

This Question & Answer Booklet is designed to provide you with a snapshot view of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It aims to raise awareness of the rights to which women are entitled under CEDAW so that you can use the Convention to bring about concrete improvements in the lives of Caribbean women.

The Booklet is intended as a resource for women's human rights advocates, government officials, students, teachers, practitioners and anyone who wants to know more about women's rights.

# C E D A W M A D E E A S Y

## QUESTION & ANSWER BOOKLET



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**C E D A W**

**M A D E E A S Y**

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**QUESTION & ANSWER BOOKLET**

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## FOREWORD

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*UNIFEM will continue its efforts to help forge the political will to implement the programmes and policies necessary to enable every woman in the world to live a life free from violation and to exercise and enjoy all their human rights. Bolstering the ratification and implementation of CEDAW is a pivotal part of building a culture that understands, respects and promotes equality for women.*

– Noeleen Heyzer, Executive Director of UNIFEM

UNIFEM – the United Nations Development Fund for Women – is one of three UN agencies whose mandate is directly related to women.<sup>1</sup> We are committed to bringing about systematic change that leads to women’s empowerment and gender equality. To this end, we work with governments, non-governmental organizations (NGOs) and partner agencies in the UN system to ensure that women’s human rights continue to be a centrepiece in follow-up activities to fulfil the Platforms and Programmes of Action from UN world conferences, the Caribbean Community (CARICOM) and the Commonwealth.

UNIFEM follows a global A B C D E strategy: **A**dvocacy and policy dialogue; **B**uilding sustainable knowledge and action networks; **C**apacity-building; **D**isseminating knowledge on emerging issues and innovative solutions towards gender equality; and **E**xperimentation on the ‘how to’ of achieving gender equality. It focuses on four goals:

1. *Reducing feminized poverty and exclusion* – Mainstreaming a gender perspective in trade and macro-economic policy-making; and increasing women’s access to, and influence on, markets for labour, goods and services.
2. *Ending violence against women* – Resourcing of legislation and national action plans; ensuring that statistics and sector offices register the incidence and types of violence against women; investing more in prevention, particularly through long-term campaigns at local, national and global levels aimed at involving men and changing the attitudes that perpetuate gender-based violence; and increasing support for women’s organizations and for multi-sectoral approaches to prevention and protection.
3. *Halting and reversing the spread of HIV/AIDS among women and girls* – Bringing a gender equality and human rights perspective to

partnerships forged through UNAIDS with the United Nations system, national AIDS councils and women's and government organizations at the global, regional and national level; and spearheading holistic strategies to address HIV/AIDS by drawing links to violence against women, feminized poverty and gender justice in post-conflict reconstruction.

4. *Achieving gender equality in democratic governance in times of peace as well as war* – Increasing technical capacity to implement and monitor CEDAW for achieving constitutional and legislative guarantees to gender equality and its implementation; building partnerships to ensure women's equal participation in electoral processes, peace negotiations, conflict prevention, disarmament, demobilization and reintegration, and other processes; establishing national and local mechanisms (governmental and non-governmental) to achieve gender equality in post-conflict reconstruction; and improving information, documentation and guidance to attain gender justice.

In the Caribbean, the work programme of the UNIFEM sub-

regional office, based in Barbados,<sup>2</sup> includes:

- Promoting active and visible policies to address the gender dimensions of poverty reduction and women's place in the economy, in the context of the impact of globalization on Caribbean Small Island Developing States (SIDS).
- Developing and supporting integrated action plans to eliminate all forms of violence against women, including law reform on sexual harassment and child sexual assault.
- Ensuring that the gender-based causes are taken into account in programmes and policies to combat HIV/AIDS through capacity-building of policy makers, networks of women living with HIV/AIDS and civil society.
- Supporting leadership and women's participation in political processes for gender equity and social justice, including working closely with the UN system to strengthen the rule of law and democratic processes in Haiti through active support for women's participation in these areas.

## **UNIFEM'S ROLE WITH REGARD TO CEDAW**

In promoting women's human rights, UNIFEM has developed a series of initiatives around the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Our work on CEDAW has focused on increasing the effectiveness of reporting, monitoring and implementation of the Convention. Key to this is strengthening the capacity of governments and NGOs to use CEDAW to create stronger legal and policy frameworks for gender equality. Fostering NGO-government partnerships is also a critical piece of this work.

The programme has included region-specific areas of focus such as:

- popularizing CEDAW in the Caribbean (of which this Booklet is a part);
- CEDAW and Shari'a law in Western Asia;
- a 'Training of Trainers' programme on women's human rights in the context of CEDAW in the Arab region; and
- technical expertise to link CEDAW to other critical

issues on the global agenda, such as HIV/AIDS.

## **THE PURPOSE OF THIS BOOKLET**

This Booklet is designed to provide you with a snapshot view of CEDAW and to raise awareness of the rights to which women are entitled under the Convention so that you can use it to bring about concrete improvements in the lives of Caribbean women.

We hope that we have produced a useful resource for women's human rights advocates, government officials, students, teachers, practitioners and any person who wants to know more about women's rights. We have provided as much information as possible using the question and answer format. This lends itself for use as a discussion aid and for research as well as for general reading. A listing of relevant websites and other resources has been provided to assist you in identifying additional sources of information on CEDAW and other tools designed to achieve women's equal rights. The full text of the Convention is included at the end of the Booklet.

We at UNIFEM know that women's rights are human

rights and that development cannot be fully attained if half of the population continues to be excluded from equal representation and involvement in the political, social and economic spheres of their countries. We encourage you to use this Booklet as a starting point in advocating for women's human rights.

#### NOTES

<sup>1</sup> The other agencies are the Division for the Advancement of Women (DAW), which acts as a focal point for coordination and mainstreaming of gender issues in the UN system; and the International Research and Training Institute for the Advancement of Women (INSTRAW), which works towards gender equality through research, training and information.

<sup>2</sup> UNIFEM Caribbean represents the rights of women and women's organizations in the CARICOM countries (Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago); the British Overseas Territories (Anguilla, British Virgin Islands, Cayman Islands, Montserrat and Turks and Caicos Islands); the Netherlands Antilles (Curaçao, Saba, St. Maarten and St. Eustatius); Aruba; and Bermuda.



Cathy Jones/CAFRA News

## 1. CEDAW AND INTERNATIONAL HUMAN RIGHTS: AN OVERVIEW

### WHAT IS THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN?

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international treaty that is part of the United Nations human rights' system. Sometimes referred to as the Women's Convention or the Women's Bill of Rights, it's a comprehensive international agreement that is intended to improve the status of women.

CEDAW promotes women's equal attainment of economic, social, cultural, civil and political rights. It also establishes rights for women in areas that weren't previously subject to international standards. Moreover, it provides a universal definition of discrimination against women, so that those who would discriminate on the basis of sex can no longer claim that there isn't a clear definition of what this means.

### HOW DOES CEDAW DEFINE DISCRIMINATION?

Article 1 of CEDAW defines discrimination against women as "any distinction, exclusion or restriction made on the basis of

sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil and any other field".

### WHY IS IT IMPORTANT TO HAVE A CONVENTION LIKE CEDAW?

CEDAW brings together, in one wide-ranging international human rights treaty, the provisions of other existing UN instruments concerning discrimination on the basis of sex. It then extends them further to create a real tool for the elimination of discrimination against women.

CEDAW also adds some significant new provisions. These include (a) the application of non-discrimination to private as well as public life, (b) its requirement that countries must eliminate traditional and stereotyped ideas of the roles of the sexes, and (c) its specific concern with rural women. In

*It is fair to say that the Women's Convention is the common offspring of the international human rights movement and the women's movement under the roof of the United Nations.*

- Feride Acar,  
Chairperson of the  
CEDAW Committee<sup>1</sup>

**TABLE 1: HOW CEDAW IS STRUCTURED**

<p><b>PART I</b>                  Discrimination (article 1)                  Policy measures (article 2)                  Guarantee of basic human rights and fundamental freedoms (article 3)                  Special measures (article 4)                  Sex role stereotyping and prejudice (article 5)                  Prostitution (article 6)</p>	<p><b>PART II</b>                  Political and public life (article 7)                  Representation (article 8)                  Nationality (article 9)</p>
<p><b>PART III</b>                  Education (article 10)                  Employment (article 11)                  Health (article 12)                  Economic and social benefits (article 13)                  Rural women (article 14)</p>	<p><b>PART IV</b>                  Law (article 15)                  Marriage and family life (article 16)</p>
<p><b>PART V</b>                  Committee on the Elimination of Discrimination against Women (article 17)                  National Reports (article 18)                  Rules of procedure (article 19)                  Committee meetings (article 20)                  Committee reports (article 21)                  Role of specialized agencies (article 22)</p>	<p><b>PART VI</b>                  Effect on other treaties (article 23)                  Commitment of States parties (article 24)                  Administration of the Convention (articles 25-30)</p>

In addition, it creates a mechanism for monitoring and enforcement (see section 3).

Among the international human rights treaties, the Convention takes an important place by bringing the female half of humanity into the focus of human rights concerns. It isn't only an international bill of rights for women; it's also an agenda for action by countries to guarantee the enjoyment of those rights. Human rights treaties like CEDAW represent

acceptance by the international community of certain standards and norms.

**WHAT'S THE DIFFERENCE BETWEEN A CONVENTION AND A TREATY? WHAT OTHER TYPES OF INTERNATIONAL LEGAL AGREEMENTS ARE THERE?**

Conventions and treaties (and covenants, pacts and protocols) mean much the same thing. Treaties can be bilateral (between two countries) or multilateral (between more than

two countries) and cover a wide range of issues.

One example of a bilateral agreement is the Bilateral Investment Treaty between Barbados and Canada, signed in 1996 to promote and protect investments in the two countries. An example of a multilateral agreement is the Treaty of Chaguaramas, which established the Caribbean Community (CARICOM) in July 1973.

'Convention' is the most common term for human rights instruments and is frequently used for agreements to which a large number of States are parties.<sup>2</sup>

**DON'T ANY OTHER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS ADDRESS WOMEN'S RIGHTS?**

There are several other instruments that address specific issues, such as the rights of married women or women's political rights (see Appendix V). However, CEDAW is the only international agreement that focuses on the rights of women in all areas of life and addresses the particular types of discrimination they face (which may be cultural and structural).

At the same time, it's important

**BOX 1: THE INTERNATIONAL BILL OF RIGHTS**

The Universal Declaration of Human Rights (UDHR) (1948) sets out a catalogue of fundamental human rights including:

- the right to be free from torture (article 5);
- the right to be free from discrimination (article 7);
- the right to freedom of thought, conscience and religion (article 18);
- the right to work (article 23); and
- the right to education (article 26).

The International Covenant on Civil and Political Rights (ICCPR) (1966) protects rights such as:

- the right to life (article 6);
- the right to liberty and security of person (article 9);
- the right to equality before the law (article 14);
- the right to peaceful assembly and freedom of association (articles 21 and 22);
- the right to political participation (article 25); and
- the right of minorities to protect their language and culture (article 27).

The International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) covers rights such as:

- the right to work (article 6);
- the right to form trade unions (article 8);
- the right to social security (article 9); and
- the right to an adequate standard of living, including adequate food, nutrition, shelter, clothing, education and health services (article 11).

All three instruments state that everyone is entitled to all the rights without distinction/discrimination of any kind, including race, colour, sex or other status.

to note that the principles of non-discrimination and equality are central to human rights in general. The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) all bar discrimination on the basis of sex. These make up what is known as the International Bill of Rights (see Box 1 on page 3).

The UDHR, adopted by the UN General Assembly on 10 December 1948, is the foundation of all modern human rights instruments and contains a list of civil, cultural, economic, political and social rights. Although the Declaration isn't itself a legally binding treaty, over time it has become almost an extension of the UN Charter, which is binding for all UN member States.



Tracey Johnson/CAFRA News

Further more, most if not all of the UDHR's provisions have now become customary international law. This

term refers to a general and consistent practice followed by States, deriving from a sense of legal obligation, which is then accepted as the norm or standard all countries should abide by. Many international lawyers argue that this includes such acts as voting for resolutions at the UN and other international gatherings.

Customary law is an important source of international law because it binds all nations, not just those that have ratified (formally approved) a particular treaty. The UDHR is the foundation of the Bills of Rights of many Caribbean countries (see Appendix IV).

#### **WHAT ABOUT THE BEIJING PLATFORM FOR ACTION? DOESN'T THAT PROMOTE WOMEN'S RIGHTS?**

There is an important distinction between conventions on the one hand and declarations, resolutions and platforms or programmes that emerge from international meetings on the other.

Declarations, platforms, etc. are important in that they reaffirm human rights and establish working frameworks for States to fulfil their treaty obligations. In the Beijing Declaration and Platform for Action from the UN

Fourth World Conference on Women (Beijing, 1995), government delegations made a moral and political commitment to undertake certain activities to improve the status of women. However, this type of agreement isn't legally binding.

Conventions such as CEDAW, on the other hand, are international agreements concluded between countries in writing and governed by international law.

#### **HOW DOES INTERNATIONAL HUMAN RIGHTS LAW DIFFER FROM NATIONAL LAW?**

A country's parliament is its main legislative or law-making body. National laws formulated by the government require various majority votes and usually the assent of the Head of State, and are then enforced by the courts and law enforcement officials such as the police.

International laws are clearly not created in the same way (see next question). The enforcement of international law is also very different because there is no international police force and it is States, not individuals, who are parties to the conventions and have to be held accountable.<sup>3</sup>

The system therefore relies

#### **Box 2: USING INTERNATIONAL LAW AT THE NATIONAL LEVEL<sup>4</sup>**

In 1997, a Regional Judicial Colloquium for the Caribbean region was held in Guyana that issued Recommendations and Strategies for Action on the Human Rights of Women and the Girl-Child. The Colloquium recognized "that the fundamental duty of judges to ensure the fair and due administration of justice requires judges to be alert to manifestations of gender discrimination in the law and in the administration of justice, and to take such measures as lie within their power to redress or eliminate any such discrimination". In this regard, it "emphasized the utility of international human rights norms to domestic litigation, noting that in general there was no constitutional or other bar to referring to international human rights treaties". It suggested that, among other uses, these norms might provide a standard to clarify the meaning of constitutional guarantees.

heavily on political pressure, as States generally don't want to be known as human rights abusers. That's why the involvement of NGOs and activists is so important in pushing the human rights agenda forward (see section 3 below on how CEDAW is implemented).

However, judges in countries that have ratified an international convention such as CEDAW have the authority to consider it either as part of law or as an aid to interpreting national law (see Box 2).



**BOX 3: WOMEN’S ACTIVISM AND THE DRAFTING OF CEDAW**

Women around the world have been very active in struggling to get their rights recognized, and the inclusion of these rights in the international human rights framework is “deeply rooted in the story of women’s organizing in different regions” (Friedman, 1995). In 1972, the UN Commission on the Status of Women (CSW) began to press for a legally binding global body of law to eliminate discrimination against women. More impetus for a women’s convention came out of the first global conference on women, the 1975 International Women’s Year Conference in Mexico City. CEDAW’s requirement in article 5 that States must eliminate traditional and stereotyped ideas of the roles of the sexes, and its specific concern with rural women in article 14, “clearly reflected the concerns of women in the developing world” and the fact that the CSW at the time had a majority of members from the Global South (Timothy and Freeman, 2000).

**HOW IS AN INTERNATIONAL CONVENTION CREATED?**

The majority of human rights conventions come about through negotiations at the UN, often preceded by years of national, regional and international activism around the particular human rights violation or injustice (see Box 3). The convention is drafted by a sub-body and then adopted by the General Assembly. It is then open for signature and ratification by the member

States. Each convention needs to be ratified by a certain number of States, specified in its articles, before it enters into force (becomes law).

CEDAW was drafted by the UN Commission on the Status of Women (CSW). The process of compiling the treaty was facilitated by the fact that it was made a priority area on the UN agenda during the UN Decade for Women (1975-1985). CEDAW came into force as an international treaty on 3 September 1981. As of 16 October 2004, it had 179 State parties.

**HOW DOES A COUNTRY BECOME A PARTY TO AN INTERNATIONAL CONVENTION?**

Agreeing to an international convention is a legal process that involves a series of steps. Most commonly, a country in favour of a convention signs shortly after it has been adopted by the UN General Assembly. Signing isn’t legally binding but creates (a) a presumption that the country will abide by the provisions of the treaty and (b) an obligation not to do anything that would defeat the objectives of the convention or undermine it.

A country then makes a formal agreement to be legally bound by the treaty, normally including some parliamentary process. The instrument of ratification – a formal letter signed by the responsible authority in the country – is deposited with the UN Secretary General by the government (usually the Ministry of Foreign Affairs).

Another way that a State can become a party is through accession. This is essentially just another word for ratification, except that it isn’t preceded by any act of signature. Either method is equally binding on the country.

**IS MY COUNTRY A PARTY TO CEDAW?**

All independent Caribbean countries have committed themselves to implement the Convention (see Table 2).

The situation is somewhat different for the dependent countries or overseas territories. When the United Kingdom signed CEDAW in 1981, the overseas territories weren’t included. However, in 1986 CEDAW was extended to these territories. To date, the British Virgin Islands and Turks and Caicos Islands have accepted CEDAW and are covered by the UK ratification. However,

Anguilla, the Cayman Islands and Montserrat haven’t accepted CEDAW yet.

The Netherlands signed CEDAW in 1991 and this automatically extended the Convention to the dependent territories of Aruba and the Netherlands Antilles (Curacao, Saba, St. Barts, St. Eustatius and St. Maarten).

**ARE ALL THE ARTICLES IN THE CONVENTION LEGALLY BINDING ON COUNTRIES THAT RATIFY IT?**

When countries ratify, they can make a reservation to the Convention. This is a statement

**TABLE 2: CARIBBEAN COUNTRIES AND CEDAW**

Country	Year of Ratification or Accession
Antigua and Barbuda	1989
Bahamas	1993
Barbados	1980
Belize	1990
Dominica	1980
Grenada	1990
Guyana	1980
Haiti	1981
Jamaica	1984
St. Kitts and Nevis	1985
St. Lucia	1982
St. Vincent and the Grenadines	1981
Suriname	1993

that modifies or limits the effect of one or more of its provisions. For example, Jamaica initially made a reservation to article 9 because it conflicted with national law. This article deals with granting equal rights to men and women to acquire, change, retain and give nationality to their children. However, after the country's laws were amended, the reservation was withdrawn. Several Caribbean countries

have reserved to article 29 relating to the settlement of disputes.

Despite the fact that CEDAW is one of the most widely ratified conventions, many countries have made reservations to different articles. It

has been argued that some of these, particularly those that indicate the State's intention not to be bound by provisions that conflict with religious or domestic law, undermine commitment to the Convention and its full implementation.

The Vienna Programme of Action from the 1993 World Conference on Human Rights urged States to withdraw reservations that are contrary to

the Convention's objectives and purpose or are otherwise incompatible with international treaty law.

To find out what types of reservations countries have made, go to [www.un.org/womenwatch/daw/cedaw/reservations-country.htm](http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm). For Caribbean countries, see Appendix II).

### WHAT'S THE RELEVANCE OF CEDAW IN COUNTRIES THAT HAVEN'T RATIFIED IT?

The Convention isn't formally binding on a country that hasn't ratified it. However, the principle of non-discrimination has an effect on all countries as part of international customary law (see above).

### NOTES

<sup>1</sup> Written statement submitted to the 47th session of the Commission on the Status of Women, New York, 3-14 March 2003.

<sup>2</sup> A State is simply a technical term for a country and is used to refer to the members of the United Nations. States are the 'parties' that take part in international law.

<sup>3</sup> However, the International Criminal Court, established in 2002, is intended to punish the individual perpetrators of the worst human rights abuses.

<sup>4</sup> Source: Adams and Byrnes (eds.), 1999.

### WHAT ARE WOMEN'S RIGHTS?

Women's rights are human rights and establish the same social, economic, cultural, civil and political status for women as for men. They guarantee that women won't face discrimination on the basis of their sex.

### HOW DOES CEDAW PROTECT WOMEN'S HUMAN RIGHTS?

CEDAW gives legitimacy or a legal basis to women's human rights claims and promotes women's equality in all areas of life. It obliges States to introduce legal and policy changes to end discrimination against women. Equality rights must be both *de jure* (as a matter of law) and *de facto* (as a matter of fact, i.e. in reality). The Convention creates a monitoring (and more recently a complaint mechanism) to ensure implementation (see sections 3 and 4).

### WHAT KINDS OF RIGHTS ARE COVERED BY CEDAW?

CEDAW deals with the civil rights and the legal status of women in great detail. But, unlike other human rights treaties, the Convention is also concerned with human reproduction as well as with the impact of cultural factors on gender relations. It applies to

private as well as public life and requires that States eliminate traditional and stereotyped ideas of the roles of the sexes (article 5).

### WHAT DOES CEDAW SAY ABOUT THE CIVIL RIGHTS AND LEGAL STATUS OF WOMEN?

CEDAW guarantees women's right to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (articles 7 and 8).

It says that, in civil matters, States parties are to ensure that women have a legal capacity identical to that of men and the same opportunities to exercise that capacity. They are to give women equal rights to conclude contracts and to administer property, and women are to be treated equally in all stages of court procedures (article 15).

### WHAT DOES CEDAW SAY ABOUT THE REPRODUCTIVE RIGHTS OF WOMEN?

*Once your government has signed (CEDAW), it is a social contract that they're making with the women in the country ... [I]t gives you that tool, that leverage to say OK, this is the normative context within which women's status has to be dealt with – and it is a human rights document, so automatically you are in the basket of human rights.*  
– Roberta Clarke,  
Regional Programme Director, UNIFEM Caribbean<sup>1</sup>

*Continued on page 12.*



Sojourner Sisters Inc.

## Box 4: CEDAW AT A GLANCE<sup>2</sup>

### Article 1: Definition of Discrimination

Discrimination against women is: “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...of human rights and fundamental freedoms”.

### Article 2: Policy Measures to be Taken

Governments condemn discrimination against women in all its forms and will work to end it. This includes abolishing all existing laws, customs and regulations that are discriminatory.

### Article 3: Guarantee of Basic Human Rights

Governments will take all appropriate actions to ensure the advancement of women and to protect their rights on a basis of equality with men.

### Article 4: Temporary Special Measures

Governments may institute affirmative action programmes to ensure women’s advancement. This will not be considered discriminatory.

### Article 5: Sex Roles and Stereotyping

Governments will strive to eliminate cultural and traditional practices that perpetuate discrimination and gender stereotyping of women.

### Article 6: Trafficking and Prostitution

Governments will work to eliminate trafficking in women and the exploitation of the prostitution of women.

### Article 7: Political and Public Life

Governments will work to eliminate discrimination against women in political and public life and will ensure women the right to vote, hold office and actively participate in political parties, lobby groups and NGOs.

### Article 8: Participation at the International Level

Governments will take action to ensure women the opportunity to represent their government at the international level and participate in international organizations.

### Article 9: Nationality

Governments will grant women equal rights to change or retain their nationality and that of their children.

### Article 10: Equal Rights in Education

Governments will act to eliminate discrimination against women in education. This includes giving women and men equal access to education and vocational guidance; the same curricula, examinations, standards for teaching and equipment; and equal access to scholarships and grants.

### Article 11: Employment

Governments will eliminate discrimination against women in the workplace. Women will have the same employment rights as men as well as maternity leave and special protection against harmful work during pregnancy.

### Article 12: Health Care and Family Planning

Governments will eliminate discrimination against women in health care and provide them with equal access to health-care services, including family planning.

### Article 13: Economic Life, Sport and Culture

Governments will act to eliminate discrimination against women in the economic and social arenas. Women will have equal access to family benefits, loans and credit, and an equal right to participate in recreational activities, sports and cultural life.

### Article 14: Rural Women

Governments will ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities and social equity schemes, and act to eliminate discrimination against them.

### Article 15: Equality Before the Law

Governments will give women equality with men before the law, including rights to enter contracts, administer property, appear in court or before tribunals, and to choose residence and domicile.

### Article 16: Marriage and the Law

Governments will ensure that women and men have equal rights to choose a spouse and to marry; the same rights and responsibilities within marriage and on divorce; and equal rights in all matters relating to the birth, adoption and raising of children.

### Articles 17-22:

Detail the establishment and function of the Committee on the Elimination of Discrimination against Women.

### Articles 23-30:

Detail the administration of the Convention.



Sauti ya Siti

Provisions for maternity protection and child care are proclaimed as essential rights. They are found in all areas of the Convention, whether dealing with employment, marriage and family relations, health care or education.

CEDAW is the only human rights treaty to mention family planning. States parties are obliged to provide advice on family planning in the education process and to develop family codes that guarantee women's rights (a) to decide freely and responsibly on the number and spacing of their children and (b) to have access to the information, education and means to enable them to exercise

these rights (article 16).

**DOES CEDAW SAY ANYTHING ABOUT CHILD-REARING RESPONSIBILITIES?**

CEDAW recognizes that maternity is a social function, demanding that both sexes fully share the responsibility of child-rearing. Family education should highlight the need for both the father and the mother to participate actively in the upbringing and development of their children (article 5b).

**DOES CEDAW ADDRESS THE SCHOOLING OF PREGNANT ADOLESCENTS AND YOUNG MOTHERS?**

Under CEDAW, States commit themselves to promoting the reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely. The Convention states that women and girls should have equal access with men and boys to educational opportunities (article 10). This has implications for the rights of girls to continue their education if they have to leave school because of pregnancy.

**WHAT DOES CEDAW SAY ABOUT THE IMPACT OF CULTURAL FACTORS?**

Cultural patterns that define the public realm as a man's world

and the domestic sphere as women's domain are targeted in the Convention. It calls on States to take measures to eliminate customary practices based on the idea that one sex is superior to the other. Its provisions affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. For example, CEDAW calls for the revision of textbooks, school programmes and teaching methods in order to eliminate stereotyped concepts about the roles of women and men.

**I DON'T SEE ANYTHING IN THE CONVENTION ABOUT VIOLENCE AGAINST WOMEN. DOESN'T CEDAW COVER THIS?**

The Convention doesn't contain any provisions on violence against women except for that on trafficking of women for prostitution (article 6). However, General Recommendation 19 – formulated by the CEDAW Committee in 1992 – deals extensively with this issue. Each article of the Convention is analysed in terms of violence, and the overall thrust of the Recommendation is that 'discrimination' for the purposes of the Convention also includes violence against women.

In particular, the Recommenda-

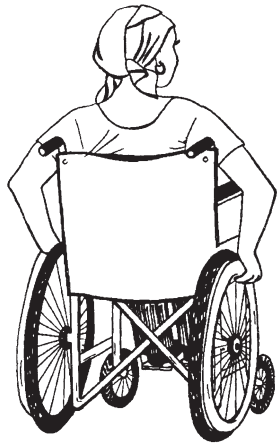
tion identifies domestic violence, rape, trafficking for prostitution, certain traditional practices and sexual harassment as discrimination covered by the Convention.

**DOES CEDAW SAY ANYTHING ABOUT THE RIGHTS OF WOMEN WITH HIV/AIDS?**

While CEDAW was created before the AIDS crisis, it specifically prohibits discrimination against women in relation to access to health-care services (article 12). Under General Recommendation 15, States are obligated (a) to give special attention to the rights and needs of women and children with HIV/AIDS in programmes to combat the epidemic and (b) to avoid discrimination against



Sharon Chachko, *Say No to Sexual Violence*



Anne S. Walker/IWTC

women in national strategies for the prevention and control of AIDS.

#### **WHAT ABOUT THE RIGHTS OF DISABLED WOMEN?**

Under General Recommendation 18, States parties are to provide the CEDAW Com-

mittee with information on disabled women. This should cover measures taken to deal with women's disability – including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.

#### **NOTES**

<sup>1</sup> Interviewed on 22 October 1993 by Elisabeth Friedman, cited in Friedman, 1995.

<sup>2</sup> Adapted from *The Tribune* #58: Women Moving Human Rights Centre Stage (International Women's Tribune Centre, New York, 1999: 14-15). The full text of

## **3. HOW CEDAW IS MONITORED**

#### **WHEN STATES RATIFY CEDAW, WHAT DOES THAT COMMIT THEM TO?**

In ratifying CEDAW, States commit themselves to undertake "...all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men".

#### **HOW IS THE IMPLEMENTATION OF CEDAW MONITORED?**

States have to report regularly to the Committee on the Elimination of Discrimination against Women on their progress towards meeting the standards set by the Convention.

The Committee, established in 1982, monitors the national measures taken by States to comply with CEDAW and reviews their performance in implementing the Convention.

#### **WHO SITS ON THE CEDAW COMMITTEE?**

The Committee is made up of 23 independent experts. They are nominated by their governments (which have ratified the Convention) and then elected by secret ballot. Their terms last

four years, with only half of the Committee members replaced each time elections take place. They are representatives of the geographical regions of the world.

#### **ARE THERE REPRESENTATIVES FROM THE CARIBBEAN ON THE COMMITTEE?**

To date, there have been three Caribbean representatives on the Committee: Norma Monica Forde, Barbados (1987-1994); Justice Desirée Patricia Bernard, Guyana (1982-1992 and 1995-1998); and Rosalyn Hazelle, St. Kitts and Nevis (1999-2002). Glenda P. Simms (Jamaica) will begin a four-year term on 1 January 2005.

#### **WHAT DOES THE CEDAW COMMITTEE DO?**

The CEDAW Committee studies the National Reports that are submitted by governments. It meets at UN Headquarters twice a year in January and June for three-week sessions. Eight countries from the various world regions are usually scheduled at each session.

The Committee holds a "constructive dialogue" on the reports with government rep-

*The Committee on the Elimination of Discrimination against Women was established "to bridge the gap between ratification and implementation".*  
– Angela King, then Assistant Secretary-General and Special Advisor to the UN Secretary-General on Gender <sup>1</sup>



CIPAF

representatives and explores with them areas for further action. It then formulates concluding comments that (a) outline positive aspects, (b) indicate principal subjects of concern (factors and difficulties affecting the implementation of CEDAW) and (c) make recommendations on how the Convention could be further implemented.

**WHAT EXACTLY IS A NATIONAL REPORT? WHAT KIND OF INFORMATION WILL I FIND IN ONE?**

A National Report is a report prepared by the government of a country, usually through its Department of Women's/Gender Affairs or in collaboration with NGOs. It is intended to show the legislative, judicial, administrative or other measures adopted to implement CEDAW and the national

actions taken to improve the situation of women.

Under the provisions of CEDAW, States have to prepare and submit a National Report one year after they have ratified the Convention. After that, reports are to be submitted every four years or when the CEDAW Committee requests them.

According to the guidelines, the initial report should be a detailed and comprehensive description of the position of women in the country at the time of submission. This provides a baseline against which later progress can be measured.

The second and subsequent National Reports are intended to update the previous report(s). They should detail significant developments that have occurred over the last four years, note key trends and identify obstacles to the full achievement of the Convention.

National Reports (a) show how the Convention's provisions are reflected in the economic, political and social realities of a country and the general conditions existing in countries; (b) provide sex-disaggregated data; (c) reveal obstacles to compliance; and (d) provide

other information on types and frequencies of non-compliance with the principle of equal rights.

**HAS MY COUNTRY SUBMITTED A NATIONAL REPORT?**

As of 2004, nine independent Caribbean countries have submitted National Reports to be reviewed by the CEDAW Committee (see Table 3). The United Kingdom has submitted reports including information on the two British Overseas Territories in the region: the British Virgin Islands and the Turks and Caicos Islands. The Netherlands has submitted reports including information on the Netherlands Antilles.

**HOW CAN I GET A COPY OF MY COUNTRY'S NATIONAL REPORT**

If you have access to the Internet, the reports are posted at [www.un.org/womenwatch/daw/cedaw/reports.htm](http://www.un.org/womenwatch/daw/cedaw/reports.htm). If not, contact your country's Department of Women's/Gender Affairs or Women's Desk.

**CAN I MAKE MY OWN REPORT TO THE CEDAW COMMITTEE IF I DON'T AGREE WITH WHAT MY COUNTRY'S NATIONAL REPORT SAYS?**

Yes. Your organization can make its opinion known to the Committee through what is known as a 'shadow' report.

**TABLE 3: STATES' REPORTS TO THE CEDAW COMMITTEE (EXAMINED)<sup>2</sup>**

Country	Latest Report	When Submitted
Antigua and Barbuda	Combined initial, second and third periodic reports	17th Session (1997)
Barbados	Fourth periodic report	Exceptional Session (2002)
Belize	Combined initial and second periodic reports	21st Session (1999)
Guyana	Second periodic report (combined third-sixth periodic reports, not examined)	25th Session (2001)
Jamaica	Combined second, third and fourth periodic reports	24th Session (2001)
St. Kitts and Nevis	Combined initial, second, third and fourth periodic reports	27th Session (2002)
St. Vincent and the Grenadines	Combined initial, second and third periodic reports (Add.1)	16th Session (1997)
Suriname	Combined initial and second periodic reports	27th Session (2002)
Trinidad and Tobago	Combined initial, second and third periodic reports	26th Session (2002)

This report, written by national NGOs, can be used to highlight disagreements with information contained in the National Report or to provide additional information or data. For example, women's groups working on the issue of violence against women may have statistics on rape that they have been collecting for years while the government may not yet have begun to do this.

Shadow reports have become increasingly useful to the CEDAW Committee as alternative sources of information on reporting countries. The information they provide is important because governments, not surprisingly, are rarely self-critical. They may omit or gloss over laws that are discriminatory or obstacles to women's rights. Shadow reports can help Committee members in formulating questions on issues that the government has omitted to mention or wishes to avoid.

The Committee may



Dis Ah Hard Wuk/WICA Project, St. Vincent and the Grenadines

also use NGO information, in combination with government responses to its questions, when preparing its concluding comments. In addition to reading the shadow reports, the Committee has adopted the practice of holding informal meetings during its sessions in order to hear country-specific information directly from NGOs.

International NGOs, such as the Center for Reproductive Law and Policy (CRLP), have also collaborated with national NGOs on shadow reports that are issue-specific. CRLP representatives and, where possible, representatives from collaborating NGOs have then discussed with the Committee particular issues and shortfalls in the protection and promotion of reproductive rights. The International Women's Rights Action Watch (IWRAP) Asia-Pacific is the leading NGO in providing training to South-based NGOs on how to have an input into the reporting process (see section 6).

#### WHAT ELSE CAN NGOs DO TO ENCOURAGE IMPLEMENTATION?

NGOs can press to be involved in the preparation of the National Report itself, as recommended by the CEDAW

Committee. However, National Reports are only submitted every four years (at best), and so the on-going role of NGOs is to continue monitoring their government's activities in the meantime.

Many NGOs have found that their government isn't actually hostile to the Convention but does not know how to go about implementing it. Officials may need training, some of which NGOs have been able to supply. NGOs can also sometimes provide a solution to problems that the government has said it can't solve because it would be too expensive. In India, for example, they came up with a simple way to register births.

NGOs can use the concluding comments as a lobbying tool to encourage governments to take action along the lines recommended by the Committee and institute positive legal and policy reform at the national level. Many Caribbean countries have embarked on a process of constitutional reform, in part because most of the independence constitutions were created with little or no input from the people of the countries concerned. This offers an important opportunity for lobbying for stronger protection of women's human rights (see Box 7 in section 6).



Sigrid Blohm/Voices Rising

#### WHAT HAPPENS IF A COUNTRY DOESN'T LIVE UP TO ITS COMMITMENTS UNDER THE CONVENTION?

No penalties or sanctions are given to governments that have ratified or acceded to CEDAW but aren't fulfilling their obligations under the Convention. However, while governments run the gamut from obstructive to embracing of women's rights, no State is immune to public criticism. This is one reason why the work of NGOs is so important.

#### NOTES

<sup>1</sup> Statement on the Eighteenth Session of the Committee on the Elimination of Discrimination Against Women, 6 April 1998.

<sup>2</sup> As of 13 May 2004.

## 4. THE OPTIONAL PROTOCOL TO CEDAW: A NEW MECHANISM FOR ENFORCEMENT

<b>Convention (and date of entering into force)</b>	<b>Treaty Monitoring Body</b>
International Covenant on Economic, Social and Cultural Rights (ICESCR) (1976)	Committee on Economic, Social and Cultural Rights
International Covenant on Civil and Political Rights (ICCPR) (1976) • Optional Protocol to the ICCPR (1976) • Second Optional Protocol Aiming at the Abolition of the Death Penalty (1991)	Committee on Human Rights
International Convention on the Elimination of All Forms of Racial Discrimination (CARD) (1969)	Committee for the Elimination of Racial Discrimination
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1981) • Optional Protocol to CEDAW (2000)	Committee for the Elimination of Discrimination against Women
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1987)	Committee Against Torture
Convention on the Rights of the Child (CRC) (1990) • Optional Protocol on the involvement of children in armed conflict (2002) • Optional Protocol on the sale of children, child prostitution and child pornography (2002)	Committee on the Rights of the Child

### WHAT IS AN OPTIONAL PROTOCOL?

An optional protocol is a legal mechanism related to an existing convention or covenant. It either provides additional procedures with regard to the treaty or addresses an area related to the treaty.

Optional protocols to human rights treaties are treaties in their own right, and States parties to the original treaty have to ratify or accede to them separately.

### WHAT IS THE OPTIONAL PROTOCOL TO CEDAW FOR?

The Optional Protocol to CEDAW creates a new mechanism for enforcement of the Convention. It allows individual women or groups of women to submit claims of violations of their rights directly to the CEDAW Committee. NGOs and other groups can represent individuals with the consent of the individuals, although in certain instances the Committee can decide that such consent isn't necessary.

A number of criteria have to be met before claims can be submitted, including the exhaustion of domestic reme-

tries (i.e. using all the procedures available at the national level to seek protection or justice, such as taking a case to court or making a complaint to the police). The Optional Protocol also gives the Committee powers of inquiry into situations of grave or systematic violations of women's rights. These inquiries can only be carried out in countries that are States parties, and there is also an 'opt-out clause' in the Protocol that allows countries to ratify it without committing themselves to the inquiry procedure.

### DO OTHER HUMAN RIGHTS INSTRUMENTS HAVE OPTIONAL PROTOCOLS?

A number of other human rights instruments have optional protocols (see Table 4). For example, the first Optional Protocol to the ICCPR is similar to the Optional Protocol to CEDAW in that it allows individuals who (a) are from countries that are party to the convention and the protocol, (b) claim their rights under the convention have been violated and (c) have exhausted all

*Women's groups and human rights organizations should continue to be involved in the process of making the Optional Protocol to CEDAW a meaningful tool for women seeking access to justice.*  
– International Women's Rights Action Watch (IWRAP) Asia Pacific website



domestic remedies, to submit written communications to the treaty body (in this case, the UN Committee on Human Rights).

The Convention on the Right of the Child has two optional protocols that deal with specific issues: one on the involvement of children in armed conflict and the other on the sale of children, child prostitution and child pornography.



Ellon/WAND

### IS MY COUNTRY A PARTY TO CEDAW'S OPTIONAL PROTOCOL?

The Optional Protocol, which entered into force in December 2000, had 68 States parties as of 5 November 2004. Of these countries, only one (Belize) is among the 25 Caribbean countries covered by UNIFEM Caribbean. Therefore, women in the other countries of the region can't use the provisions of the Optional Protocol yet.

### HOW CAN I GET MY GOVERNMENT TO RATIFY THE PROTOCOL?

Lobbying for ratification of the Optional Protocol is an important activity for NGOs in the region. In June 2002, IWRAP Asia Pacific launched a global campaign called 'Our Rights Are Not Optional!'. The campaign seeks to develop strategies that will encourage States parties to ratify the Optional Protocol, particularly those that have already ratified CEDAW. It also seeks to promote and build the capacity of women's groups to effectively use and access the Protocol (see [www.iwraw-ap.org/protocol.htm](http://www.iwraw-ap.org/protocol.htm)).

## 5. THE RIGHTS OF WOMEN IN THE CARIBBEAN

### WHAT ARE SOME OF THE IMPORTANT HUMAN RIGHTS ISSUES FACED BY CARIBBEAN WOMEN?

Women have made great strides in the Caribbean in many areas, including access to education and employment. Indeed, there is a commonly expressed view in the region that women are 'taking over' and that men are the ones being marginalized.

Nevertheless, systemic and structural barriers to women's equality remain and the goal of gender justice continues to be elusive. Some of the important human rights issues for women include the following:

#### (a) Lack of political representation

Women's participation in the political process as voters and campaigners is high. However, this hasn't translated into increased numbers of women in elected office (UNECLAC, 1999).

The number of seats held by women in parliamentary assemblies in the region ranges from 8.3 per cent in Antigua and Barbuda to 28.6 per cent in Grenada (UNDP, 2004) (see Table 5).

#### (b) Inequality in the labour market

Women's unemployment levels in the region tend to be higher than men's. In Grenada and St. Lucia, for example, the female rate is almost twice that of males. It is 45.5 per cent in Antigua and Barbuda, 48.4 per cent in Barbados and 55.5 per cent in Dominica. In St. Vincent and the

*In spite of expanded opportunities for women to participate in the public [arena], archaic and ideological relations of gender prevent the majority of women from exploiting these.*  
 – Violet Eudine Barriteau, Director, Centre for Gender and Development Studies, University of The West Indies, Cave Hill Campus, Barbados<sup>1</sup>

TABLE 5: WOMEN'S POLITICAL PARTICIPATION<sup>2</sup>

Country	Seats in parliament held by women (% of total)	Women in government at ministerial level (% of total), 2001
Antigua and Barbuda	8.3	0
Bahamas	26.8	16.7
Barbados	17.6	14.3
Belize	9.3	11.1
Dominica	18.8	0
Grenada	28.6	25.0
Guyana	20.0	...
Jamaica	13.6	12.5
St. Kitts and Nevis	13.3	0
St. Lucia	20.7	18.2
St. Vincent and the Grenadines	22.7	0
Suriname	17.6	...
Trinidad and Tobago	25.4	8.7

Grenadines, while women's unemployment rate is lower at 28.1 per cent, this is considerably higher than the male rate of 7.4 per cent (UN Development System for the Caribbean, 2000).

In Barbados, Jamaica and St. Lucia, on the other hand, female employment rates equal those of men (UNECLAC, 1999). However, women still generally have much lower rates of pay. According to the latest Human Development Report, the ratio of estimated female earned income to estimated male earned income (for countries for which data is available) ranges from 0.24 in Belize, to 0.45 in Trinidad and Tobago, to 0.66 in Jamaica (UNDP, 2004).

### (c) Increasing poverty

Women bear an unequal share



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of the burden of poverty, and research in the Windward Islands has shown widespread evidence of the 'feminization of poverty' (Babb, 1998).<sup>3</sup> Based on the Head Count Index, the percentage of the population living below the poverty line ranges from 8 per cent in Barbados to 33 per cent in Dominica (Downes, 1999). And female-headed households are more likely than male-headed households to fall below the poverty line (LeFranc and Lee, 1999).

In this regard, 30.5 per cent of female-headed households were defined as poor in Belize as opposed to 23.6 per cent of male-headed households (National Committee for Families and Children and UNICEF Belize, 1997). Female headship in households is as high as 59 per cent in the OECS (Downes, 1999). Fifty per cent of households in Antigua and Barbuda and 40 per cent in St. Vincent and the Grenadines are female headed (UN Development System for the Caribbean, 2000). A recent study by the government of St. Kitts and Nevis shows that 47 per cent of households there are female-headed (Hazelle, 2000).

A 1996 Inter-American Development Bank study in Barbados revealed that 12.7 per cent of all

households lived below the poverty line and 60 per cent of these households were headed by women. In Jamaica, 47 per cent of urban households are headed by single women and of these 30 per cent live below the poverty line (UNECLAC, 1999).

### (d) Gender-based violence

The Convention of Belém do Pará (see Box 5) defines violence against women as "... any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere".

Across the region, there is an absence of systematic research and accurate statistics concerning violence against women. However, what evidence exists suggests that it is an increasing problem (UN Development System for the Caribbean, 2000).

A number of sample surveys conducted on domestic violence indicate that one in three adult women in relationships are the victims of domestic abuse, and that this "runs the gamut from assault and battery to extraordinary sadism amounting to torture" (UNECLAC, 2001). Reports from rape crisis centres throughout the Caribbean suggest that only one in

### BOX 5: THE CONVENTION OF BELÉM DO PARÁ

All Caribbean countries have committed themselves to implementing the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (known as the Convention of Belém do Pará after the city where it was signed). Adopted by the Organization of American States (OAS) in 1994, this recognizes that violence against women constitutes a violation of human rights and defines violence in both the public and private spheres. The Convention makes provision for the right of individual complaint or petition.

eight victims who go to the centres for assistance report the sexual offence to the police (Clarke, 1998). A CARICOM study has found that the greatest threat of violence to women comes from their families and partners (Babb, 1997).

Surveys from nine Caribbean countries found that 48 per cent of adolescent girls who had experienced intercourse reported that their first sexual intercourse had been forced (UNICEF / WHO / UNAIDS, 2000). In several countries, 60 per cent of young people have been initiated into sexual activity by the age of 12 (McEvoy, 2001). There continue to be some strong cultural and social beliefs and sexist attitudes about women, as well as a



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number of systemic inequalities, that make it difficult to tackle gender-based violence in the region (Commonwealth Secretariat, 2003).

#### (e) The spread of HIV/AIDS

The Caribbean has the highest HIV/AIDS infection rate in the world after sub-Saharan Africa. In five countries (the Bahamas, Belize, Guyana, Haiti and Trinidad and Tobago), national prevalence exceeds 2 per cent. Women make up nearly half of the 440,000 adults living with HIV in the region (UNAIDS/UNIFEM/UNFPA, 2004).

AIDS is the leading cause of death for people aged 15-45 and the number of cases is doubling every two or three years. In the Bahamas, for example, AIDS accounts for 41.1 per cent of deaths of women in the 15-44 age group (Gomez and Sealey, 1997). Life expectancy at birth in

2010 is projected to be nine years less in Trinidad and Tobago than it would have been without AIDS (Stanecki, 2004).

Teenage girls are more likely to be infected than boys in the same age group (10-19 years) – 2.5 times more likely in Jamaica, for example (UNAIDS and WHO, 2004). This is partly due to the fact that some girls have sexual relationships with older men who are more likely to be HIV-infected, often in exchange for financial assistance. Following the increase of AIDS cases among women, mother-to-child transmission now accounts for 6 per cent of all reported AIDS cases.

#### (f) Girls dropping out of school due to teenage pregnancy

The incidence of teenage pregnancy has decreased in the region but the rate is still significant. Births to mothers under 20 years in 1994 ranged from 0.7 per cent in Guyana to 13.7 per cent in Trinidad and Tobago (UNDP, 1999). The reintegration of teenage mothers into the education system remains a challenge. There are no recent studies revealing the return rates of teenage mothers to school. A 1987 study from Jamaica found that 81 per cent of mothers under 20 years don't go back to school after giving

birth (Leo-Rynne, 1989).

#### (g) The intersection of different forms of discrimination

Many women face multiple types of discrimination, based not only on their gender but also on their race and class. Gender, race and class are intersecting categories of experience that affect all aspects of life and act simultaneously to structure the experiences of women in society. The linkages between gender, racism and poverty have been clearly shown.

#### WHAT HAVE CARIBBEAN STATES DONE TO ADDRESS DISCRIMINATION AGAINST WOMEN?

##### (a) Legislation

National governments in a number of Caribbean countries have used the CARICOM model legislation (see Box 6) to introduce new legislation and/or revise existing laws.

Practically all Caribbean countries now have legislation addressing domestic violence.

##### (b) Institutional and policy frameworks

A number of countries have also developed national gender plans and introduced other means of tackling discrimina-

tion. For example:

*Belize* has developed a National Strategic Plan on Gender Equity and Equality (to implement the Government's commitments under the Beijing Platform for Action) and introduced the Women's Agenda 1998 on the legal, socio-political and economic status of women. The Government has also set a target of at least 30 per cent women in top positions of the civil service, established a domestic violence task force and is developing a multi-sectoral national family violence plan.

*Guyana* has adopted a National Plan of Action for Women 2000-2004 to address critical issues affecting women, such as employment, violence against women and women in decision-making. It has also introduced

#### Box 6: CARICOM MODEL LEGISLATION<sup>4</sup>

The CARICOM and Commonwealth Secretariats collaborated from 1989-1992 on the development of model legislation on women's human rights. The legislation covers eight areas: domestic violence, sexual offences, sexual harassment, equal pay, inheritance, citizenship, equality for women in employment, and maintenance. This has been drawn on by governments in a number of countries in the region to revise and/or introduce national laws. It has also been used by NGOs and inter-governmental agencies in advocacy work.

mandatory representation of 33 1/3 per cent women on the lists of all political parties contesting national and regional elections.

In *St. Kitts and Nevis*, the Ministry of Finance's Five Year Development Plan 1996–2000 refers to identifying and removing any obstacles to women's and girls' equal participation in economic, social and political life (UNECLAC, 2000).

*Trinidad and Tobago* is in the process of developing a national gender policy and plan of action.

In addition, there is growing support in the region for family courts, which have been established in *Belize, Grenada, Jamaica, St. Lucia* and *St. Vincent and the Grenadines*. This is in line with a suggestion in the CARICOM model legislation that domestic violence cases should be heard at the magisterial level and decentralized. The courts are staffed by trained judiciary and supported by social services (Johnson, 2004).

## NOTES

<sup>1</sup> 'Are Caribbean Women Taking Over? Contradictions for Women in Caribbean Society'. Inaugural Dame Nita Barrow Lecture, Toronto, December 1997.

<sup>2</sup> Source: UNDP, 2004.

<sup>3</sup> In other words, the gap between women and men caught in the cycle of poverty continues to widen, with increasing numbers of women falling below the poverty level.

<sup>4</sup> Source: Commonwealth Secretariat, 2003.

## 6. CEDAW AND YOU

### HOW CAN I ENSURE THAT WOMEN'S HUMAN RIGHTS ARE RESPECTED IN MY COUNTRY?

There are a number of things that you can do to promote the elimination of discrimination against women. You can:

- Keep yourself informed of laws and policies that affect women and women's rights and lobby against discriminatory provisions.
- Join an NGO that is working in the area of women's human rights or support such an organization's work.
- Monitor your country's reporting status to CEDAW to ensure the government is reporting regularly.
- Prepare a shadow report to provide information to the CEDAW Committee that is lacking in your government's National Report.
- Campaign for the human rights that are guaranteed by the Convention and lobby to ensure that your government revises and updates national legislation dealing with women's rights.
- Advocate for the development and execution of training programmes geared

at those who implement, enforce and monitor new laws (including police, professionals, the judiciary and social service agencies).

- Lobby for the development and implementation of public information programmes designed to inform women and children about changes in the law that will affect them and influence their own decisions.
- Work to ensure that women's human rights are more strongly protected in your constitution as part of the current process of constitutional reform (see Box 7 on page 30).

*Today when I am asked, "What can the Convention really do for women?" I reply softly, "What do you plan to do with the Convention?"*

– Shanthi Dairiam, Director, IWRAW Asia Pacific<sup>1</sup>

*It is the work at national level that is going to make the difference.*

– Peggy Antrobus, Former Tutor/Coordinator, Women and Development Unit (WAND), University of the West Indies, and Co-Founder, DAWN Network<sup>2</sup>



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**WHY SHOULD I MONITOR MY GOVERNMENT'S STEPS TO REVIEW AND REVISE LEGISLATION TO INCLUDE THE RIGHTS OF WOMEN?**

After signing the Convention, governments are required to take the necessary legislative measures to make the rights a reality. In some cases, national legislation hasn't been changed to address the social and economic factors that negatively impact on women's lives, such as increased gender-based violence. It is therefore import-

**Box 7: CEDAW AND CONSTITUTIONAL REFORM<sup>3</sup>**

The success in Guyana in recent constitutional reforms in incorporating CEDAW and other human rights conventions into the constitutional framework is groundbreaking and an example for other Caribbean countries involved in similar processes. In its concluding comments on the second periodic report of Guyana in 2001, the CEDAW Committee welcomed the constitutional reform process that "led to the recognition of non-discrimination on the basis of sex, gender, marital status and pregnancy as a fundamental human right enshrined in the Constitution". It also welcomed the passage of Bill No. 6 of 2001, "which provides for the establishment of constitutional commissions, including the Women and Gender Equality Commission, which will be responsible for ensuring that women are not discriminated against in any sector of society".

ant to lobby your government to ensure that the review and revision take place.

A human rights convention is only effective when ratifying States transform their treaty commitments into action. Frequently, it is the activities of national-level NGOs that have encouraged governments to act and brought about changes in discriminatory laws. Even where governments are committed to legislative reform, they may not be willing to carry out the public education needed to overcome discriminatory customs and traditions. NGOs are often in a better position to undertake this.

**WHAT ARE SOME AREAS OF LAWS/POLICIES THAT CAN BE CHANGED TO BE MORE SUPPORTIVE OF WOMEN'S RIGHTS?**

**Nationality** – The Convention states that women should be granted equal rights with men to acquire, change and retain nationality and to pass on their nationality to their children (article 9). Laws stating that women can't pass on citizenship to their non-national husbands and children, which still exist in a few Caribbean countries, are in violation of the provisions of the Convention and should be revised.

**Access to education for teenage mothers** – In some countries discriminatory administrative or bureaucratic practice has resulted in teenage mothers being excluded from the education system. This is discrimination based on sex. It should be revised so that teenage mothers can exercise their right to return to school.

**Violence against women** – The CEDAW Committee has urged governments to place a high priority on measures to address violence against women in the family and in society in accordance with General Recommendation 19. This includes measures to raise public awareness about the issue.

**Women in decision-making** – To increase the number of women in decision-making bodies at all levels and in all areas, the Committee has recommended the use of temporary special measures in accordance with article 4 (1) of the Convention. Quotas are one such measure.

**HOW CAN I GET COPIES OF THE CEDAW COMMITTEE RECOMMENDATIONS AND CONCLUDING COMMENTS?**

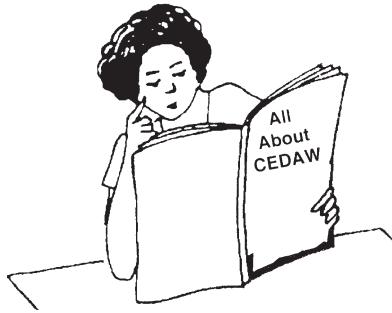
Copies of the recommendations should be available at Departments of Women's/Gender



Affairs or Women's Desks. All reports, recommendations and comments made on them by the CEDAW Committee are supposed to be made widely available in the country to assist in promoting general public discussions on the situation of women and the issues to be addressed. If you have access to the Internet, you can find the comments at [www1.umn.edu/humanrts/cedaw/](http://www1.umn.edu/humanrts/cedaw/) or [www.un.org/womenwatch/daw/cedaw/reports.htm#examined](http://www.un.org/womenwatch/daw/cedaw/reports.htm#examined)

**WHERE CAN I FIND MORE INFORMATION ON WOMEN'S HUMAN RIGHTS AND CEDAW?**

- (a) Contact your country's Women's/Gender Bureau.
- (b) Contact any women's NGO.



Anne S. Walker/IWTC

**(c) Visit any of the following web sites:**

- UNIFEM Caribbean: [www.unifemcar.org](http://www.unifemcar.org)
- UNIFEM Headquarters: [www.unifem.org/](http://www.unifem.org/) (follow the link to Women's Human Rights)
- CEDAW: [www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/)  
The Division for the Advancement of Women (DAW) is part of the UN system and provides substantive and technical servicing to the Committee on the Elimination of Discrimination against Women.<sup>3</sup>
- International Women's Rights Action Watch (IWRAP) Asia-Pacific: <http://iwraw.igc.org/>  
IWRAP is an international NGO that was organized in 1985 at the World Conference on Women in Nairobi, Kenya, to promote recognition of women's human rights under CEDAW.

• International Women's Rights Action Watch (IWRAP) Asia-Pacific: <http://iwraw-ap.org/>  
IWRAP Asia Pacific is based in the South. It promotes the domestic implementation of international human rights standards by building the capacity of women and human rights advocates to claim and realize women's human rights through, for example, training on shadow reporting.

**(d) Consult some of the following publications (and see the references on page 34):**

- Byrnes, Andrew, Jane Connors and Lum Bik (eds.) (1997). *Advancing the Human Rights of Women: Using International Human Rights Standards in Domestic Legislation*. London: Commonwealth Secretariat.
- Commonwealth Secretariat (2004). *Gender and Human Rights in the Commonwealth: Some Critical Issues for Action in the Decade 2005-2015*. London: Commonwealth Secretariat.
- Cook, Rebecca (ed.) (1994). *Human Rights of Women: National and International Perspectives*. Philadelphia, PA: University of Pennsylvania Press.
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*Women: A Guide to the Most Important United Nations Treaties on Women's Human Rights*. New York: IWTC.

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## NOTES

<sup>1</sup> Introduction to Landsberg-Lewis, 1998.

<sup>2</sup> Cited in van der Gaag, 1995.

<sup>3</sup> From 1996-1997, the Director of DAW was Angela King, a Jamaican.

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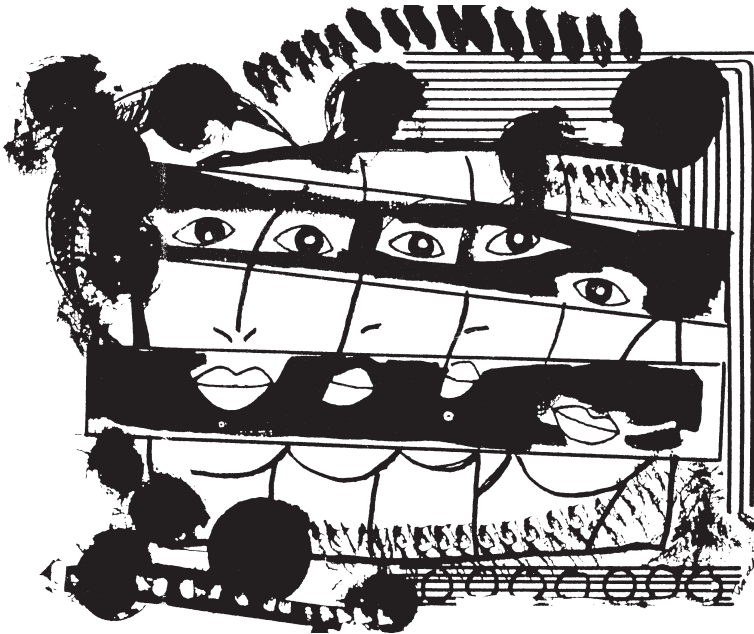
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Tracey Johnson/CAFRA News

## GLOSSARY AND ACRONYMS

**Accession:** Agreeing to be bound by a treaty (like ratification - see below - except not preceded by an act of signature).

**CARD:** International Convention on the Elimination of All Forms of Racial Discrimination.

**CARICOM:** Caribbean Community.

**CAT:** Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**CEDAW:** Convention on the Elimination of All Forms of Discrimination against Women.

**Concluding comments:** These comments from the CEDAW Committee on States' National Reports make recommendations on how the Convention could be further implemented and are thus useful for NGOs in lobbying work.

**Covenant/Convention/Treaty:** An international agreement concluded between countries in writing and governed by international law. For all purposes, all three words mean the same thing.

**CRC:** Convention on the Rights of the Child.

**CRLP:** Center for Reproductive Law and Policy.

**CSW:** Commission on the Status of Women (UN).

**Customary international law:** A general and consistent practice followed by States, deriving from a sense of legal obligation, which is then accepted as the norm or standard all countries should abide by.

**DAW:** Division for the Advancement of Women (UN).

**Gender:** Sex is the biological difference between women and men and is determined at birth. Gender, on the other hand, refers to the roles and responsibilities of women and men that are created by social and cultural expectations about appropriate behaviour and activities (femininity and masculinity). These can change over time and vary within and between cultures.

**Gender mainstreaming:** Making women's concerns and experiences as well as men's an integral part of the design, monitoring and implementation of all plans, policies and programmes.



**General Recommendation:** Article 21 of CEDAW empowers the CEDAW Committee to make suggestions and general recommendations based on the examination of reports and information received from States parties. At its tenth session in 1991, the Committee decided to adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention articles and ‘cross-cutting’ themes (see list on page 54.)

**ICCPR:** International Covenant on Civil and Political Rights.

**ICESCR:** International Covenant on Economic, Social and Cultural Rights.

**IWRAW:** International Women’s Rights Action Watch.

**NGO:** non-governmental organization.

**Optional protocol:** A legal mechanism related to an existing convention or covenant, which addresses points not covered by the convention or covenant in question. It needs separate ratification.

**Ratification:** A country’s formal agreement to be legally bound by a treaty, normally including some parliamentary process,

after a country has signed the treaty. As a result, the country becomes a State party.

**Reservation:** A statement that modifies or limits the substantive effect of one or more of the provisions of a treaty.

**State:** A technical term for a country, used to refer to the members of the United Nations. States are the ‘parties’ that take part in international law.

**UDHR:** Universal Declaration of Human Rights.

**UNAIDS:** Joint United Nations Programme on HIV/AIDS.

**UNDP:** United Nations Development Programme.

**UNECLAC:** United Nations Economic Commission for Latin America and the Caribbean.

**UNFPA:** United Nations Population Fund.

**UNICEF:** United Nations Children’s Fund.

**UNIFEM:** United Nations Development Fund for Women.

**WHO:** World Health Organization.

## APPENDICES

### I. THE TEXT OF THE CONVENTION

*Adopted: 18 December 1979*

*Came into force: 3 September 1981*

#### CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

*Noting* that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

*Noting* that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

*Noting* that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

*Considering* the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

*Noting* also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

*Concerned*, however, that despite these various instruments extensive discrimination against women continues to exist,

*Recalling* that discrimination against women violates the principles of equality of rights and respect of human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

*Concerned* that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

*Convinced* that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

*Emphasizing* that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

*Affirming* that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and develop-

ment and as a consequence will contribute to the attainment of full equality between men and women,

*Convinced* that 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,

*Bearing* in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

*Aware* that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

*Determined* to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for

the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## **PART I**

### **Article 1**

For the purposes of the present Convention, the term 'discrimination against women' shall mean 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 and any other field.

### **Article 2**

States Parties 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:

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not

yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g) To repeal all national penal provisions which constitute discrimination against women.

### Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

### Article 4

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

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

### Article 5

States Parties shall take all

appropriate measures:

- a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudice and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

### Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

## PART II

### Article 7

State Parties shall take all appropriate measures to eliminate discrimination against

women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a) To vote in all elections and public referenda and to be eligible for selection to all publicly elected bodies;
- b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

### Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

### Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage

to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of her husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

## PART III

### Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b) Access to the same curricula, the same examinations,

teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

- c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- d) The same opportunities to benefit from scholarships and other study grants;
- e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- g) The same opportunities to participate actively in sports and physical education.
- h) Access to specific educational information to help to ensure the health and well-

being of families, including information and advice on family planning.

#### **Article 11**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a) The right to work as an inalienable right of all human beings;
- b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- c) The right of free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- d) The right of equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- e) The right to social security, particularly in cases of

retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

- f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, State Parties shall take appropriate measures:

- a) To prohibit, subject to the imposition of sanctions, dismissal on the ground of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

- d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### **Article 12**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

#### **Article 13**

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of

economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a) The right to family benefits;
- b) The right to bank loans, mortgages and other forms of financial credit;
- c) The right to participate in recreational activities, sports and all aspects of cultural life.

#### Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- a) To participate in the elabora-

tion and implementation of development planning at all levels;

- b) To have access to adequate health-care facilities, including information, counselling and services in family planning;
- c) To benefit directly from social security programmes;
- d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
- f) To participate in all community activities;
- g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land re-settlement schemes;
- h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## PART IV

### Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations

and in particular shall ensure, on a basis of equality of men and women:

- a) The same right to enter into marriage;
- b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- c) The same rights and responsibilities during marriage and at its dissolution;
- d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## **PART V**

### **Article 17**

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention.

The experts shall be elected by

States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the

States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals,

subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

### **Article 18**

1. State Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

- a) Within one year after the entry into force for the State concerned; and
- b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors

and difficulties affecting the degree of fulfilment of obligations under the present Convention.

#### **Article 19**

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

#### **Article 20**

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.<sup>1</sup>
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

#### **Article 21**

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations

shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

#### **Article 22**

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

### **PART VI**

#### **Article 23**

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- a) In the legislation of a State Party; or
- b) In any other international

convention, treaty or agreement in force for that State.

#### **Article 24**

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

#### **Article 25**

1. The Present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### **Article 26**

1. A request for the revision of the present Convention may be made at any time by any State

Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### **Article 27**

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

#### **Article 28**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of

the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

#### **Article 29**

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### **Article 30**

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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#### **NOTE**

<sup>1</sup> Article 20 paragraph 1 stipulates that the Committee meet once yearly for a period of two weeks. However, in 1995 the Committee received the approval of State parties to meet twice yearly in three-week sessions (January and June) in order to help clear the backlog of National Reports. It is still meeting in this way on a 'temporary' basis as, although a resolution was passed by the General Assembly to amend article 20, it will only enter into force when it has been accepted by a two-thirds majority of States parties.

## **II. RESERVATIONS (CARIBBEAN STATE PARTIES)**

### **Bahamas**

"The Government of the Commonwealth of the Bahamas does not consider itself bound by the provisions of article 2(a), ... article 9, paragraph 2, ... article 16(h), ... [and] article 29, paragraph 1, of the Convention."

### **Jamaica**

"The Government of Jamaica declares that it does not consider itself bound by the provisions of article 29, paragraph 1, of the Convention."

### **Trinidad and Tobago**

"The Republic of Trinidad and Tobago declares that it does not consider itself bound by article 29 (1) of the said Convention, relating to the settlement of disputes."



### III. GENERAL RECOMMENDATIONS

The following general recommendations have been adopted by the Committee on the Elimination of Discrimination against Women:

1. Reporting guidelines – fifth session, 1986.
2. Reporting guidelines – sixth session, 1987.
3. Education and public information programmes – sixth session, 1987.
4. Reservations – sixth session, 1987.
5. Temporary special measures – seventh session, 1988.
6. Effective national machinery and publicity – seventh session, 1988.
7. Resources – seventh session, 1988.
8. Article 8 (women at the international level) – seventh session, 1988.
9. Statistical data – eighth session, 1989.
10. Tenth anniversary of the adoption of CEDAW – eighth session, 1989.
11. Technical advisory services for reporting – eighth session, 1989.
12. Violence against women – eighth session, 1989.
13. Equal remuneration for work of equal value – eighth session, 1989.
14. Female circumcision – ninth session, 1990.
15. Women and AIDS – ninth session, 1990.
16. Unpaid women workers in rural and urban family enterprises – tenth session, 1991.
17. Measurement and quantification of the unremunerated domestic activities of women and their recognition in the GNP – tenth session, 1991.
18. Disabled women – tenth session, 1991.
19. Violence against women – eleventh session, 1992.
20. Reservations – eleventh session, 1992.
21. Equality in marriage and family relations – thirteenth session, 1994.
22. Article 20 (meetings of the Committee) – fourteenth session, 1995.
23. Women in political and public life – sixteenth session, 1997.
24. Article 12 (women and health) – twentieth session, 1999.
25. Article 4 paragraph 1 (temporary special measures) – thirtieth session, 2004.

### IV. EQUALITY CLAUSES IN CARIBBEAN CONSTITUTIONS<sup>1</sup>

Most Caribbean countries have a general guarantee of fundamental rights without discrimination, including non-discrimination on the grounds of sex or gender. Such guarantees may be included in fundamental or guiding principles of state policy; or under human rights, basic rights and fundamental freedoms; or both:

**Antigua and Barbuda:** Chapter II, Fundamental rights and freedoms of the individual, Articles 3 and 4.

**Bahamas:** Chapter III, Fundamental rights and freedoms of the individual, Article 15. However, sex/gender isn't mentioned in Article 26, which deals specifically with discrimination.

**Barbados:** Chapter III, Fundamental rights and freedoms of the individual, Article 11. However, sex/gender isn't mentioned in Article 23, which deals specifically with discrimination.

**Belize:** Part II, Fundamental rights and freedoms, Articles 3 and 16.

**Dominica:** Title II, Individual and social rights (section I), Article 15.

**Grenada:** Chapter 1, Protection of fundamental rights and freedoms, Articles 1 and 13.

**Guyana:** Chapter II, Principles and Bases of Political, Economic and Social System, Articles 22 and 29. Other articles include equal access to academic, vocational and professional training and equal opportunities in employment, remuneration and promotion and in social, political and cultural activity.

**Jamaica:** Chapter III, Fundamental rights and freedoms, Articles 13 and 20.

**St. Kitts and Nevis:** Chapter II, Protection of fundamental rights and freedoms, Articles 3 and 15.

**St. Lucia:** Chapter I, Fundamental rights and freedoms, Articles 1 and 13.

**St. Vincent and the Grenadines:** Chapter I, Fundamental rights and freedoms, Articles 1 and 13.

**Trinidad and Tobago:** Chapter I, Recognition and protection of fundamental rights and freedoms, Part 1, Article 4.

<sup>1</sup> Source: Chinkin, 2001.

## **V. OTHER UN CONVENTIONS ON WOMEN**

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2003).

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962).

Convention against Discrimination in Education (1960).

Discrimination (Employment and Occupation) Convention (1958).

Convention on the Nationality of Married Women (1957).

Convention on the Political Rights of Women (1952).

Equal Remuneration Convention (1951).

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).

## **DECLARATIONS**

Declaration on the Elimination of Violence against Women (1994).

Declaration on the Protection of Women and Children in Emergencies and Armed Conflicts (1974).

## **ILO CONVENTIONS**

Although most international labour standards overseen by the International Labour Organization (ILO) apply equally to men and women workers, there are a number of Conventions and Recommendations that refer specifically to women (see [www.ilo.org](http://www.ilo.org)).



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UNIFEM is the women's fund at the United Nations. It provides financial and technical assistance to innovative programmes and strategies that promote women's human rights, political participation and economic security. UNIFEM works in partnership with UN organizations, governments and non-governmental organizations (NGOs) and networks to promote gender equality. It links women's issues and concerns to national, regional and global agendas by fostering collaboration and providing technical expertise on gender mainstreaming and women's empowerment strategies.