

Assessing the Status of Women

A Guide to Reporting Under the
Convention on the Elimination of
All Forms of Discrimination Against Women

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Introduction

This Manual is designed to serve as a framework for monitoring implementation of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). Its main purpose is to assist individuals and women's, human rights and other groups and non-governmental organisations (NGOs) to assess the status of women and to determine the extent of Convention implementation in the countries that have ratified or acceded to the Convention.

The Manual is grounded in the premise that independent groups and organisations have a crucial role in monitoring implementation of the Convention. In those States where the Convention has been acceded to or ratified, these groups can assist the government in preparing the periodic reports to the Committee on the Elimination of Discrimination against Women (CEDAW) required by article 18 of the Convention. They can comment on or criticise the official report or they can prepare an independent "shadow" report on implementation. They can monitor the consideration of reports by the Committee on the Elimination of All Forms of Discrimination against Women, the body that monitors Convention implementation. They can use this treaty monitoring process—and particularly CEDAW's concluding comments—in dialogue with government to promote effective implementation of the Convention.

In those countries that are not States parties to the Convention, independent organizations can, nonetheless, use the Convention as a framework to advance the rights of women as required by its terms. They can encourage governments to become party to the Convention and monitor the achievements of governments in light of the Convention's provisions.

The Manual provides guidance for monitoring the implementation of the Convention and for reporting. It provides comments on the articles of the Convention and poses a series of questions that should be asked and answered in assessing the legal and actual status of women when reporting under the Convention. The commentary and questions

take into account CEDAW's interpretation of the meaning of obligations accepted under the Convention, as contained in its General Recommendations.

This manual is the result of collaboration between the Commonwealth Secretariat and the International Women's Rights Action Watch and has been updated by the Women's Rights Unit of the Division for the Advancement of Women of the United Nations. The organizations involved have drawn on the experience and expertise of women's rights experts and activists from all regions and legal systems and from countries that are States parties to the Convention and those that are not.

Background to the Convention

The adoption of the Convention by the General Assembly of the United Nations on 18 December 1979 was the culmination of decades of international efforts to protect and promote the rights of the world's women. It resulted from initiatives taken within the United Nations Commission on the Status of Women, the body established within the United Nations system in 1947 to consider and make policy recommendations to improve the position of women.

In the ten years between 1949 and 1959, the Commission prepared a number of treaties, including the Convention on the Political Rights of Women and the Convention on the Nationality of Married Women, which protected and promoted the rights of women in areas in which the Commission considered these rights to be particularly vulnerable. In 1965, the Commission embarked on the preparation of what was to become in 1967 the Declaration on the Elimination of Discrimination against Women. This Declaration stated in a single legal instrument the international standards which articulated the equal rights of women and men.

Because the Declaration was not a treaty, although it had moral and political force, it did not create binding obli-

gations for States. In 1972, the Commission on the Status of Women considered the possibility of preparing a treaty which would give binding force to the Declaration. Preparation of such a treaty was encouraged by the World Plan of Action adopted by the 1975 World Conference of the United Nations International Women's Year which called for "a convention on the elimination of discrimination against women, with effective procedures for its implementation." This work was also encouraged by the General Assembly, which proclaimed the period 1976 to 1985 as the United Nations Decade for Women, and urged the Commission to finish its work by 1976, so that the Convention would be completed in time for the 1980 mid-Decade Review Conference.

The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979. In the resolution adopting the Convention, the General Assembly expressed the hope that it would come into force at an early date and requested the Secretary-General to present the text of the Convention to the mid-Decade World Conference of the United Nations Decade for Women, to be held in Copenhagen.

Sixty-four States signed the Convention and two States submitted their instruments of ratification at a special ceremony at the Copenhagen conference. On 3 September 1981, thirty days after the twentieth member nation had ratified it, the Convention entered into force, thus bringing to a climax United Nations efforts to codify comprehensively international legal standards for women.

As of 1 March 2000, 165 countries—more than two-thirds of the members of the United Nations—had deposited instruments of ratification or accession with the Secretary-General and an additional six countries were signatories.

What the Convention Contains

The Convention essentially constitutes the international bill of rights for women. Its preamble recalls that the elimination of discrimination against women and the promotion of equality between women and men are central principles of the United Nations and constitute binding obligations under the Charter of the United Nations and other instruments. However, by pointing out that extensive discrimination against women continues to exist, it indicates that the existing international human rights machinery has been insufficient to guarantee the protection of women's human rights. It goes on to state that discrimination against women violates the principles of equality of rights and respect for human dignity, amounts to an obstacle to

women's participation, on equal terms with men, in the political, social, economic and cultural life of their countries and hampers the growth of the prosperity of society and the family. The preamble states 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.

The preamble is followed by thirty operative articles that bind States which have ratified or acceded to its terms (States parties) to certain specific obligations. Although the treaty requires progressive rather than immediate implementation of many provisions, ratification demonstrates an unqualified positive commitment to the comprehensive prohibition and elimination of discrimination against women.

Article 1 of the Convention defines discrimination against women. It encompasses any distinction, exclusion or restriction on the grounds of sex, which prevents the equal exercise or enjoyment by women, irrespective of marital status, on the same basis as men, of their human rights and fundamental freedoms in all spheres of life.

States parties are required by the Convention to eliminate discrimination in the exercise and enjoyment of all civil, political, economic, social and cultural rights. Significantly, the obligations of States parties to eliminate discrimination extend beyond public life to incorporate discrimination in private life, and, uniquely, within the family. The sixteen substantive articles of the Convention identify the specific areas of discrimination that are of particular concern to women and establish the means to eliminate discrimination in these areas. Article 23 provides that the Convention will not affect any national or international provisions that are likely to be conducive to the achievement of equality between women and men, while article 24 binds States parties to adopt at the national level all measures necessary to full achievement of the rights recognised in the Convention.

In Part I of the Convention (articles 1-6) States parties agree to take all appropriate measures to bring about the advancement of women. These take the form of legal, administrative and other measures, which include temporary special measures of affirmative action, modification of social and cultural patterns of conduct and suppression of traffic in women and the exploitation of prostitution of women. In Part II (articles 7-9) States undertake to protect women's rights in political and public life. They agree to grant women the right to vote and be elected on a basis of equality with men, to participate in government as officials and policy makers, to participate in non-governmental organisations and to represent their countries internationally. They also agree to grant women equal nationality rights and equal

rights with respect to their children's nationality. In Part III (articles 10-14) governments make various commitments to eliminate discrimination in education, employment, health, economic, social and cultural life. In an important and unique provision, States parties also bind themselves to take into account the particular problems faced by rural women, to eliminate discrimination against them and ensure that they participate in and benefit from rural development on the same basis as men. Final substantive provisions are found in Part IV, where States parties agree to afford women equality with men before the law, in the exercise of legal rights, and in marriage and family law.

Reservations

Article 28 of the Convention permits ratification subject to reservation—a formal declaration that the State does not accept as binding on it a certain part or parts of the treaty. Article 28(2) precludes any reservation which is incompatible with the Convention's object and purpose. States have entered many formal reservations to the Convention—perhaps more than to any other major human rights treaty. Some of these reservations are essentially procedural or relate to matters which are not fundamental to the object and purpose of the Convention. A significant number are substantive, and some appear inconsistent with the Convention's object and purpose, affecting the enjoyment of women's legally guaranteed rights in all areas of life. The most problematic reservations are those to article 2, the core provision of the Convention, while others relate to areas fundamental to the elimination of discrimination against women, such as family law, legal capacity and citizenship.

Except for article 29, which provides for referral to the International Court of Justice of disputes between States parties over the interpretation of the Convention, the Convention does not include a process for rejection of incompatible reservations. As yet, no State has invoked article 29 to raise the issue of the validity of any reservation. Indeed, article 29 is itself the subject of reservations by many States. Nevertheless, the number and extent of reservations to the Convention has been a matter of controversy among States parties and a number have objected to the reservations of other States on the basis of incompatibility.

CEDAW has always considered the matter of reservations to be serious, and has underscored its concern in General Recommendations 4 and 20, as well as in a number of its contributions to United Nations conferences. It encourages States parties, if they must enter reservations, to formulate them as narrowly and precisely as possible to ensure that they are not incompatible with the object and

purpose of the Convention, and to keep any reservations under review with a view to their withdrawal. CEDAW regularly questions reserving States on this matter during their presentation of reports. At its thirteenth session in 1994, the Committee amended its reporting guidelines for initial and subsequent reports to require reserving States to address reservations specifically. It also requested the Secretary-General to send a special letter conveying CEDAW's concern to those States that have entered substantive reservations to the Convention and recommended that the advisory services of the United Nations be deployed to advise States on the withdrawal of reservations.

Substantive reservations to the Convention strike at the universality of human rights standards and especially those that affect women. They pose a significant challenge to the integrity of the Convention and to the realisation of its goals. However, even reserving States are brought by ratification within the Convention's monitoring system and their performance in advancing equality of women is thus subject to scrutiny. CEDAW will continue to be vigilant in the context of reservations and may well take the approach of the Human Rights Committee, the treaty body established to monitor the implementation of the International Covenant on Civil and Political Rights, which expressed in its General Comment 24 that it is up to the Committee to determine whether reservations are compatible with the Convention. It is notable that as part of its contribution to the fiftieth anniversary of the Universal Declaration of Human Rights, CEDAW adopted a statement on reservations to the Convention, in which it, *inter alia*, outlined the role of the Committee in this context (Annex G).

The Reporting Obligation

In addition to binding themselves to implement the Convention at the national level, States parties also undertake to submit reports on the measures they have adopted to give effect to the Convention, and the difficulties they may have encountered in implementing its provisions. These reports are to be submitted to the Secretary-General of the United Nations who forwards them to the Committee on the Elimination of Discrimination against Women (CEDAW) for consideration. This obligation is stated in article 18 which binds States parties to submit a report on the legislative, judicial and administrative measures which they have adopted to give effect to the Convention, as well as obstacles that might have been encountered, within one year after ratification or accession. Thereafter, States parties must submit periodic reports at least every four years, or whenever the Committee requires.

Until October 1999, the reporting obligation was the

Convention's only implementation mechanism. On 6 October 1999, the General Assembly adopted an Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women without reference to a main Committee. Both the World Conference on Human Rights (Vienna 1993), and the Fourth World Conference on Women (Beijing 1995) had called for the introduction of a right to petition under the Convention.

The Protocol contains two procedures: a communications procedure allowing individual women, or groups of women, to submit claims of violations of rights protected under the Convention to the Committee on the Elimination of Discrimination against Women, an international body of 23 independent experts. The Protocol establishes that in order for individual communications to be admitted for consideration by the Committee, a number of criteria must be met, including that domestic remedies must have been exhausted. The Protocol also creates an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights. In either case, States must be party to the Protocol. The Protocol includes an opt-out clause, allowing States upon ratification or accession to declare that they do not accept the inquiry procedure. The Protocol explicitly provides that no reservations may be entered to its terms. The Optional Protocol was opened for signature on 10 December 1999 (Annex H).

CEDAW

The Committee on the Elimination of Discrimination against Women which considers States parties' reports, is established under article 17 of the Convention. It is comprised of 23 experts who are elected by secret ballot from a list of persons of "high moral standing and competence in the field covered by the Convention" nominated by States parties. In the election of members, who serve four-year terms, consideration is given to equitable geographical distribution and to the representation of different forms of civilisation and the principal legal systems. Although Committee members are nominated by their own governments and elected by States parties, they serve in their personal capacity as independent experts and not as delegates or representatives of their countries. Unlike the supervisory committees established under the other United Nations covenants and conventions, which consist predominantly of male lawyers, CEDAW has, with one exception, been wholly composed of women from various walks of life.

The Convention assumes that the major function of the Committee is the consideration of State parties' reports. The Committee is also empowered by the Convention to

make suggestions and general recommendations based on the examination of reports and information received from States parties. Suggestions are directed to organs of the United Nations, while general recommendations are addressed to States parties and usually elaborate the Committee's view of the obligations assumed under the Convention. To date, the Committee has formulated 24 general recommendations. Under the Convention, the Committee may invite specialised agencies of the United Nations, which are entitled to be represented during its sessions, to submit reports for its consideration. Although the Committee welcomes information from non-governmental organisations, the Convention makes no explicit provision for NGO input.

Article 20 of the Convention provides that the Committee shall normally meet for a period of not more than two weeks annually to consider the reports submitted by States parties in accordance with article 18. Because the Committee has had to consider an increasing number of reports, the General Assembly has developed the practice of granting the Committee extra meeting time. For the first time in 1995, a State party provided the Committee with an extra week of meeting time in its capital. The restriction on CEDAW's meeting time in article 20 has been a matter of concern for the Committee for some time. At its Fourteenth session in 1995 the Committee (in General Recommendation 22) drew attention to the fact that it is the only treaty body whose meeting time is limited by its Convention and that its meeting time is the shortest of all human rights treaty bodies. CEDAW noted that its limited meeting time has become a serious obstacle to its work and recommended that the meeting of States parties in May 1995 recommend revision of article 20 to allow it to meet annually for as long as necessary to perform its functions effectively under the Convention. CEDAW also recommended that until the Convention is amended, the Committee be authorised by the General Assembly, to meet exceptionally in 1996 for two sessions of three weeks duration, both to be preceded by pre-session working groups.

The meeting of States parties agreed to replace article 20(1) with a new article providing that CEDAW shall normally meet annually, but that the duration of its meeting would be determined by a meeting of States parties, subject to the approval of the General Assembly. The States parties' amendment will enter into force after it has been considered by the General Assembly and accepted by a two-thirds majority of States parties. By late 1996, less than 10 States parties had accepted the amendment. At its fifty-first session in 1996, in its resolution 51/66, the General Assembly approved additional meeting time for the Committee, allowing it to meet, within existing resources, and for an interim period, for two three-week sessions annually, each preceded

by a one week pre-session working group. Accordingly, the Committee has met twice yearly since 1997. As of 1 March 2000, 23 States parties have accepted the amendment.

CEDAW normally meets in January and June or July. Until 1993, when its Secretariat was relocated from Vienna to New York, it met alternately in Vienna and New York. Currently, its sessions are held in New York.

Since 1991, a working group of five Committee members has met prior to each session to prepare a list of issues and questions to be sent in advance to those States presenting second and subsequent reports. Since the Committee's twentieth session in January 1999, the pre-session working group now meets immediately after the session prior to which the reports before the pre-session working group will be considered by the Committee. The list of issues and questions prepared by the pre-session working group are forwarded to those States parties presenting reports. When completed, the responses to the list of issues and questions are translated and provided to Committee members prior to the session at which the relevant reports will be considered. The Committee has also established two standing working groups which meet during its regular session. Working Group I considers and suggests means of expediting the work of CEDAW and Working Group II prepares suggestions and general recommendations for consideration by the full Committee.

The rules of procedure adopted by CEDAW stipulate that meetings of the Committee are generally to be held in public, with 12 members constituting a quorum. The presence of two thirds of its members is necessary for any formal decision to be taken. Consideration of the reports of States parties takes place in a public meeting in the presence of representatives of the reporting state, who are required to answer questions relating to the country report. As of 1 March 2000, CEDAW had considered 104 initial reports, 72 second, 45 third, and 13 fourth periodic reports. It had also received five reports on an exceptional basis from Bosnia and Herzegovina and Croatia, Rwanda, Federal Republic of Yugoslavia (Serbia and Montenegro) and Democratic Republic of the Congo.

The Objectives of Reporting

The reporting obligation under the Convention assists States parties in fulfilling their other obligations and allows the Committee to assess the extent to which the obligations have been met. Reporting is more than a procedural matter, however. As the Committee on Economic, Social and Cultural Rights noted in its General Comment 1 (1989), reporting has seven objectives:

- ❖ To achieve a comprehensive review of national legislation, administrative rules and procedures and practices.
- ❖ To ensure that States parties regularly monitor the actual situation with respect to each provision of the Convention, so that they are aware of the extent to which the various rights guaranteed are being enjoyed by all women.
- ❖ To provide States parties with the basis for the elaboration of clearly stated and targeted policies, which incorporate priorities consistent with the provisions of the Convention.
- ❖ To permit public scrutiny of government policies and to encourage the involvement of various sectors of society in the formulation and review of these policies.
- ❖ To provide a baseline against which States parties and the Committee can evaluate the extent to which progress has been made towards the realisation of the obligations established in the Convention.
- ❖ To enable States parties themselves to develop a better understanding of the problems and shortcomings encountered in the progressive realisation of the aims of the Convention.
- ❖ To enable the Committee and the States parties as a whole to exchange information, develop a better understanding of the common problems faced by States and a fuller appreciation of the types of measures which might be taken to promote effective realisation of the obligations in the Convention. This enables the Committee to identify the most appropriate means by which the international community might assist States parties.

Reporting is far more than a formal exercise, therefore, and should serve as a dynamic force for change within a State party. Preparation of the report should provide an opportunity for review of domestic law, policy and practice to determine the extent to which the standards of the Convention have been met. It allows for monitoring, assessment and evaluation of the strategies put in place to advance the Convention's ideals and provides an opportunity for accurate assessment of the problems that impede the implementation of the Convention. Strengths and weaknesses are submitted to public scrutiny, while consideration of the report by CEDAW provides a forum for discussion with a wholly independent body whose brief is to provide constructive assistance so that States meet their treaty obligations.

Preparation of Reports

CEDAW has adopted guidelines for the form and content of initial and periodic reports to assist States parties in the preparation of reports and to ensure that reports are presented in a manner that allows CEDAW and States parties to obtain a complete picture of the implementation of the Convention.

Guidelines for initial reports were first issued in 1983 and revised in 1995 and 1996. The revised guidelines require initial reports to be in two parts.

Part I of the report, which should aim to provide a “word picture” of the reporting State, presenting a clear description of the country in all its aspects, is to be prepared in accordance with consolidated guidelines issued by all the treaty bodies in 1991. These guidelines, reproduced in Annex B, were consolidated to reduce the burden on States that are party to more than one treaty that requires reporting. They call for the preparation of a “core document” which is to be submitted to the United Nations Centre for Human Rights in Geneva, which will distribute it to each treaty committee when the report of the particular State is considered. The “core document” should contain general information on the land and people of the State, its general political structure, general legal framework in which human rights are protected and a description of efforts made to promote awareness among the public and the relevant authorities of the rights contained in the various human rights instruments.

The guidelines for Part II of initial reports, reproduced in Annex C, require States to provide specific information in relation to each provision of the Convention; in particular,

- a) The constitutional, legislative and administrative provisions or other measures in force;
- b) The developments that have taken place and the programmes and institutions that have been established since the entry into force of the Convention;
- c) Any other information on progress made in the fulfilment of each right;
- d) The de facto position as distinct from the de jure position;
- e) Any restrictions or limitations, even of a temporary nature, imposed by law, practice or tradition or in any other manner on the enjoyment of each right.

In the guidelines, CEDAW recommends that the reports not be confined to mere lists of legal instruments adopted in

recent years, but should also include information indicating how these legal instruments are reflected in the economic, political and social realities and general conditions existing in countries. States parties are required to provide, to the extent possible, all data disaggregated by sex in all areas covered by the Convention and the general recommendations of CEDAW.

The guidelines invite States parties to submit copies of the principal legislative, judicial, administrative and other texts that are referred to in the report so they can be made available to the Committee. If a text is not quoted or annexed to the report, the report should contain sufficient information to be understood without reference to the text.

The guidelines require the report to reveal obstacles to the participation of women on an equal basis with men in the political, social, economic and cultural life of their countries and give information on types and frequencies of non-compliance with the principle of equal rights.

Specific guidance on reporting on reservations to the Convention was added in 1995:

- a) Each State party that has entered substantive reservations should include information on those reservations in each of its periodic reports;
- b) The State party should indicate why it considered the reservation to be necessary; whether any reservations the State party may or may not have registered on [sic] obligations with regard to the same rights set forth in other conventions are consistent with its reservations to the Convention; and the precise effect of the reservation in terms of national law and policy. It should indicate the plans that it has to limit the effect of reservations and ultimately to withdraw them and, whenever possible, specify a timetable for withdrawing them;
- c) States parties that have entered general reservations which do not refer to a specific article of the Convention or reservations to articles 2 and 3 should make a particular effort to report on the effect and interpretation of those reservations.

At its fifteenth session in 1996, the first session of the Committee following the Fourth World Conference on Women held in Beijing in September 1995, the Committee revised its guidelines with regard to the form and content of initial and periodic reports; they were further revised at its sixteenth session in 1997. It invited States parties to take into account the 12 critical areas of concern in chapter III of the Platform for Action adopted at the Fourth World Conference on Women in preparing their reports, or in sup-

plementary oral and/or written materials supplied in connection with reports already submitted. The Committee also noted in its new guidelines that the 12 critical areas of concern are compatible with the articles of the Convention, and therefore, within the mandate of the Committee.

The Committee's guidelines for second and subsequent reports, reproduced in Annex D, indicate that these reports should focus on the development that have taken place since the consideration of the preceding report by CEDAW. The previous report and its consideration by CEDAW should be addressed and it should include legal and other measures adopted since the previous report, details of actual progress made to promote and ensure the elimination of discrimination against women, any changes in the status and equality of women since the previous report, any remaining obstacles in the participation of women on an equal basis with men in the political, social, economic and cultural life of the country and matters raised by CEDAW that could not be dealt with at the time the previous report was considered.

In some cases, States parties to the Convention fall behind in the submission of reports. The Committee has encouraged States parties that find themselves in this position to submit a report which combines more than one report that is due. Thus, at its sixteenth session in January 1997, the Committee adopted decision 16/III which invites States parties to combine a maximum of two of the reports required under the Convention. For example, a State party whose initial report may have been considered by CEDAW two years after its date of submission may choose to combine and consolidate its second and third report rather than submitting separate periodic reports. By doing this, the State party keeps to its reporting schedule.

General Recommendations and Reporting

A significant number of CEDAW's twenty-four general recommendations deal with issues related to specific articles that have been noted as a concern during consideration of reports. Most outline matters that CEDAW wishes to see described in reports and many indicate that implementation of the Convention requires States parties to introduce strategies that the recommendation describes in some detail. General recommendations adopted during the Committee's first ten years were short and modest. At its Tenth session in 1991, CEDAW decided to adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention articles and what CEDAW described as "cross-cutting issues." Following this decision, the Committee has issued four detailed and comprehensive general recommendations which offer States parties clear

guidance on the application of the Convention in particular situations. General Recommendation 19, concerning gender-based violence against women, was adopted by the Committee in 1992. General Recommendation 21, issued in 1994, concerns equality in marriage and family relations. General recommendation 23, adopted by the Committee at its sixteenth session in 1997, concerns women in public life and general recommendation 24, adopted at the twentieth session in January 1999, concerns article 12 - women and health.

At its seventeenth session in 1997, the Committee adopted a new approach to the formulation of general recommendations, which allows it to take advantage of the expertise of members and available input from the United Nations system and non-governmental organizations (NGOs). This process consists of three stages. First, a general discussion and exchange of views on the subject of the proposed general recommendation takes place at an open meeting of the Committee. Specialized agencies and other United Nations bodies, as well as non-governmental organizations are encouraged to participate in this discussion, as well as to submit informal background papers. Second, a member of the Committee and the Secretariat compile the results of the session into an initial draft. The draft is discussed at the next session by a working group of the Committee, which may invite resource persons and NGOs to participate in its discussions. A revised draft is compiled and distributed to all experts before the next session, which then considers the draft with a view to its approval. CEDAW's General Recommendations are included as Annex E.

Gender-based Violence against Women

With the exception of article 6, which concerns traffic in women and exploitation of prostitution, gender-based violence against women is not addressed explicitly by the Convention. The Committee has, however, concluded that such violence constitutes a form of sex discrimination and is contrary to the principles of the Convention. General Recommendation 12 requires States parties to include information relating to all forms and settings of violence against women in reports and General Recommendation 14, which specifically concerns female circumcision, makes suggestions and recommendations aimed at its eradication.

General Recommendation 19, CEDAW's first "cross cutting" general recommendation, clearly defines gender-based violence against women, whether perpetrated by a state official or a private citizen, in public or in private life, as sex discrimination and a violation of internationally guaranteed

human rights. By defining gender-based violence against women, irrespective of perpetrator, as sex discrimination, CEDAW defines the responsibility of States parties under the Convention to include an obligation to ensure its elimination. General Recommendation 19 sets out specific punitive, rehabilitative, preventative and protective measures States should introduce to fulfil this obligation.

The definition of gender-based violence against women as a form of sex discrimination has influenced other international efforts to eradicate this form of violence. The Declaration on the Elimination of Violence against Women adopted by the General Assembly in December 1993 reflects the work of the Committee in this area and recognises the crucial importance of the effective implementation of the Convention in the elimination of violence against women. The Declaration, which elaborates measures that States and international agencies should take to ensure the elimination of all forms of violence against women, whether in public or private, is reproduced in Annex F.

Presentation of Reports Before CEDAW

The relationship CEDAW seeks to establish with governments when reports are considered is one of “constructive dialogue” during which information, experiences, ideas and suggestions are exchanged in a joint effort to implement the Convention in the reporting state. The consideration of the report aims, therefore, to contribute to the achievement of women’s de jure and de facto equality in the reporting state.

When a State party presents its initial report, the Chairperson of the Committee introduces the representative of the State who then speaks to the report for about thirty minutes. Information not contained in the report or developments which have occurred since it was submitted to the Secretary-General can be raised at this time. Often there is a time lag between the date the report is submitted and its consideration by CEDAW. Where this is the case, the State is encouraged to provide a written addendum to the original report and indicate in its oral presentation the most important developments since the original submission.

After the government’s presentation, CEDAW members make general observations and comments on the report. If the State party has entered reservations to the Convention, the Committee usually addresses its initial questions to these. Very often it will then raise general questions relating to the preparation of the report and the publicity given to the Convention in the reporting State. At this stage, CEDAW will seek information on the role of NGOs in the preparation of the report, whether the Convention and the obligations

that it creates are widely known in the country and whether it has been translated into any local languages. CEDAW will usually ask whether people at the local level have been made aware of the contents of the report and if the report itself has been made widely available and translated into any local languages.

Before moving to an article by article consideration of the report, asking questions on the implementation of the various articles and requesting clarification and further information, the Committee will often ask general questions on matters raised in the preamble. The role of women in peacemaking and peace-building is one of the main issues addressed at this point.

At the end of this process, the representative of the reporting state may decide to reply immediately to some of the questions asked. Usually, consideration of the report will be adjourned and the State representative will answer CEDAW’s questions some days later. During this stage, members of the Committee may ask further questions or suggest that those that have been answered insufficiently be addressed in the State party’s next report. The Committee has the power to request that the reporting state send its Secretariat further information, but it very rarely exercises this power.

At its thirteenth session in 1994, the Committee introduced the practice, common in other treaty bodies, of preparing concluding comments on the reports of State parties. Prior to each session, the Chairperson designates one member of the Committee, ideally from the region of the reporting State, to draft concluding comments on individual reports. The country rapporteur works closely with the main rapporteur of the Committee. The country rapporteur also provides an introductory analysis of the report in a closed meeting of the Committee prior to its presentation by the State party. Draft comments, which cover the most important points raised in the constructive dialogue and emphasise both positive and troubling points relating to women’s equality revealed in the examination of the report, are adopted by the full Committee in closed meetings. As adopted, concluding comments represent the collective view of the Committee on the situation in the reporting State and are forwarded to the State party and made public. They are an important resource for government in shaping future national policy and a useful tool for NGOs in their role as watchdog. The procedures for the adoption of concluding comments adopted by the Committee at its nineteenth session in 1998, as well as examples of concluding comments are attached as (Annex I).

The procedure for the consideration of second and subsequent reports follows a different pattern from that for the

initial report. CEDAW's pre-session working group prepares a list of issues and questions, which is sent in advance to the reporting state to allow it prepare replies to be presented when the report is considered. States parties' replies are translated and provided to the Committee prior to its consideration of reports. CEDAW members are not precluded, however, from asking further questions during the presentation. The same process of formulation of concluding comments is also employed.

Information Available to CEDAW in the Consideration of Reports

The Committee's consideration of country reports is based predominantly on information provided by states in their reports and the knowledge of individual members of CEDAW. Information is increasingly provided by United Nations specialised agencies and funds, a number of which are now actively co-operating with the Committee. CEDAW is also able to take advantage of information available in the United Nations system generally and with the growing integration of its work with that of the other treaty bodies, will be able to use information provided to those bodies under their respective reporting obligations. Several decisions adopted by the Committee concern specialised agencies and other bodies of the United Nations (decisions 18/I and 18/II, adopted at the Committee's eighteenth session in 1998). These bodies are invited to provide country-specific information to the pre-session working group on States parties whose reports are before the group. They are also invited to address the Committee as a whole in a closed meeting on those States parties whose initial reports are before the Committee.

International and national NGOs also provide information to CEDAW. Some NGOs, particularly the International Women's Rights Action Watch, the International League for Human Rights, the International Human Rights Law Group and Amnesty International, have provided information to members of CEDAW, while national NGOs from a number of countries have provided the Committee directly with alternative reports. The Committee has adopted several decisions with regard to NGO participation in its work. In decision 18/I, adopted at its eighteenth session in January 1998, it decided that representatives of national and international NGOs should be invited to provide country-specific information to the pre-session working group of the Committee on those States parties whose reports were before the Group. In decision 20/I, adopted at its twentieth session in January 1999, the Committee decided that representatives of national and international NGOs should be invited to provide country-specific information on States parties whose reports are before the Committee in an informal meeting of the working group of the whole.

CEDAW is not only anxious to receive NGO information about countries, but encourages NGO participation in the preparation of reports. CEDAW believes that NGO participation offers an opportunity for exchange between government and the people and allows government to identify more easily areas of concern and obstacles to implementation of the Convention. Reporting states have come to expect questions from the Committee on whether women's groups and NGOs generally have been consulted or involved in the preparation of the report and whether, and in what ways, the report reflects the input of these groups.

Article 1

Definition of Discrimination against Women

***F**or the purposes of the Convention, the term “discrimination against women” means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

Comment

Article 1 provides the definition of discrimination against women which applies to all provisions of the Convention. Unlike earlier treaties, such as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, which refer to discrimination or distinction on the basis of sex, article 1 establishes that the Convention is concerned with discrimination against women, which it then comprehensively explains.

The Convention defines discriminatory practices to include any differentiation, whether by way of distinction, exclusion or restriction, on the basis of sex, which aims or has the effect of preventing or hampering the enjoyment by women, whether married or unmarried, of their human rights to the same extent as men. It includes intentional and unintentional discrimination and encompasses differential treatment, as well as treatment which impacts differentially and disadvantageously on women when compared to men. Article 1 makes clear that the Convention aims to eliminate discrimination in all public spheres, which include the political, economic, social and civil fields. In light of the fact that discrimination against women is perhaps most entrenched in the private sphere, it also includes discrimination in “any other field” within its reach, thereby encompassing private or domestic differentiation. In General Recommendation 19, the Committee concluded that gender-based violence—violence directed against a woman because she is a woman or which affects women disproportionately, whether perpetrated by public authorities or by any person, organisation or enterprise—falls within the definition of article 1.

Accountability and Implementation: Questions to Ask

1. Does the constitution, if there is one, include a guarantee of equality of women with men in the protection and enjoyment of human rights? Does it prohibit discrimination against women on the basis of sex and marital status? If it does, is it implemented in practice? If it does not, what work is being done to amend the constitution? Are there any obstacles to such an amendment? If so, what are they?
2. Are there laws or policy statements that define discrimination against women? What do they say? Do they include in their definition any act which causes, or results in, a difference of the treatment of women in comparison to men? Do they include laws, practices or policies (whether legislative, administrative, customary or traditional) which impair or nullify the recognition of women and their enjoyment or exercise of civil, political, economic, social and cultural or any other rights?
3. Is the legal definition of discrimination sufficiently broad or interpreted broadly enough to be compatible with that contained in the Convention? Does the definition cover practices which although not intending to discriminate, are discriminatory in effect and not reasonable or justifiable?
4. Does the legal definition of discrimination encompass discrimination against women by private institutions and individuals? Does the legal definition of discrimination include discrimination against women in the private or domestic sphere?
5. Does the legal definition of discrimination include gender-based violence against women?

Article 2

Obligations to Eliminate Discrimination

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 realisation 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, organisation 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.

Comment

Article 2 obligates States Parties to condemn discrimination against women and to eliminate it through constitutional, legal, and other appropriate means. The obligations of States Parties to eliminate discrimination against women under article 2 extend to public authorities and institutions, private persons, organisations and enterprises. States Parties are under a duty to ensure that public and private bodies, as well as individual persons, refrain from and eliminate discrimination against women. A primary requirement of article 2 is that the principle of equality of women with men must be included in the constitution or other suitable legislation. States must also eliminate the legal bases for discrimination by revising existing civil, penal and labour laws.

Obligations imposed by article 2 go beyond law reform and require States Parties to ensure the practical realisation of the principle of equality of women through legal or other appropriate means.

Accountability and Implementation: Questions to Ask

1. Are there policies or practices of government and other public institutions that discriminate against women? Are there any laws or administrative or other practices that discriminate against women? Can the areas in which women are discriminated against in practice be identified? What means are used to identify such areas? To what extent do policies or practices of government and other public institutions nullify or impair the recog-

dition, enjoyment or exercise of human rights by women? Are these policies and practices in the process of being repealed or changed?

2. In those States where the Constitution did not include a guarantee of non-discrimination at the time of ratification of the Convention, has the Constitution been amended to add such a guarantee? If not, has the process of amendment to add such a guarantee begun?
3. Has the country passed or amended legislation to deal with discrimination in the specific areas described in the substantive articles of the Convention (concerning education, health, employment, etc.)?
4. Have any laws, regulations, or policies been promulgated that regulate the conduct of official institutions, public authorities and public officials towards women? Do such laws extend to private persons, organisations or enterprises?
5. Has the country undertaken any studies of the discriminatory implications of its laws?
6. Has it sought to ensure that laws and policies prohibiting discrimination are effectively enforced through the court system or through other tribunals?
7. Have any special remedies or avenues of redress been developed to enable women to pursue their rights? If so, how effective have these been? How many cases of discrimination have been brought before the courts or other bodies in the last four years? How were they decided?
8. Does any special machinery, such as a commission or ombud, been established to promote and protect the rights of women? Has a specific machinery been established to oversee Convention implementation? If so, how do they operate and what has their effect been?
9. Has the country attempted to address through legislation or other programmes the modification of customs and practices that result in discrimination against women or perpetuate such discrimination? In particular, has the country attempted to address through legislation and other programmes gender-based violence against women?
10. Are there any sanctions or penalties, such as fines or loss of government contracts, imposed for discrimination against women? If so, what are they? Have they been applied?
11. What measures if any, have been adopted to advance or improve the situation of women, and to guarantee women fundamental freedoms and equal rights?
12. Has the country attempted to address through legislation or other programmes the modification of customs and practices that result in discrimination against women or perpetuate such discrimination?
13. What are the practical obstacles that prevent women from attaining their full development, fundamental freedoms or equal rights?

Article 3

The Development and Advancement of Women

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.

Comment

This article obligates States Parties to take all appropriate measures, including legislation, in all fields so as to implement the policies outlined in article 2 of the Convention. The obligation aims to guarantee women basic human rights and fundamental freedoms on a basis of equality with men, as well as to ensure their full development and advancement.

Accountability and Implementation: Questions to Ask

1. Do existing laws, practices, and administrative policies ensure the full development and advancement of women? Do women have the same access as men, in law and in fact, to the political process, social services, health and medical care, education, literacy development programmes, employment, ownership of property, and social welfare?
2. Is the exercise and enjoyment of human rights and fundamental freedoms by women, on a basis of equality with men, guaranteed under the constitution or other relevant laws? What are the practical obstacles that prevent women from attaining their full development, and exercise of human rights and fundamental freedoms on an equal basis with men?
3. What measures have been taken to bring about the full development and advancement of women, and to guarantee their exercise and enjoyment of human rights and fundamental freedoms?
4. Have any laws been enacted, or policy measures taken, that affect the status of women with regard to political participation and participation in social, economic and cultural life? Have women effectively participated in the formulation of such laws or policies? Are these laws and policies being implemented to the satisfaction of women?

Article 4

Acceleration of Equality between Men and Women

Adoption by States Parties of temporary 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.

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

Comment

Recognising that even if women enjoy legal equality, they do not necessarily reach a position of equality in fact, article 4 permits States to employ special measures of affirmative action for as long as inequalities continue to exist. These special measures, which are defined as non-discriminatory by article 4, are permissible because they accelerate de facto equality of women. They are justified on the basis that formal equality is inadequate to redress the factual inequality of women. In addition, special measures employed to protect interests which are specific to women, including maternity, are defined as non-discriminatory.

At its seventh session in 1988, CEDAW, although noting that significant progress had been made in guaranteeing women's legal equality, stressed the need to take steps to promote their de facto equality. In its General Recommendation 5, which it adopted at that session, the Committee encouraged States Parties to make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education, the economy, politics and employment. In General Recommendation 8, also adopted at its seventh session, CEDAW suggested that States Parties employ temporary special measures of affirmative action to ensure women equal opportunity to represent their governments internationally.

Accountability and Implementation: Questions to Ask

1. Is there an official policy aimed at accelerating the de facto equality of women? If so, what steps have been taken to implement this policy? Have any laws been enacted to implement such a policy?
2. What positive or temporary special measures, whether in the form of affirmative action, or otherwise, have been adopted to achieve equality between men and women? What are the inequalities that these measures sought to redress? Are there special measures for the protection of pregnancy, maternity, the health and safety of women in the workplace? If so, what are they? Are they effective?
3. How are these special measures enforced? What have their effects been? Is their effect being monitored?
4. Are special measures considered to be non-discriminatory under the law?
5. What enforcement mechanisms have been established? How do they operate?

Article 5

Sex Roles and Stereotyping

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 prejudices 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.*

Comment

Article 5 of the Convention recognises that despite efforts to achieve legal and de facto equality for women, true advancement towards equality requires fundamental social and cultural change. Article 5(a) requires States to address social and cultural patterns that lead to discrimination and to stereotyped roles for women and men. It deals with interpersonal relationships between women and men and is concerned to eliminate practices based on ideas of the superiority or inferiority of one sex in relation to the other and sex-based stereotyping. Recognising that sex-role stereotyping is most apparent in family life, paragraph (b) calls on States to ensure that family education underlines the importance of maternity as a social function and the shared responsibility of men and women in the upbringing of children.

At its sixth session in 1987, CEDAW formulated General Recommendation 3 concerning article 5. It states that the consideration of reports had shown that owing to socio-cultural factors, stereotyped conceptions of women continue to exist. These perpetuate discrimination based on sex and hinder the implementation of article 5. CEDAW urged all States Parties to adopt education and public information programs to help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.

Other recommendations of the Committee have addressed article 5. For example, in General Recommendation 1, CEDAW observed that, in the context of article 5, “traditional attitudes under which women are

regarded as subordinate or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry death, acid attacks, female circumcision. Such prejudices and practices may justify gender based violence as a form of protection or control of women”.

Accountability and Implementation: Questions to Ask

1. What cultural and traditional practices, or ways of life, if any, hamper women’s advancement in society?
2. What measures have been taken to change social and cultural patterns that lead to stereotyping or reinforcing the idea of the inferiority of women?
3. Does religion or custom impose practices or beliefs that interfere with improving the status of women? If yes, what are they?
4. What roles are men and women expected to play in society and in the family?
5. Are males and females stereotyped in school books or in the media?
6. What efforts are being made to eliminate the stereotyping of men and women? What are the obstacles to eliminating these stereotypes?
7. Who is considered, by law or custom, to be the “head of the household”?

8. Are there certain kinds of work that are considered as "men's work" or "women's work"? What are the percentages of men and women in these kinds of work?
9. What kinds of work are women forbidden to do, either by law or custom?
10. Are girls and boys expected to do different tasks in the home or at school?
11. Who is responsible for the care of the children? Are men and women equally responsible for the care of children? In divorce cases, who is typically given custody of the children and why?
12. Is any provision made for family life education within the country? If so, what is it?
13. How do syllabuses in educational institutions reflect this article of the Convention?
14. Do husbands have the right to chastise their wives? Which law provides for such a right? Are sanctions exercised against men if they chastise their wives?
15. How is violent behaviour between spouses perceived by women and men? Are there any public campaigns to raise awareness about violence against women as a problem? And if there are, do they attempt to change the attitudes of men?
16. Are there public information programmes to educate women about their rights? If so, to what extent do the media contribute to such programmes?
17. In education is use made of materials on how to resolve conflict between men and women in non-violent ways?
18. Where dowry or brideprice is a condition or requirement for a valid marriage as a matter of custom and tradition, how many cases of violence related to marriage payments are reported? Is there legislation against these practices? If legislation does exist, does it provide sanctions against both parties (i.e. both those asking for and those making a marriage payment)?
19. What measures and steps have been taken to conscientise and inform law enforcement officials of the issue of violence against women, particularly within the home?
20. Is there a place for women to go when faced with violence within the family? Are there special law enforcement units to deal with domestic violence?
21. Is there a process to deal with violent and sexually offensive films and magazines?
22. How are the victims of sexual assault treated by law enforcement officers?
23. Are there any special procedures to deal with the sexual abuse of children?

Article 6

Exploitation of Women

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

Comment

The article addresses trafficking and exploitation of prostitution but does not require states to punish women who choose to be prostitutes. Historically, international law has dealt with the exploitation of prostitution through several international instruments concerning traffic in persons and slavery. These include the Slavery Convention 1926 as amended by the Protocol Amending the Slavery Convention 1953, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956 and the Abolition of Forced Labour Convention 1957. In 1949 specific standards relating to prostitution were agreed in the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which outlaws the procurement and enticement of another person for the purposes of prostitution, the exploitation of prostitution of another person and forbids the keeping of brothels. Article 6 of the Convention on the Elimination of All Forms of Discrimination Against Women moves beyond existing international regulation of sexual exploitation, by requiring States not only to pass and implement appropriate legislation, but to address the root causes of both trafficking and exploitation of prostitution.

In General Recommendation 19, CEDAW draws attention to the fact that in addition to established forms of trafficking there are new forms of sexual exploitation, including sex tourism, the recruitment of domestic labour from developing countries to work in developed countries and organised marriages between women from developing countries and foreign nationals. Article 6 obligates States to confront these practices, as well as established forms of exploitation.

Accountability and Implementation: Questions to

Ask:

1. Does the country have legislation to prevent traffic in women and girls? If so, is it implemented effectively? What sanctions exist for such traffic?
2. Is prostitution legal? If prostitution is illegal, are both prostitute and client subject to prosecution? In prac-

tice, does prosecution take place? What sanctions do prostitutes face? What sanctions do the clients of prostitutes face? Are there specific laws relating to clients of prostitutes? If so, are they enforced? Are prostitutes licensed or regulated in any way? What laws, if any, are there concerning child prostitution?

3. If prostitution is legal, do sanctions exist to protect prostitutes from exploitation?
4. What is the prevailing social attitude towards prostitution?
5. Does the law relating to violence against women, including rape, apply equally to prostitute women? Is it applied equally in practice?
6. What are the laws on traffic in women and exploitation of prostitution?
7. Are patterns of immigration and emigration monitored? Specifically, is there a system in place to monitor whether immigrants or emigrants are predominantly engaged in sex work?
8. Are there laws and policies in place to protect women and young girls from labour agencies which are essentially engaged in trafficking? Are there laws and policies in place relating to marriage bureaux, specifically those involved in arranging marriages with foreign nationals?
9. Is the selling of a women's sexual services by a third person illegal?
10. Are there any obstacles to eliminating the exploitation of prostitution and traffic in women? If so, what are they?
11. Are there laws in the country to penalise nationals who exploit women and girl children outside the country, such as, for example, legislation relating to sex tourism? If so, describe their implementation and effect.

Article 7

Political and Public Life

States 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 election 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-government organisations and associations concerned with the public and political life of the country.*

Comment

Article 7(a) reaffirms the right of women to vote in all elections and to be eligible for election to elected bodies, rights already enshrined in other international instruments including the Convention on the Political Rights of Women 1953 and the International Covenant on Civil and Political Rights 1966. In addition to rights stated in prior instruments, the article explicitly enshrines the right to vote in public referenda.

Article 7(b) also reflects existing standards in international law. However, by providing that States Parties “shall ensure” the right of participation it obligates governments to create the conditions that facilitate women’s participation. This obligation can be met by, for example, including women on lists of government candidates, affirmative action and quotas and elimination of gender restrictions for certain posts.

Article 7(c) contains the only reference in the Convention to non-governmental organisations (NGOs). It establishes the right of women to participate in NGOs and associations concerned with the public and political life of the country and binds States to ensure this right on equal terms with men. General Recommendation 23 on women and public life adopted by the Committee and its sixteenth session provides further details on material to be included in reports under this article.

Accountability and Implementation: Questions to Ask

1. Do women have the right to vote in all elections on

equal terms with men? If so, what percentage of women vote as compared to men? Is the right to vote dependent on any property or literacy requirement? If so, do such requirements adversely affect women? For instance, do such requirements exclude women from voting, or do they have a greater effect on women’s ability to vote than on that of men?

2. What percentage of the members of political parties are women? What is the nature of the participation of these women in the work of political parties? What measures have been adopted by political parties to increase women’s membership? What percentage of women stand as candidates for publicly elected bodies, locally or nationally? And what proportion of women to men are elected?
3. Are women eligible to be candidates for elected positions on the same terms as men? What percentage of candidates are women? What measures have been adopted by political parties to increase the percentage of women standing as candidates? What measures have been adopted by political parties to increase the number of women office holders? If so, which public offices are currently held by women? Include both appointed and elected positions. Are the holders of such offices representative of women? What percentage of public offices are held by women?
4. Are there any factors that prevent women’s political participation? If so, what are they and are they being addressed in any way? What impediments exist which prevent women from running for office in the party or

committee structure? For example, finance, provision for children, lack of confidence or general attitudes?

5. What percentage of women participate in elections and public referenda?
6. What measures have been taken to ensure that women participate in the design and implementation of development planning at all levels?
7. What support services exist within the country to enable women to participate in public life?
8. Do women participate in trade unions? Are there any

factors that affect their participation in this sector? Have measures been introduced to encourage their participation?

9. Are women discriminated against or subject to human rights violations because of their political activities as members of women's organisations? Are women political prisoners or detainees subject to sexual abuse? If yes, please document and give details.
10. To what extent are women's organisations actively involved in policy-making? Do mechanisms exist to ensure such involvement?

Article 8

International Representation and Participation

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 organisations.

Comment

Echoing article 8 of the United Nations Charter, article 8 of the Convention requires States Parties to take measures to ensure that women have equal opportunities with men to represent their Government internationally, as well as to participate on a basis of equal opportunity in international organisations.

In view of the fact that equal representation of women at the international level is far from realised, the Committee on the Elimination of Discrimination against Women in General Recommendation 8 suggested that States Parties make use of temporary special measures envisioned in article 4 to achieve this goal. General recommendation 23 also provides more guidance on information to be included in reporting under this article.

Accountability and Implementation: Questions to Ask

1. Do women have the right and the opportunity to represent the Government on an international level and to participate in the work of international organisations on equal terms with men?
2. What percentage of ambassadors are women? What percentage of other representatives to foreign governments or international organisations are women? Where do they serve? Are there instances where women, because of their sex, have been denied their opportunity to represent the country or to participate in the work of international organisations? Please describe.
3. What proportion of women are represented in the foreign service of your country and at what levels? What proportion of experts sent to international meetings are women, and what are their areas of expertise?
4. What percentage of people from the country employed by international organisations are women and in which areas? Is there equal opportunity of women to serve as representatives of their country and as participants in the work of international organisations?
5. Are there any programmes to encourage women to enter the foreign service or to apply for positions in international bureaucracy?

Article 9

Nationality

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 the husband.

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

Comment

Article 15 of the Universal Declaration on Human Rights guarantees everyone the right to a nationality. Article 9 of the Convention grants women equal rights with men to acquire, change or retain their nationality and grants them equal rights with respect to the nationality of their children. Article 9 should be read together with articles 15 and 16 of the Convention which respectively deal with equality of women before the law and within the family. As CEDAW points out in General Recommendation 21, nationality is critical to full participation in society. A woman's nationality may affect her right to vote or stand for public office; it may affect her choice of residence and her access to public services and benefits. In the case of married women, domestic citizenship laws may impose on women the nationality of their husbands, or cause them to lose their nationality on marriage to a foreigner. Article 9 strengthens standards elaborated in the Convention on the Nationality of Married Women, adopted by the General Assembly in 1957. According to the terms of this Convention, neither marriage nor its dissolution, nor the change of nationality of the husband should automatically change that of the wife.

Article 9 should not be understood as compelling a woman to maintain her nationality nor to disadvantage her in any way should she wish to change it.

Article 9 requires women to be granted equal rights with men with regard to the nationality of their children. Therefore citizenship laws under which children automatically acquire the nationality or citizenship of their fathers, but not their mothers, are contrary to this article. In addition, article 7 of the Convention on the Rights of the Child (1989) provides for the right of a child to acquire a nationality.

Accountability and Implementation: Questions to Ask

1. Do women, whether married or not, have equal rights with men to acquire, change or retain their nationality? What social, cultural or economic factors affect a woman's exercise of these rights?
2. Does marriage to a non-citizen, or a change of nationality by the husband, affect a woman's nationality in any way?
3. Is a person's citizenship determined by birth, by parentage, by marriage, or by a combination of these factors? If citizenship is determined by parentage, does a mother's citizenship carry equal weight with that of the father?
4. Do women and men have the same rights with respect to gaining residence and employment status for their spouse in situations where the spouse is a non-national? How is the nationality of a child determined? Do minor children have their own passports? If not, can minor children travel on their mother's passport or only their father's? Is the father's consent required to include children on their mother's passport? Is the consent of the parents of minor children required prior to their leaving the country? If so, whose consent is required and in what circumstances?
5. Can a woman obtain a passport or travel without the permission of her husband or male guardian?

Article 10

Education

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 organisation 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.*

Comment

This article requires governments to take all appropriate measures to eliminate discrimination against women in education. It reiterates rights guaranteed by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. With specific respect to the education of women, article 10 of the Convention maintains that all necessary measures be taken to give equal rights to women and girls in the field of educa-

tion to enable them to participate fully in the life of their countries.

In order to ensure the equality of men and women in matters of education, article 10(a) requires same conditions for men and women with regard to career and vocational guidance, and access to studies and achievement of qualifications or diplomas in all educational institutions in both rural and urban areas. The equality of women shall be ensured specifically in pre-school, general, technical, profes-

sional and higher technical education, and all types of vocational training. Article 10(b) guarantees women the same access as men to curricula, examinations, school premises, teaching staff of similar standard of qualification, and equipment of similar quality.

Article 10(c) seeks to eliminate stereotyped conceptions of the roles of women and men at all levels and in all forms of education. The Convention encourages co-education and other types of education which help to attain this aim and requires, in particular, the revision of textbooks and school programmes and the adaptation of teaching methods that encourage elimination of sex stereotyping. To eradicate sex stereotyping, it may be necessary to redress imbalances between women and men working in educational institutions.

Article 10(d) guarantees women and girls the same opportunities as men and boys with respect to scholarships and other study grants. Article 10(e) obligates States to ensure that women have equal opportunities to participate in continuing education, including literacy programmes. Access to continuing education programmes is important to redress the imbalance between women and men, particularly in areas of new technology. Disadvantaged women, especially immigrant women, who are often isolated, have a particular need for adult education to help them improve the quality of their lives with regard to the double burden of home and paid employment.

Since frequently more girls than boys leave school prematurely, governments should, under article 10(f), work to reduce drop-out rates for girls and to provide programmes for girls and women who have left school before completing their studies. Attention should especially be paid to meeting the needs of young pregnant students and young mothers to enable them to complete their education. Programmes should also be initiated to encourage these women to enter or re-enter the waged labour force.

Women and girls frequently have unequal opportunities to participate in sports and physical education, and fewer resources are made available to promote activities for them. Article 10(g) seeks to reverse this trend while article 10(h) entitles women and girls to receive education relating to health and family life. In a provision unique to this Convention, they are granted the right to have access to information and advice concerning family planning to allow them to decide on the number and spacing of their children. Provision of access to such information would enable girls to participate equally in matters connected with family life.

Accountability and Implementation: Questions to Ask

1. Have legislative or other measures been taken to ensure equal access to education for men and women? Is there equal access to education in practice?
2. Are girls and boys able to take the same subjects at primary and secondary school and at institutions of higher learning? If so, are girls aware of the options which are available to them? If they are so aware, do they take advantage of these options? If not, why not?
3. What percentage of primary, secondary, and university graduates are female? How do these percentages relate to the percentage of women to men in the country per age cohort?
4. What are the overall literacy rates for males and females? Between ages 15-24? Ages 25-44? Ages 45 and above?
5. In schools that are not co-educational, are the curricula, examinations, teaching staff, school premises and equipment of the same quality for boys and girls? If not, describe the differences. For example, compare student-teacher ratios, subjects taught, per capita expenditures for male and female students.
6. If the educational system places students in different branches or streams or "tracks" of studies, are girls and boys equally represented in such tracks? Are girls encouraged to pursue traditionally "male" studies? How?
7. What is the percentage of women graduating in the fields of medicine? Engineering? Law? Sciences? Agriculture? How do these percentages relate to the percentage of women to men in the country?
8. What grants or scholarships are available? Are these grants and scholarships available to women and men equally? Of those grants and scholarships available to both women and men, what number go to women and what number go to men?
9. Are there any grants or scholarships available solely for women and solely for men? What percentage of all available scholarships, awards, or grants are given to women at primary, secondary, and post-secondary levels?
10. How many women are shortlisted for such scholarships and grants as compared to men?
11. What percentage of the students in adult education and

literacy programmes are women? What are the comparative numbers of women and men enrolling in these programmes? Are there any barriers to women's enrolment? If so, what are they? Is there any particular group of women, for example migrant or indigenous women, particularly affected by such barriers?

12. Are there laws and policies that attempt to keep girls in school until school leaving age? Please describe.
13. What educational programmes are available for girls and women who have left school before school leaving age and graduation? What are the qualifications and experiences of the teachers in such programmes? Do more men than women take such programmes?
14. What are the dropout rates for women at all levels of education? What are the major causes of girls or women discontinuing their education? Are there statistics that show the levels of female student drop-out rates? Are these statistics kept on a comparative basis?
15. What percentage of all teachers at the primary level are women? At the secondary level? At the university level? Compare the seniority levels of women staff at each level?
16. What percentage of school principals and heads of departments are women? What percentage of university professors and heads of departments are women? Provide a gender disaggregated staff profile of the primary, secondary and higher education sectors.
17. Do women have the same access as men to family life education, including family planning? Is education for

family life and family planning included in course syllabi? If so, what is taught?

18. Do girls have the same opportunities as boys to participate in sports and physical education in schools? Are there any regulations that prohibit participation of women and girls in sports and physical education? Are there any dress regulations that impede the full participation of girls and women in sports? Is it culturally acceptable for women to participate in all sports? Are sports facilities equally available to men and women, boys and girls?
19. Does sex stereotyping, such as depictions of women as secretaries rather than managers, exist in programmes, curricula, textbooks, etc.? If so, how much? Have measures been introduced to address this stereotyping?
20. Has research been undertaken into the achievements of girls who attend co-educational schools in comparison to those who attend single sex schools? If so, what is the result of this research?
21. Is career and vocational guidance available to inform girls of the full range of vocational opportunities? Is information available about these opportunities? Do girls need special encouragement to take up these opportunities? If so, what are sort of encouragement is required? Do girls encounter any obstacles in taking up these opportunities? If so, what are they? Have any measures been introduced to address these obstacles? If so, please describe them.

Article 11

Employment

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 to 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 to 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, States Parties shall take appropriate measures:*
 - a) *To prohibit, subject to the imposition of sanctions, dismissal on the grounds 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.*