, in 2000, consultations amongst women to assess their needs and concerns and ensure that their rights are reflected in the country's new constitution. The results of these consultations were merged into a document which was submitted to the Legal and Constitutional Committee entrusted with the task of drafting the new Constitution, so as to be taken into account in the drafting process.

In February 1994, the Women's National Coalition, a large umbrella of over 90 women's groups countrywide, convened a convention which adopted the "Women's Charter for Effective Equality". The Charter was the culmination of an extensive participatory research and consultation project on the needs and demands of women.

Women presented the Charter to the parties then engaged in negotiating an end to apartheid. They also insisted that every party to the multiparty negotiations have at least one women on their delegation.

As a result of the coalition's advocacy efforts, the South African Constitution contains a number of significant provisions guaranteeing women's equality. The new Constitution firmly entrenches equality in the country's value system. The founding provisions assert that the democratic state is founded on the values of:

(a) Human dignity, the achievement of equality and advancement of human rights and freedoms; and

(b) Non-racialism and non-sexism.

The Constitution also includes a clause which states that "legislative and other measures" may be taken to "protect or advance" people who have been disadvantaged. This is in accordance with article 4 of the Convention which deals with temporary special measures.

National implementing legislation

[illegible]

[illegible]

[illegible]

Article 4 of the Convention provides that States parties are allowed to adopt temporary special measures aimed at accelerating de facto equality between men and women, such as affirmative action, for as long as inequalities exist.

Such measures are considered to be non-discriminatory, but should not lead to the maintenance of unequal or separate standards, and must be discontinued when equality of opportunity and treatment have been achieved.

In the field of politics, many countries have introduced affirmative action measures to increase women's participation.

[illegible]

- Morocco: Introduction in 2002 of a quota of 30 reserved seats for women in Parliament;
- Djibouti: Adoption of a law in 2002 requiring each political party to ensure that at least 10 per cent of its candidates are women and at least 10 per cent are men;
- Niger: Adoption in 2001 of a law compelling political parties to make sure that their lists include both men and women candidates, so that each sex accounts for at least 10 per cent of the candidates elected;
- France: Introduction of a constitutional amendment in 1999 which requires all political parties to ensure that 50 per cent of their candidates are women, and includes financial penalties for non-compliance.

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Further to ratifying the Convention in 1985, Japan enacted a series of laws aimed at bringing existing Japanese legislation into conformity with the principles and obligations set out in the Convention. Amendments to the Equal Employment Opportunity Law (EEOL) in 1985 were significant, as they prohibited employment discrimination in the private sector.

In 1997 the law was further amended to strengthen its enforcement provisions, which had been criticized by NGOs as being too weak. Those measures included:

In *G B*, decided in 1999, the Constitutional Court of South Africa considered the constitutionality of the section 3(5) of the 1993 Prevention of Family Violence Act which provided that a person charged with breaching a family violence interdict was required to prove his innocence. Drawing on the Universal Declaration of Human Rights, the Declaration on the Elimination of Violence against Women and the Convention on the Elimination of All Forms of Discrimination against Women, which it noted imposed positive obligations on States to pursue policies of eliminating discrimination against women by, amongst other things, adopting legislative and other means which prohibit discrimination, the Court held that the provision was constitutional as it was necessary to ensure the right to equality and non-discrimination in the context of the gross denial of human rights resulting from pervasive domestic violence.

In *D A -G B*, decided by the Botswana Court of Appeal in 1992, judges relied on international treaties, including the Convention, which had not been ratified by Botswana at the time, to uphold a challenge to the provisions of Botswana's nationality law which did not permit a Botswanan woman married to a non-Botswanan national to pass on her nationality to the children of the marriage, although a Botswanan man married to a non-Botswanan woman was able to do so.

In 1995, *D G N*, the Supreme Court of Nepal relied on the Convention in deciding to order the Government to ,

Other mechanisms to protect women from discrimination

[illegible]

Government policies and national programmes

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1

[illegible]

In 1997, a document entitled Development Strategy for Fiji: Policies and Programmes for Sustainable Growth, stated that government policies and strategies of Fiji will include:

- Ensuring a gender-balanced partnership at all levels of decision-making;
- Striving for equal partnership in political, economic and social development;
- Promoting equal opportunity in employment;
- Assisting disadvantaged women and young women in their economic activities;
- Promoting safe domestic and workplace environments for women and children;
- Examining legislation with a view to safeguarding the human rights of women; and
- Integrating women's concerns into all planning and policy areas.

[illegible]

budget bill on the distribution of income, which includes differences between women and men.

In addition, recognizing that gender analysis depends upon the availability of gender-disaggregated data, the Government has instructed the Statistics Department to collect all official statistics on that basis and endeavours to present such data and information in all of its policy documents.

One result of these efforts was Parliament's decision to reduce inequality in unpaid care work in the family sphere by prolonging the parental leave period from 12 to 13 months. Parents can determine how to divide the days of parental allowance, but fathers must take at least 30 days leave or forfeit them entirely.

In 1994, the Philippines Government adopted a gender and development budget

Raising awareness and mobilizing public opinion

[illegible]

[illegible] 1

[illegible]

- The Government of the [illegible] has issued a number of publications on the Convention, including, in 1990, a booklet containing the English and Korean versions of the Convention, and the Government's first two reports to the Committee. In 1995 and 1996, other publications on international conventions relating to women included information notes on the Convention. These materials were disseminated to the public at large and used by public employee training institutions and various social education establishments to sensitize such personnel as public prosecutors, police officers, prison administrators and guards…
- The Ministry of Gender, Labour and Social Development of [illegible] pioneered a paralegal training programme in one district (Kamuli) to improve the delivery of legal services in communities. Simplified booklets and manuals, including on the Convention, were prepared by the Ministry on various laws to make them more accessible to the public. The Ministry's efforts to sensitize the population on their rights was subsequently supplemented by other governmental and non-governmental legal education and sensitizations programmes in other districts of the country.

[illegible]

Communiqué, Judicial Colloquium on the Domestic Application of the Convention on the E

1.

IPU's general policy is to promote partnership between men and women in all fields. Its action is inspired by article 4 of its Universal Declaration on Democracy (1997) which states:

For many years now the IPU has promoted ratification and implementation of the Convention and, more recently, its Optional Protocol.

The IPU consistently promotes ratification and implementation of the Convention at each of its Statutory Conferences and during the Meetings of Women Parliamentarians.

At each Meeting of Women MPs an agenda item is dedicated to the Convention and, more recently to its Optional Protocol, in order to raise awareness and encourage discussion on and action in the implementation of these two legal instruments. Background documents on the Convention and the Optional Protocol, indicating each country's ratification status and reservations made, are also regularly

E
P

What you can do as a parliamentarian

[illegible]

Parliamentary mechanisms may be crucial in securing not only ratification or accession of the Convention and the development and implementation of corresponding national legislation, but also in ensuring timely reporting to the Committee and follow-up on its comments, recommendations and guidelines.

You may wish to keep in mind that some of the mechanisms which promote these objectives include the following, and also take action to have them instituted or developed, as appropriate and provided with the necessary resources:

- Due to the broad scope of the Convention, one or several standing or select parliamentary committees may be necessary. If there is more than one committee, the activities of these committees should be coordinated to ensure that the Convention is taken into account as a cross-sectoral element in the Parliament's work.
- A gender equality committee, representing all political parties, which uses the Convention as its reference instrument in all its activities and can generate regular parliamentary debate on its implementation;
- An all-party women's meeting or caucus or a gender partnership group involving both male and female parliamentarians, which can help raise parliamentary awareness of the importance of the Convention and its implementation;
- An informal group on the Convention which closely monitors action by the Government with regard to implementation of the Convention and liaises with civil society.

[illegible]

National legislation is crucial to the implementation of the Convention as it translates the aims and principles of international standards into national law. Such legislation sets the principles, objectives and priorities for national action to combat discrimination against women and creates the machinery for carrying out that action.

It is therefore crucial that, once your State has become party to the Convention, you:

- Ensure that Parliament adopts national legislation that corresponds to the Convention's provisions;
- Ensure that existing legislation is reviewed – by the competent services of Government, a special parliamentary committee or other official body – to determine whether its provisions are consistent with the Convention;
- Where necessary, make use of parliamentary procedure to ensure that the Government sends draft legislation, or amendments to existing legislation, to Parliament;
- Ensure that the national budget, examined and adopted by Parliament, takes into account the needs of women and is gender sensitive in all areas.

[illegible]

As key political figures who have the power to oversee government policies and programmes, and to modify them if need be, parliamentarians have a vested interest in ensuring that an effective system of data-gathering and a mechanism for monitoring the implementation of policies and programmes are in place.

You may wish to ensure that parliamentarians have access to:

- A legislative or research support service that can provide MPs with information on the Convention and advice with regard to its implementation. To this end, training of parliamentary staff with a view to raising awareness on the Convention and gender issues as a whole could be envisaged;
- A comprehensive information centre on gender issues to facilitate the work of MPs and parliamentary staff. You may wish to:
  - Enquire whether such a centre already exists in universities or other research centres in your country and facilitate communication/transfer of information to it.
  - If this is not the case, such a project could be launched by Parliament or

As representatives of the people, public figures and leaders of public opinion, parliamentarians have a key role to play in ensuring that the Convention is widely disseminated and publicized and in mobilizing public opinion.

Consider:

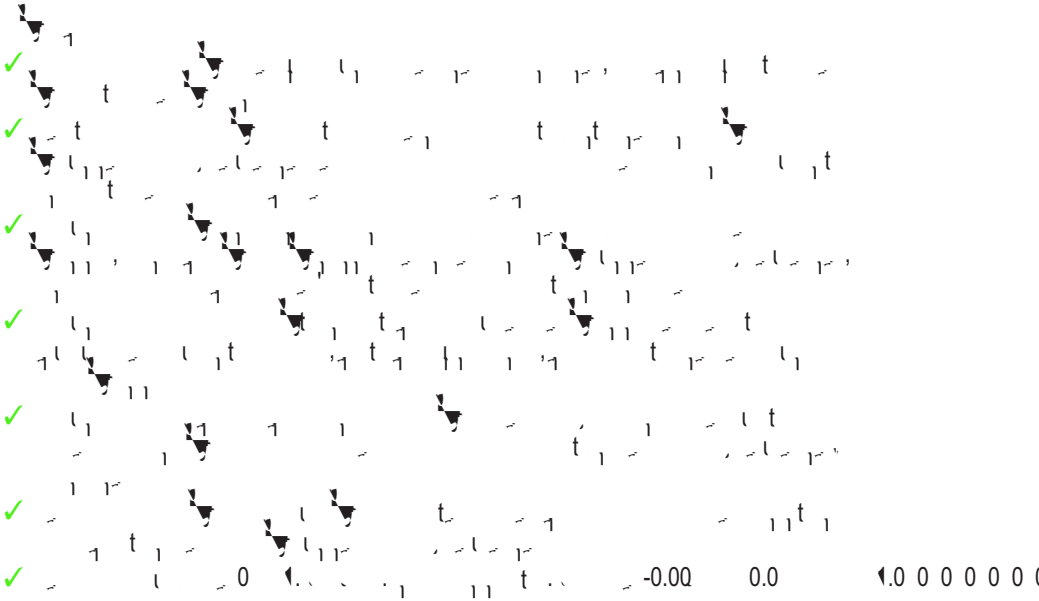
- Taking action to ensure that the Convention is available in the national language(s) you may wish to contact the DAW Secretariat to enquire about existing translations. UNESCO has also produced a , which contains the text of the Convention and the Optional Protocol. The exists in 19 languages. Information on this initiative can be found on UNESCO's website: www.unesco.org;
- Ensuring that school curricula include a segment on women's rights and the Convention;
- Participating in campaigns to mobilize public opinion on the Convention. You may wish to:
  – Make public speeches on the Convention;

Chapter 6

The reporting procedure

A State party obligation

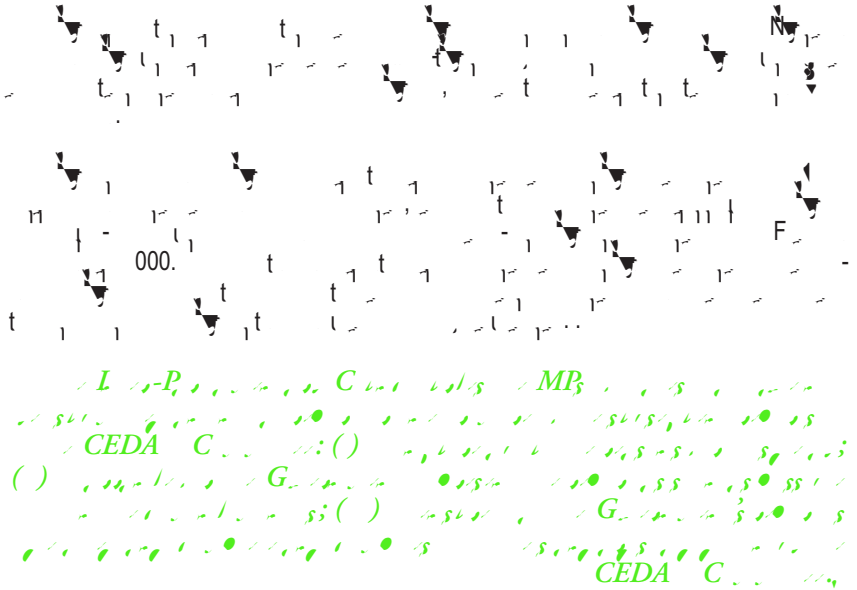
[illegible] t [illegible] initial report



[illegible] » 1

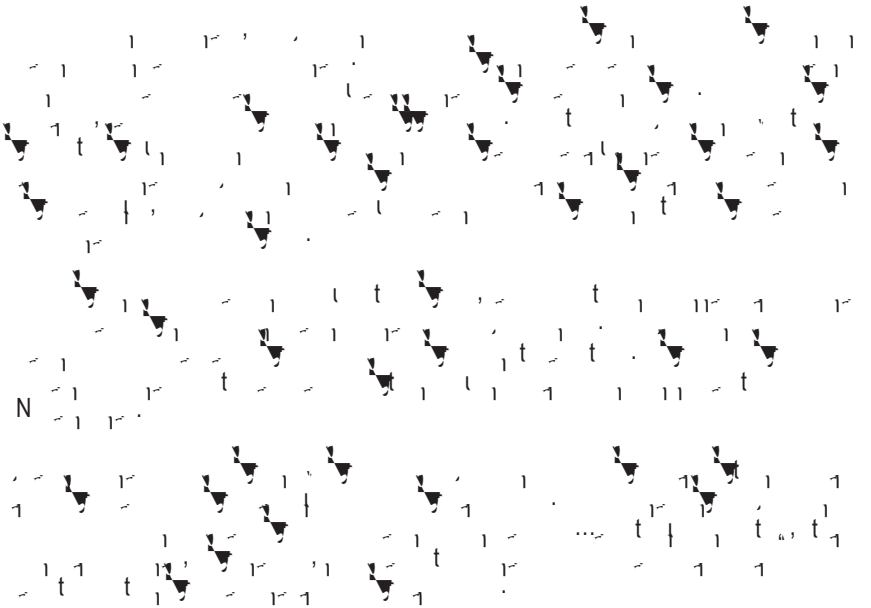
[illegible]

The United Nations Division for the Advancement of Women provides technical assistance to States parties on implementation of the Convention, and particularly



Cooperation with the United Nations system: Parliamentary action for national follow-up
to international agreements and treaties regarding women;
162nd session of the Council of the Inter-Parliamentary Union
(Windhoek, Namibia, April 1998)

Consideration by the Committee



initial reports,

, second and subsequent periodic reports

E concluding comments

[illegible]

The Committee's consideration of States parties' reports is based primarily on information in the reports and the knowledge of individual members. The Convention provides that the Committee may invite specialized agencies of the United Nations to submit reports on the implementation of the Convention in areas falling within the scope of their activities. The United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization (FAO), the International Labour Organization (ILO) and the World Health Organization (WHO) routinely provide such reports to the Committee

The Committee also takes advantage of information available in the United Nations system generally. In addition to the specialized agencies, UN bodies generally are invited to provide oral information to the Committee as a whole in a private meeting on States parties which will attend the session. They are also invited to provide oral information to the pre-session working group when it is drawing up the list of issues and questions on reports.

Although NGOs do not have formal standing under the reporting procedure, the Committee also welcomes information from them, its rules of procedure providing that representatives of NGOs may be invited to provide the Committee with oral or written information. The Committee sets aside time during each of its sessions and pre-session working groups to hear from NGOs, during which it particularly welcomes the participation of national-level NGOs. NGOs can submit written information to the Division for the Advancement of Women which in turn will transmit it to Committee members. Members are usually pleased to meet informally with NGO representatives, who can arrange further briefings for individual members or the Committee as a whole.

The Committee not only appreciates NGO information about States parties, but also encourages cooperation between NGOs and Governments in the preparation of reports. States parties have come to expect questions from the Committee on whether women's groups and NGOs generally have been consulted in the preparation of reports and what opportunities they have been given to provide their input and views.

Exceptional reports

[illegible]

✓ [illegible]

✓ [illegible]

[illegible]

Other reports under article 18

[illegible]

[illegible] 20

[illegible]

- When adopting national legislation on the Convention, the [illegible] incorporated a provision into the law that requ-0.0100any0-651.9l l.00dopting n

- Some States parties, such as [illegible], convene seminars to discuss the Committee's concluding comments. A special meeting on the Committee's concluding comments took place at the Swedish Parliament, in April 2002. It brought together parliamentarians, NGOs and the Chair of the Committee.
-

21

As at 6 March 2003, the following general recommendations had been adopted by the Committee:

No. 1: Reporting guidelines
No. 2: Reporting guidelines
No. 3: Education and public information programmes
No. 4: Reservations
No. 5: Temporary special measures
No. 6: Effective national machinery and publicity
No. 7: Resources
No. 8: Women's representation of Government at the international level
No. 9: Statistical data
No. 10: Tenth anniversary of the adoption of the Convention
No. 11: Technical advisory services for reporting
No. 12: Violence against women
No. 13: Equal remuneration for work of equal value
No. 14: Female circumcision
NoNo

In , decided in 1997, in a case of alleged gang-rape of a Government social worker who had been campaigning against child marriage, and the failure of officials to investigate her complaint, the Supreme Court of India recalled that India had ratified the Convention and that it was obliged to take all appropriate measures to eliminate discrimination against women in the field of employment and adopt all necessary measures at the national level aimed at achieving the full realization of the rights in the Convention. The Court drew on the provisions of the Convention and the Committee's general recommendation 19 on violence against women to expand its interpretation of the human rights guarantees in the Indian Constitution, and to establish guidelines and norms to be observed at all workplaces to prevent and address sexual harassment.

[illegible] 2

The Committee's general recommendation 14 specifically deals with female circumcision and recommends taking a series of measures including:

(i) The collection and dissemination by universities, medical or nursing associations, national women's organizations or other bodies of basic data about such traditional practices;

(ii) The support of women's organizations at the national and local levels working for the elimination of female circumcision and other practices harmful to women;

(iii) The encouragement of politicians, professionals, religious and community leaders at all levels, including the media and the arts, to cooperate in influencing attitudes towards the eradication of female circumcision;

(iv) The introduction of appropriate educational and training programmes and seminars based on research findings about the problems arising from female circumcision.

It further recommends including in national health policies appropriate strategies aimed at eradicating female circumcision in public health care. Such strategies could include the special responsibility of health personnel, including traditional birth attendants, to explain the harmful effects of female circumcision.

General recommendation 19 on violence against women, which defines gender-based violence as discrimination against women, also deals with female genital mutilation in its paragraphs 19 and 20. It calls on States parties to take measures to overcome this and other harmful traditional practices and report on these measures to the Committee. Similar recommendations are made in general recommendation 24 on women and health.

As at 6 March 2003, at least 33 countries have introduced legislation to prevent and punish harmful traditional practices. The text of the existing laws as well as references to the sections of international treaties dealing with the question can be found on the Inter-Parliamentary Union's website at the following address: www.ipu.org/wmn-e/fgm.htm.

Following the consideration of the report by the Committee, as a parliamentarian you can ensure appropriate national follow-up through oversight of Government action. You may wish to:

- Ensure that the concluding comments of the Committee are presented to Parliament and debated by it;
- Approach the relevant minister(s) on action taken to implement the Committee's recommendations; if appropriate, put an oral or written question to them;
- Organize or participate in public debates on the implementation of the concluding comments in order to raise awareness on the steps that need to be taken to accelerate full implementation of the Convention. States parties' reports can be found, together with the Committee's concluding comments, recommendations, guidelines and other relevant information on the DAW website:

  www.un.org/womenwatch/daw/cedaw/index.html.

Chapter 7

The Optional Protocol

[illegible] 000.

Why an Optional Protocol relating to the Convention?

[illegible]

[illegible] E [illegible]

[illegible] '"determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms."

[illegible] O [illegible] P [illegible] C [illegible] H [illegible] F [illegible] C [illegible] B [illegible] 1995. I [illegible] P [illegible] A [illegible]

Ms Angela E.V. King, Special Adviser on Gender Issues and Advancement of Women to the UN Secretary-General, 10 December 1999

Why a separate complaints procedure for the Convention?

[illegible]

[illegible]

- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]

[illegible]

Article 7 [illegible]

Articles 8, 9 and 10 [illegible] "inquiry procedure" [illegible]

. Article 8 [illegible]

Article 14 [illegible] articles 15, 16, 18, 19, 20 and 21 [illegible]

Article 17 [illegible]

Mechanisms established by the Optional Protocol

[illegible]

The communications procedure:

- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]

The inquiry procedure:

- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]

[illegible] 2

[illegible]

The adoption of an Optional Protocol to the Convention to provide a right to petition was one of the commitments made by Member States of the United Nations at the 1993 Conference on Human Rights in Vienna and the 1995 Fourth World Conference on Women in Beijing.

1973-1976

During the drafting of the Convention by the Commission on the Status of Women, Canada, the Netherlands and Sweden make suggestions concerning a complaints procedure, and Belgium submits an unsuccessful proposal which would commit States to examine the question of complaints procedures within a short time after the Convention entered into force.

1977

During consideration of the draft Convention in the Third Committee of the General Assembly, the Netherlands suggests that serious consideration should be given to including in the draft Convention the right of individual petition

1979

The General Assembly adopts, and opens for signature, ratification and accession, the Convention without an individual complaints procedure.

1991

In a report on strengthening the communications procedure of the Commission on Human Rights, the United Nations Secretary-General recommends that consideration be given to the development of an optional protocol to the Convention which would allow the Committee to receive and examine complaints alleging violations of the Convention. A similar recommendation is made by a United Nations expert group meeting on violence against women held in November.

1993

The World Conference on Human Rights acknowledges the need for new procedures to strengthen implementation of women's rights and calls on the Commission on the Status of Women and the Committee to "quickly examine the possibility of introducing the right of petition through the preparation of an Optional Protocol to the Convention."

1994

The Committee on the Elimination of Discrimination against Women agrees to examine the feasibility of introducing the right to petition through the preparation of an Optional Protocol to the Convention. The Commission on the Status of Women (CSW) recommends that an expert group meeting be convened to prepare a draft Optional Protocol. An independent expert group meeting is held at the Maastricht Centre for Human Rights and formulates a draft Optional Protocol.

1995

At its fifteenth session, the Committee adopts suggestion number 7 which identifies the desirable “elements” of an optional protocol. The CSW recommends that the Economic and Social Council request the UN Secretary-General to seek the views of Governments, intergovernmental organizations and non-governmental organizations (NGOs) on an optional protocol. It also recommends that the Council establish an in-session open-ended working group on the Optional Protocol to meet in parallel with the Commission on the Status of Women in 1996. The Beijing Platform for Action supports the elaboration of the Optional Protocol.

1996

The working group of the CSW on the Optional Protocol meets for the first time in 1996, and elects Ms. Aloisia Wörgetter of Austria as its Chairperson. The working group holds an exchange of views, and recommends that its mandate be renewed. The working group also recommends that the Commission invite the Secretary-General to seek further views from Governments, intergovernmental and non-governmental organizations (NGOs) on an Optional Protocol.

1997

The in-session open-ended working group of the CSW meets for the second time and discusses a draft Optional Protocol prepared by its Chairperson. A member of the Committee on the Elimination of Discrimination against Women, Ms Silvia Cartwright, participates as a resource person. The working group recommends the renewal of its mandate for two further sessions.

1998

The in-session open-ended working group of the CSW completes a second reading of the Chairperson's draft.

1999

The fourth session of the in-session open-ended working group of the CSW completes its drafting of the optional protocol, and recommends its adoption by the Commission. The Commission transmits the draft for adoption by the General Assembly through the Economic and Social Council. By its resolution 54/4, the General Assembly adopts the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women on 6 October 1999 and calls on all States parties to the Convention to become party to the new instrument

Special features of the Optional Protocol

- [illegible]
- [illegible]
- [illegible]

[illegible]

Chapter 8

Becoming party to the Optional Protocol

Why should a State become party to the Optional Protocol?

[illegible]

[illegible]

- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]
- ✓ E[illegible]
- ✓ [illegible]
- ✓ [illegible]

[illegible]

How does a State become party to the Optional Protocol?

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]
- ✓ [illegible]

What you can do as a parliamentarian

As legislators, overseers of Government action, political leaders and representatives of the people, parliamentarians have a role to play to ensure ratification or accession of the Optional Protocol to the Convention.

[illegible]

If your State has not yet taken any steps to ratify or accede to the Optional Protocol to the Convention, even though it may have signed it, you can consider:

- ▷ Determining whether the Government intends to initiate action to become party to it and, if not, inquire as to why;
- ▷ Taking action, including in the form of an oral or a written question, to ascertain whether the Government has already initiated action with a view to ratification or accession, or is intending to do so;
- ▷ Submitting a private member's bill on the matter;
- ▷ Encouraging a parliamentary debate on the Optional Protocol;
- ▷ Mobilizing public opinion.

[illegible]

As previously indicated, according to article 17 of the Optional Protocol, no reservations can be entered. However, the Protocol entitles States parties to "opt-out" (article 10) of the inquiry procedure on ratification or accession.

P[illegible]: If the Government has sent your Parliament a request for ratification or accession of the Protocol subject to a declaration of "opting-out" of the inquiry procedure, you can:

- ▷ Request detailed information on the reasons;
- ▷ Initiate a parliamentary debate on the question;
- ▷ Mobilize public opinion to encourage the Government to reconsider;
- ▷ Propose ratification or accession without "opting-out" of the procedure.

P[illegible]: If your State "opted-out" of the inquiry procedure at the time of ratifying or acceding to the Optional Protocol, you can:

- ▷ Inquire about the continued validity of this position;
- ▷ Use parliamentary procedures to challenge it;
- ▷ Use parliamentary procedures to encourage the Government to reconsider its position.

Public awareness about the Optional Protocol is crucial to securing full implementation of the Convention. As a parliamentarian you should ensure that information on the Optional Protocol is widely publicized by:

- Ensuring that the text of the Optional Protocol is translated into the national language(s) and widely distributed;
- Encouraging parliamentary debate on the matter;
- Organizing campaigns to mobilize public opinion on the Optional Protocol or taking part in public debates on the Optional Protocol, on television, radio or in meetings;
- Writing articles for newspapers, magazines and other print media on the Optional Protocol;
- Liaising with NGOs working on human rights, particularly women's rights;
- Organizing/contributing to workshops or information seminars for MPs, members of Government and civil society on the Optional Protocol;
- Using International Women's Day, 8 March, to focus attention on the Convention and the Optional Protocol.

Chapter 9

Which violations can form the subject of a communication?

[illegible]

Which communications are considered to be inadmissible?

[illegible]

[illegible] 2

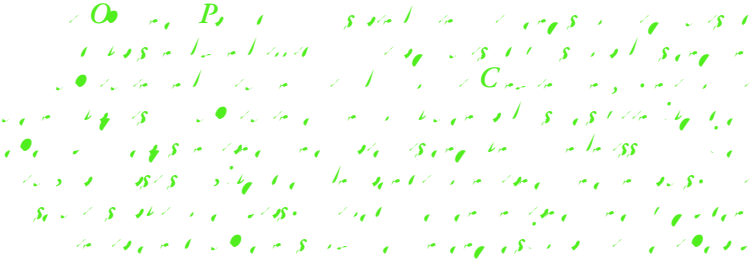
[illegible] 1

The complainant submits a communication or petition to the Committee's secretariat. This need not take any particular form, although the Committee has formulated guidelines for petitioners (see annex 9).

The petition must be in writing and contain the complainant's name, nationality, date of birth, and the State party against which the complaint is directed. If the complaint is being submitted on behalf of another person, evidence of their consent must be provided, or the petition must include an explanation justifying why the petition has been submitted without consent. The petition should set out the facts on which it is based, including that the complainant or the person on whose behalf she is acting, has been personally affected by the particular law, policy, programme or practice, act or omission of the State party concerned. The steps that have been taken to exhaust domestic remedies should be outlined, or the reasons why this rule should not apply explained, and information provided on whether it has been submitted to another means of international investigation or settlement. If the claim relates to actions occurring before the entry into force of the Protocol for the State party concerned, evidence that they continued after this date should be provided. The petition should also indicate why the facts set out constitute a violation of the Convention, if possible, identifying the articles of the Convention involved.

[illegible] 2

The petition is then "registered" by the secretariat for consideration by the Committee, and brought to its attention. The Committee or its WoW9.9(W)77.8(o)"SWo.0 - sutut secredulesubmitted besix mey hl. Oon bpetiheths gi Conv
submittedugh the Commitfteedeccomis.ep 2



[illegible] 2

E[illegible]

- ▷ A woman loses her nationality on marriage to a foreigner, but a man who marries a foreigner does not.
- ▷ A woman who marries a foreigner is not entitled to pass on her citizenship to her children, but no such restriction is placed on men who marry foreign women.
- ▷ Foreign men married to women citizens of a country have to apply for residence or work permits but foreign female spouses married to male citizens are automatically entitled to residence status or work permits.
- ▷ Women are not entitled to sell clan land while men are permitted to do so.
- ▷ A married woman does not have the right to bring court proceedings relating to joint matrimonial property, but her husband does.
- ▷ Immigrant women have to be citizens, born in the country, or have at least one parent born in the country before their foreign husbands can join them, while foreign men can have their foreign wives settle with them without restriction.
- ▷ In order to be eligible for certain social benefits, a woman has to show that she has been a "breadwinner", whereas the same requirement is not imposed on a man.

The inquiry procedure

[illegible]

[illegible]

Prerequisites for an inquiry

✓

Convention on the Elimination of All Forms of Discrimination against Women

Noting

Noting

Noting

Convinced [illegible]

Bearing [illegible]

Aware [illegible]

Determined [illegible]

Have agreed on the following:

PART I

Article 1

E [illegible]

Article 2

[illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

Article 3

[illegible]

Article 4

1. [illegible]

[illegible]

PART III

Article 10

[illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

() [illegible]

( ) [illegible]

PART IV

Article 15

1. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Article 18

[illegible]

( ) [illegible]

( ) [illegible]

[illegible]

Article 19

[illegible]

Article 20

1. [illegible]

Article 21

1. [illegible]

Article 22

[illegible]

PART VI

Article 23

[illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

Article 27

1. [illegible]

Article 28

1. [illegible]

Article 29

1. [illegible]

Article 30

[illegible]

Article 4

1. [illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

Article 5

1. [illegible]

Article 8

1. [illegible]

Article 9

1. [illegible]

Article 14

[illegible]

Article 15

1. [illegible]

Article 16

1. [illegible]

Article 17

[illegible]

Article 18

1. [illegible]

Article 19

1. [illegible]

[illegible]

Article 20

[illegible]

( ) [illegible]

( ) [illegible]

( ) [illegible]

Article 21

1. [illegible]

[illegible]

Model instruments of accession and of ratification

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[ACCESSION]

WHEREAS [illegible]

NOW THEREFORE I, [illegible]

IN WITNESS WHEREOF, [illegible]

[Signature]

* * * *

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS [illegible]

AND WHEREAS [illegible]

NOW THEREFORE I, [illegible]

IN WITNESS WHEREOF, [illegible]

[Signature]

Annex IV

Other international instruments of specific importance to women and girls

2000

▷ [illegible]

Supplements the United Nations Convention Against Trans-national Organized Crime and is intended to "prevent and combat" trafficking in persons, and more especially in women and children, and facilitate international cooperation against such trafficking.

1999

▷ [illegible]

Requires ratifying States to eliminate some particularly unacceptable and hazardous forms of child labour within a short time frame (see IPU/ILO Handbook on the subjcooperation against such trafficking.

1958

▷ [illegible]
Promotes equality of rights between men and women in the workplace.

1957

▷ [illegible]
Provides for the general principle that men and women have equal rights to acquire, change or retain their nationality and stipulates that neither the celebration nor the dissolution of marriage between a national and a foreigner, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

1952

▷ [illegible]
Commits Member States to allow women to vote and hold public office on equal terms with men.

1951

▷ [illegible]
Establishes the principle and practice of equal pay for work of equal value.

1949

▷ [illegible]
Calls for the punishment of those procuring others for prostitution.

1948

▷ [illegible]
Delineates human rights to be enjoyed by all without distinction of any kind, including sex.

Annex V

Reporting guidelines

A. Introduction

[illegible]

, . . E ⌐ ⌐ ⌐ t ⌐

[illegible]

F. Optional protocol

E.1. [illegible]

E. . [illegible]

G. Measures to implement outcomes of United Nations conferences, summits and reviews

F.1. [illegible]

F. . [illegible]

H. The Committee's consideration of reports

H.1. General

.1.1. [illegible]

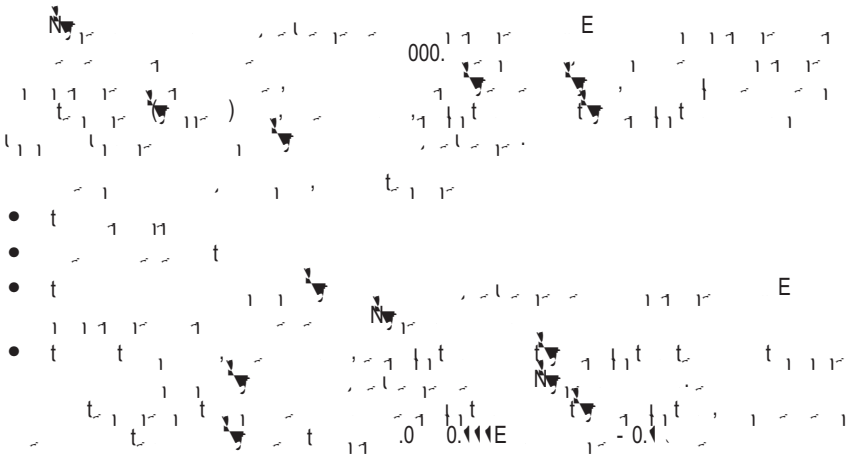
H.2. List of issues and questions with respect to periodic reports

. .1.N [illegible]

H.3. The State party's delegation

[illegible]

Submission of a communication under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women



Send your communication to:

[illegible]

1. Information concerning the author(s) of the communication

- [illegible]

[illegible]

- [illegible]
- N [illegible]

2. Information concerning the alleged victim(s) (if other than the author)

- [illegible]

3. Information on the State party concerned

- [illegible]

4. Nature of the alleged violation(s)

[illegible]

- [illegible]
- [illegible]
- [illegible]
- [illegible]

5. Steps taken to exhaust domestic remedies

[illegible]

- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

[illegible]

Please note [illegible]

6. Other international procedures

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The UN Division for the Advancement of Women

Division for the Advancement of Women

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The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences.

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