

Mechanisms to ensure compliance

The Committee on the Elimination of Discrimination against Women current roster of members

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Committee membership and selection process

The Committee on the Elimination of Discrimination against Women tasked to monitor compliance with the Women's Convention was established in 1982, it came into force. It consists of 23 members recognised for competence in their fields of specialisation. Although nominated and elected by their respective governments, which should be States parties to the Women's Convention, the members serve on the Committee as independent experts. The logic behind this is the double role of the state as protector and violator of human rights. The expert is therefore best left to work solo, free from his/her government's suasion.

The members are elected by secret ballot from a list of nominees. Each State party is entitled to name one nominee to the list. Governments have made a point of nominating women to the Committee; in its nearly 20-year history, only once did the Committee have a male member. Members serve a four-year term with the possibility of re-election. Committee membership is anchored on equitable geographic distribution and regional groups coordinate the nomination to ensure the global character of the Committee.

Reporting procedure

A formal reporting process is followed in the scrutiny of implementation of the Women's Convention. Governments are required to submit a report within a year of becoming States parties to the Women's Convention. Thereafter, they are to submit reports every four years.

The initial report is a comprehensive review of women's situation in the country and an identification of obstacles to the full protection and promotion of women's rights. The subsequent progress reports elaborate on the interventions made, in progress or planned, and identify the difficulties that continue to inhibit women's enjoyment of their guaranteed rights and freedoms. Governments

States Signatories of the Optional Protocol

Austria	Greece
Belgium	Iceland
Bolivia	Italy
Chile	Liechtenstein
Colombia	Luxembourg
Costa Rica	Mexico
Czech Republic	Netherlands
Denmark	Norway
Ecuador	Senegal
Finland	Slovenia
France	Sweden
Germany	

conform to pre-set guidelines for their reports. These must be well-written and supported by gender-disaggregated statistics.

The 23 members first study the reports, then raise questions which are collated by the UN Division on the Advancement of Women and arranged into thematic issues. These questions are sent to the concerned delegation which must answer these questions, also in writing, before its scheduled formal dialogue with the Committee.

The Committee holds two three-week meetings yearly when it discusses the States parties' reports. It follows the UN practice of "constructive dialogue" in examining the reports. In public sessions, a government's representatives introduce the report, and then respond to questions and comments from the Committee members. Often, these questions and comments are on issues not covered in the report but on those the Committee members were alerted to by NGOs as these are allowed to engage in the evaluation process via the submission of "shadow" or alternative reports. At the end of the session, two Committee members are assigned to synthesise the discussions in the form of a "Concluding Comments" that is sent out immediately to the government concerned. The summing-up contains the areas requiring improvement—a euphemism for commitments not met by the government concerned, such as the detention of indigenous women for questionable reasons, inadequate social services to migrant workers or the criminalisation of women who have abortions. The summing-up also contains the remaining questions and unresolved issues, as well as recommendations identified by the Committee. The "Concluding Comments" serve as the Committee's take-off point in the examination of the government's next report.

So far, the Committee has evaluated 231

reports in all—101 initial, and 70 second, 46 third and 14 fourth periodic reports. The Committee has also received five reports on an exceptional basis—from Bosnia and Herzegovina, Rwanda, Croatia, Yugoslavia (Serbia and Montenegro), and Congo—which were solicited by the Committee because of reportedly gross and systematic violation of women's rights in these countries.

General recommendations

From time to time, the Committee issues general recommendations meant to enhance governments' interpretation and implementation of the Women's Convention. The recommendations take the form of analyses of the nature and scope of governmental obligations under the Women's Convention, and are based on the Committee's evaluation of the official reports.

So far, the Committee has issued 24 such recommendations, including urging dispatch in governments' eradication of traditions, customs and practices to justify gender-based violence as a form of protection or control of women. The Committee cited as examples of such gender violence forced marriage, bride-price and dowry deaths, and acid attacks. Another recommendation concerns the persistence of the practice of female genital mutilation and calls on more resolute action to eliminate this practice. Its most recent recommendation is on how a human rights perspective can be integrated into all aspects of policy and programmes relating to women's health. The Committee also has at least three recommendations expressing alarm over how the extent of the reservations to the Women's Convention tended to undermine the purpose of the Women's Convention itself and calling on governments to withdraw these reservations. These Committee recommendations do not constitute law, and therefore do not amount to obligations that States ought to follow; rather, they serve as reminders on governments' translation of the Women's Convention to practice.



Between Words and Action: Compliance with Women's Equal Rights

A possible gauge of compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) also known as the Women's Convention is the status of reporting to the CEDAW Committee. So far, the Committee noted, there are 203 overdue reports, of which 60 are initial reports. Non-submission of the reports alone already reveals the cavalier attitude of governments toward women's rights. In Asia-Pacific, eight countries have yet to submit their initial reports: Cambodia, Fiji, Laos, Malaysia, Pakistan, Samoa, Singapore and Vanuatu; and three countries are late in their periodic reports: Bhutan, Sri Lanka and Vietnam.

To be sure, governments have undertaken a change or two in their laws, or have adopted policies to enhance women's status in society. Several have set up the institutional mechanisms—the national commissions on women or other similar bodies mandated to monitor the integration of women's rights into development.

- ◆ In Nepal and Sri Lanka, the superior courts have used the principle of equality found in their constitutions to strike down discriminatory laws on nationality.
- ◆ A landmark case in India compelled the state government of Rajasthan to frame guidelines on sexual harassment.
- ◆ Ten countries have criminalised female genital mutilation: Burkina Faso, Central African Republic, Djiboute, Egypt, Ghana, Guinea, Senegal, Togo, Cote d'Ivoire and Tanzania where 43 percent to 97 percent of reproductive-age women today are circumcised.
- ◆ Singapore has enacted a penal provision enhancing penalties for abuse committed against migrant workers by their employers or other members of the household.
- ◆ Belize has passed legislation to increase the customary and legal age of marriage

for girls from indigenous populations.

- ◆ Ghana has amended its Criminal Code to prohibit customary or ritual enslavement of any kind including *trokosi*, the offer of virgin girls to priests as atonement for past crimes committed by family members.
- ◆ In Fiji, a government programme is in place so that qualified women are represented in high-level posts in the civil service and statutory boards.
- ◆ Turkey has committed to collaborate with NGOs to eliminate "honour killings," the execution of a woman by her male family members because of a perceived misuse of her sexuality.

But, as Salma Khan, former chair of the Committee, noted, the gap between vision and reality, and between ratification and implementation of the Women's Convention, remains wide. In Nepal, traditional customs such as child marriage, dowry, polygamy, *deuki* (a tradition of dedicating girls to a god or goddess to become "temple prostitutes"), *badi* (the ethnic practice of forcing young girls to become prostitutes) and other discriminatory practices derived from the caste system are still prevalent. The growing disparity in the male/female sex ratio at birth in India exposes continued preference for sons to daughters. Female infanticide and foeticide are widely reported in India, while in China, the abandonment of baby girls, admits the government, is a "historical legacy," especially in rural areas where premium is given to manual labour. Predictably, in both countries, poverty and lack of resources tend to disadvantage girls in access to education, nutrition and health care.

The strong influence of religion and the institutional Church has prevented the introduction of changes in the Philippines and Colombia that could help protect

women from health risks connected with abortion. Meantime, in Ukraine, because of inadequate family planning education and services, abortion is the basic means of regulating births to the extent that the number of children born dead far exceeds the number of children born alive—at 148 abortions for every 100 births.

Elsewhere, such as Norway, women still earn and own less than men, despite a 20-year-old Gender Equality Act. The number of women seeking shelter in Ireland's 12 shelters for abused women has so increased that in Dublin, in 1997, almost 1,000 victims had to be turned away due to overcrowding of the centres. Likewise in Britain, one of nine women is a victim of severe domestic violence.

In Australia, pregnant workers still experience unfair treatment at work including immediate dismissal, reduced work hours for casual employees, and the bosses' and colleagues' touching of a woman's stomach without invitation. One employee was fired for coming to work in plain clothes, after the employer had refused to provide her a bigger-size uniform.

All over the globe, the 1997 U.S. State Department's human rights report concluded, women are still denied their rights. The report covers 193 countries and is considered the largest and most authoritative country-by-country analysis of human rights worldwide. The abuses the report documented range from "extreme oppression and atrocities" including rape and forced prostitution to economic discrimination. It noted also, domestic violence against women continues to be a problem in "virtually every country."

In the breach—this is how compliance with women's rights can best be described.

Trafficking in Women

Although the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or the Women's Convention pays only a fleeting glance at prostitution, a number of other human rights instruments have been adopted in the region at varying points in history.

An array of instruments

At the national level, countries in the Mekong Basin, for example, have a slew of legislation to prevent and punish trafficking:

- ◆ Cambodia: 1996 Law on the Suppression of Kidnapping and Trafficking/Sale of Human Persons and Exploitation of Human Persons
- ◆ China: 1991 National People's Congress Standing Committee decision to criminalise the abduction for sale, kidnap and kidnap for purposes of blackmail of women and children; 1992 Law of the Protection of Women's Rights; 1991 Protection of Minors Act; a law on compulsory education to keep children out of the labour market; regulations on child labour
- ◆ Laos: amendments in the Penal Code to protect children from sexual abuse, and to criminalise the trade and abduction of children for ransom or sale; provision in the 1991 Constitution on protection of women and children; 1990 Family Law decree directing parental responsibilities; 1990 Labour Law, updated in 1994, prohibiting forced labour and protecting women's and children's rights
- ◆ Thailand: Penal Code provisions protecting women and children against

exploitation; 1996 Prostitution Prevention and Suppression Act; 1997 Traffic in Women and Children Act

- ◆ Burma: Penal Code extending protection to women and children, prohibiting procurement of minor girls, importation of girls from other countries, trading in slaves, sales of minors for prostitution, sexual intercourse with a girl below 14 years old, irrespective of consent; 1949 Suppression of Prostitution Act; and 1991-1995 Programme of Action for the Survival, Protection and Development of Children and Women
- ◆ Vietnam: Criminal Code of 1985, amended in 1992, punishing kidnapping, trading or fraudulent exchange of a child

Nexus of corruption

To be sure, there is no lack of instruments to prevent and punish trafficking in women. It remains unchecked, however, and the reasons for these are:

- ◆ lack of an international enforcement agency or organisation to carry out the prohibitions
- ◆ collusion between parents, politicians and the police to protect the traffickers and the brothels

Says a former cabinet member and now a government consultant on women's and children's issues in of Thailand: "The lower ranks collect the [bribe money], divide it up, put it in envelopes, and give it to the higher-ups. It's a feeding system—from the roots up. The police can't do anything about it because they are part of the problem."

In addition, organised crime has entered the picture. The involvement of organised crime in migrant trafficking appears to be as widespread as the phenomenon of illegal migration itself. The Chinese and Vietnamese triads, the South American cartels, the Japanese Yakuza, the Italian and Russian mafias, to name a few, are reportedly tending toward inter-continental "strategic alliances"—they are working with ethnic and national groups which manage the logistics—transport, safe houses, local contacts and documentation.

At the regional level, the South Asian Association for Regional Cooperation is set to adopt a Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution in early 2000. The convention will be a strategic legal instrument for women and children across the region. The draft text recognises the importance of effective regional cooperation for preventing trafficking and for investigating, detecting, prosecuting and punishing those responsible.

It should be noted, however, the 1990 International Convention on the Rights of All Migrant Workers and Members of Their Families, which secures the fundamental rights and the protection of migrants has been ratified by only two countries in the Asia-Pacific region, the Philippines and Sri Lanka. (Eight more ratifications are needed to enforce the Convention.) That no receiving country has ratified this, not only in Asia but worldwide, is in itself a state-

Swelling numbers

In practically all of Asia, prostitution has become a flourishing industry. Even women from the affluent United States are being trafficked to Japan for prostitution. "After seven years, I'm frustrated," said a policeman assigned to investigate the problem. "I can't do anything to stop it, the Feds can't do anything, and the State Department doesn't want to do anything."

The smuggling of women and children in Asia is so endemic that a country like India or Thailand is both source country and receiving country. Japan is the region's largest sex market, Thailand is its sex tourism capital. The child sex trade is also fast developing in Cambodia and Malaysia. China has become a major market for trafficked women and mail-order brides from Vietnam.

The figures cited by the Coalition against Trafficking in Women-Asia-Pacific and UNIFEM are staggering:

- ◆ 200,000 Bangladeshi women have been trafficked to Pakistan in the last 10 years, continuing at a rate of 200 to 400 women monthly
- ◆ 20,000 to 30,000 Burmese women are estimated to be working as prostitutes in

ment that many governments have of their attitude toward migrant workers' presence in their country.

In search of a solution

The most energetic in fighting trafficking in women and children for prostitution in the region has been the NGO sector. NGOs have been at the forefront of promoting migrant workers' rights as well as in providing various forms of assistance to the migrant workers and their families. The tradition of advocacy developed over the years by NGOs has given way to regional networks that have, in many ways, compensated for the lack of regional discussion and action among governments. One such region-wide endeavour is the launching of the International Day of Solidarity with

Thailand, through such forms of trafficking as deceptive job placements, abduction, and the sale of girls from hill tribes

- ◆ at least 10 international crime syndicates operating in Australia are said to traffic 300 Thai women yearly into the country for prostitution

- ◆ annually, 5,000 minors to 7,000 Nepalese women and girls are trafficked to India where an estimated 2.3 million women are in prostitution

- ◆ the government of Nepal estimates that not less than 200,000 Nepalese women and children are working in the brothels in India

- ◆ over 150,000 women, mostly from the Philippines and Thailand, are in prostitution in Japan, Asia's largest sex market

- ◆ based on the number of registered "entertainment" places, Thailand's National Commission on Women's Affairs puts the number of prostituted women in the country at 150,000 to 200,000, of whom 20 percent are thought to be children

- ◆ a former labour ministry official estimates the number of prostituted women in the Philippines to be about the size of the country's manufacturing workforce

Migrants in 1997. The event commemorates the adoption of the Migrant Workers' Convention and is part of the region-wide campaign for the ratification of the convention by Asian countries, and for greater awareness of migrants' rights.

Lawyers' groups have also proposed an international criminal court and an international enforcement agency to stop trafficking and sexual slavery. In June 1998, a diplomats conference in Rome created the International Criminal Court to handle genocide, crimes against humanity, and war crimes. The Rome Statute's inclusion of gender and sexual violence crimes both as crimes against humanity and as war crimes may yet be the cornerstone of a solution.



Women and Armed Conflict

Women have been made victims of unspeakable crimes of violence committed in the name of some nationalist, assimilationist or ethnic purification mission—war rape.

The rape and abuse of women have been reported in almost every situation of armed conflict, whether internal or international in nature, despite the express prohibition of rape in the 1949 Geneva Conventions. Kuwaiti women and migrant domestic servants were subjected to sexual violence during the Iraq invasion of 1990-1991. Women have been raped and brutalised in Liberia, in the course of a civil war that has continued sporadically since the 1990s; in Djibouti, as government fought armed opposition in 1994; and in Peru, by both government forces and members of the Communist Party of Peru, better known as the Shining Path. They have been raped and brutalised as a strategy of war in Colombia, Mozambique, Turkey, India (in the states of Punjab, and Jammu and Kashmir), Haiti, Somalia, Pakistan and Bangladesh.

Women are raped during war because war involves the humiliation and destruction of enemy property—in this case, women. Women are also raped during war because their bodies are seen as the legitimate spoils of war. “To the victor belong the spoils,” goes the saying of the ancient Greeks. The availability of women after the battle was the traditional prize for Greek warriors.

Characteristics of war rape

Feminist studies have identified four notable characteristics of war rape:

- ♦ War rape is a public event. The enemy has to see what has been done to his prop-

erty. Torturers often rape in, or in front of, the woman’s home. Rape then becomes an act against her husband, father, community—not against her body.

- ♦ War rape must be as horrendous and theatrical as possible—setting her hair on fire, binding her with rope and chains—or the complete humiliation of the enemy.

- ♦ War rape is mass rape. When the rape is performed in groups, there is an immediate witness of the soldiers’ obedience to the moral code of war.

- ♦ War rape may or may not end in the killing of the victims. There is no particular reason for killing the victims—maybe they looked “disgusting,” or maybe because shooting them was “fun.” The decision to let a woman die or not is a personal whim, still another source of power of the conqueror.

Rape as a tool of war

In the Balkan conflict that erupted in 1991, the extent of war rape and other crimes of violence against women was stupefying. Soldiers from all sides in the conflict became rapists, and women from all backgrounds were victimised. Women were raped in their homes by soldiers from their own town or strangers passing through. Women prisoners were also raped by soldiers and guards in detention centres. The UN Special Rapporteur on the conflict in the former Yugoslavia said: “Rape was being used as an instrument of ethnic cleansing... There are reliable reports of public rapes, for example, in front of a whole village, designed to terrorise the population and force ethnic groups to flee.”

A report of the appalling genocide in Rwanda in 1994 says “virtually every adult woman or girl past puberty who was spared

from massacre by militias had been raped,” along with many younger children. The whole town of Kibuye was razed by members of the Interahamwe (the militia armed and organised by the former president and his party). Homes of members of the Tutsi ethnic group were destroyed. The Interahamwe, police and local government officials roamed through Kibuye over the following days in a rampage of killing and burning. Women found sheltering in the parish church were raped, then pieces of wood were thrust into their vaginas, and they were left to die slowly.

A more recent setting of crimes against women in armed conflict is East Timor. A fact-finding mission organised by the Asia Pacific Coalition for East Timor in late 1999 heard first-hand testimonies of victims from Dili, Baucau, Venelale and Liquica, some of whom revealed how there were made sex slaves by members of the Indonesian army and militias in various military posts.

Although a UN peacekeeping force is in East Timor to help restore civility and put the country on the road to reconstruction, several NGOs and officials from other countries remain alarmed over the virtual hostage of East Timorese in the militia-controlled refugee camps in neighbouring West Timor. The NGO Grassroots International calls attention to disturbing reports of the use of rape to control the refugee population in the camps and in the mountains where some militias are now in hiding. A US official’s visit to the border and the camps confirmed the continued presence of militias and the refugees’ lack of access to accurate information on developments in their country.

The UN has also uncovered the gender violence committed by the Indonesian military not only in its illegal annexation of East Timor in 1975 but also in subduing the ethnic populations of Irian Jaya and Aceh. Rape, according to the UN Special Rapporteur on violence against women, was systematically used in the three areas as a method of torture and intimidation. "Relatives of political opponents were raped by the military as a form of revenge or to force the relatives out of hiding," said Coomaraswamy.

The orphanages in East Timor, said a religious sister, were filled with genuine orphans in the early years following Indonesia's occupation as so many adults were killed in the military operation. But now, most of the babies are of mixed race—the babies of women raped by Indonesian military. "Many of the women who were raped as...are [now] single mothers who have suffered stigma in their communities. . . Some of these children are the result of rapes, others are the product of a situation that resemble sexual slavery," she said.

Such violence against women took place in the context of East Timor's being a military zone, she added. Hence, specific incidents of rape and other sexual abuse were tried in military tribunals, not in ordinary courts. The doctrine of rape as a weapon took hold again.

International Tribunals

For more than half a century since the Nuremberg and Tokyo trials, sexual violence and gender crimes in armed conflict were not recognised as war crimes subject to internationally accepted laws governing war and the conduct of war. Before and after World War II, thousands of women and girls from the Philippines, Korea and China were raped and forced into prostitution by the Japanese imperial army. The Japanese government has denied for decades that the military were involved in schemes to procure "comfort women" (*ianfu*) for the Japanese soldiers and officers in Asia. Historians estimate that 100,000 to 200,000 comfort women were forced to have sex with dozens of soldiers every day in Japan's "comfort stations" in China and across

Southeast Asia controlled directly or indirectly by the Japanese military.

In 1993 and 1994, Japan's prime ministers offered "condolences" to women and other victims of the Japanese war of aggression, but the government has refused to pay compensation to the former "comfort women." Instead it created a private fund of over US\$1 billion for reparation

Sexual violence strikes at the very core of human dignity and physical integrity.

projects relating to World War II. Through the fund, Japan still withholds official acknowledgement of the existence of "comfort women" but offers victims of Japanese acts of aggression during the war the possibility of reparations.

Recent developments and initiatives at the UN, however, offer women a glimmer of hope of seeing an end to the impunity of sexual violence and gender crimes.

A precedent has been set by the International Criminal Tribunal for Rwanda's conviction of the former mayor of Taba town, Jean-Paul Akayesu, of genocide and other crimes against humanity. The judgment is based on evidence that he had condoned and encouraged rape and sexual mutilation of Tutsi women when he was a communal leader. The tribunal found that the rapes were systematic and carried out on a massive scale—the first time an international court found rape and sexual violence can constitute genocide.

Then, in a landmark case, the International Criminal Tribunal for the former Yugoslavia characterised the rape of a Bosnian Muslim deputy camp commander as acts of torture and a grave breach of the Geneva Conventions. The decision underscored that rape inflicts severe physical and psychological pain and suffering. Sexual violence, wrote the judges, "strikes at the very core of human dignity and physical integrity."

The final ruling found the deputy camp commander, Hazim Delic, guilty of torture; the Bosnian Croat camp commander, Zdravo Mucic, was found to have command responsibility for the crimes committed at the camp.

The clearest sign that the international community will no longer tolerate gender violence in war is the treaty to create a

permanent International Criminal Court (ICC) concluded in the UN Diplomatic Conference of Plenipotentiaries in Rome in July 1998. Previous international humanitarian law treaties did not mention sexual and gender violence as war crimes or crimes against humanity. The statute (Rome Statute) negotiated during the conference, however, includes the broad range of gender-specific crimes in the definition of war crimes and crimes against humanity to be tried by the ICC as grave breach of the Geneva Conventions on international and non-international armed conflicts.

The crimes classified as war crimes in the Rome Statute include: rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation, and any other form of sexual violence also constituting grave breach of the Geneva Conventions. This same list is also in the definition of crimes against humanity, in addition to two others: persecution against any identifiable group on various grounds, including gender; and the crime of "enslavement."

Although society has outlawed rape and other sexual and gender crimes, enforcement has always been undermined by a reluctance to disturb the prevailing male-dominated order where relations between men and women are in the impregnable "private" sphere. The Rome Statute hopefully changes all that.



The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): An Overview

CEDAW more popularly known as the Women's Convention is the international women's rights treaty that spells out women's rights and obliges governments to ensure respect for these rights. Following are the articles and provisions that define the Women's Convention.

Article 1: Definition of "Discrimination against Women"

Article 2: Condemnation of Discrimination against Women and Commitment to Eliminate This

Article 3: Full Development and Advancement of Women, and Equality of Women's and Men's Rights and Freedoms

- ◆ national constitution and laws to embody equality of men and women
- ◆ sanctions and new legislation, if necessary, prohibiting discrimination against women
- ◆ tribunals and other institutions for effective protection of women against any act of discrimination
- ◆ modification or abolition of laws, regulations, customs and practices discriminatory to women

Article 4: Temporary Special Measures
affirmative-action measures to hasten de facto equality of men and women (because new legislation and amendments are invariably a long, tedious process)

Article 5: Customary Practices and Stereotypes

- ◆ changes in social and cultural patterns that promote stereotyped roles of men and women
- ◆ family education for a proper understanding of maternity as a social function and concept of shared responsibilities at home

Article 6: Trafficking in Women and Exploitation of Women in Prostitution

Article 7: Political and Public Life

- ◆ women's right to vote and hold public office
- ◆ participation in government policy making and implementation
- ◆ participation in NGOs and civil-society groups

Article 8: Representation in International Organisations

Article 9: Citizenship

- ◆ equal rights to acquire, change or retain nationality, regardless of marriage to a foreign husband
- ◆ equal rights in determining the nationality of children

Article 10: Education

- ◆ equal opportunity in all levels, from pre-school to higher education
- ◆ access to the same facilities, equipment, teachers and examinations, and scholarships and grants available to men
- ◆ removal of stereotypes through coeducation and revision of learning/teaching materials
- ◆ programmes to reduce any gender gap in education or to reduce the female student drop-out rates
- ◆ participation in sports and cultural activities
- ◆ information and advice on family planning

Article 11: Employment and Labour Rights

- ◆ women's right to work
- ◆ right to the same employment opportunities available to men
- ◆ free choice of profession and work
- ◆ equal pay for work of equal value
- ◆ equal treatment at the workplace and equal evaluation criteria
- ◆ health and safety protection, including protection from harmful work during pregnancy
- ◆ prohibition of dismissal on the grounds of pregnancy or marital status
- ◆ maternity leave with pay and no loss of seniority or benefits
- ◆ social services to support the combination of family and work responsibilities

Article 12: Health

- ◆ equal access to health care services, including family planning services
- ◆ appropriate services in connection with pregnancy and childbirth, plus adequate nutrition during pregnancy and breastfeeding

Article 13: Economic, Social and Cultural Rights

- ◆ social security, especially in case of retirement, sickness, unemployment, invalidity and old age
- ◆ right to family benefits
- ◆ equal rights to bank loans and other forms of credit
- ◆ participation in recreational activities and all aspects of cultural life

Article 14: Rural Women

- ♦ recognition of the significant role and contributions of rural women and their special circumstances
- ♦ rural women's rights to adequate living conditions (housing, sanitation, basic utilities, transport and communications); participation in development planning and community activities; health care; direct social security benefits; training and education; and establishment of and membership in self-help groups
- ♦ women's access to production resources including credit, technology and marketing facilities
- ♦ equal treatment in land, agrarian reform and land resettlement schemes

Article 15: Legal Rights and Contractual Capacity

- ♦ equality before the law and the courts
- ♦ equal rights to conclude contracts and

- administer property
- ♦ governments' nullification of contracts and other private instruments that curb women's legal rights
- ♦ freedom of movement
- ♦ right to choose place of residence and domicile

Article 16: Marriage and Family

- ♦ right to enter into marriage only with full consent
- ♦ freedom to choose a spouse
- ♦ equal rights and responsibilities during marriage and at its dissolution
- ♦ women's right to choose freely the number and spacing of children
- ♦ access to information, education and means to make family-planning choices
- ♦ equal rights and responsibilities regarding guardianship or adoption of children
- ♦ equal rights regarding ownership, management and disposition of conjugal

- property
- ♦ nullification of child marriages
- ♦ minimum age for marriage and registration of marriages in an official roster

Articles 17-22: Establishment and Functions of the Monitoring Committee

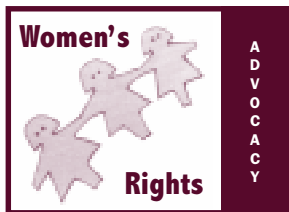
Articles 23-27: Administration of the Convention

Article 28: Reservations

- ♦ prohibition of reservations incompatible with the essence of the Convention
- ♦ withdrawal of reservations

Article 29: Arbitration of Disputes

Article 30: Stewardship of Convention Text



Strategies for Action

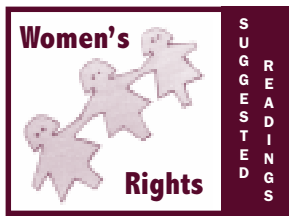
Know the Women's Convention, Rome Statute and other human rights treaties. As for the Women's Convention, women's groups should not just know this—but commit it to heart. A Committee member has observed that only few cases that tend to challenge discriminatory nationality, inheritance, custody and other personal laws in national-level courts invoke the Women's Convention as a basis of their arguments. But governments can be held accountable for their failure to conform to the treaty's requirements of removing all obstacles to women's rights. Beyond legal reform and gender-sensitive jurisprudence, however, women's groups, especially those focused on particular issues, need to know the Women's Convention provisions for more effective advocacy of their concerns.

Spread the word. Perhaps one of the best advantages of the feminist movement is the power of talk. Women are the least averse to communication and dialogue. The ease with which women's groups can reach out and sustain a conversation with their stakeholders to learn more about them—their silent everyday lives and struggles—has been amazing. Explain to any woman who will listen to the Women's Convention and your government's obligations under it. A discourse on women's rights is hardly difficult because at every moment, women know how their rights are

being breached. The Women's Convention, in a sense, is a tool to name their experience. If not yet available, initiate the translation of the Women's Convention into your local language(s).

Keep a scoreboard of pluses and minuses. The Committee on the Elimination of Discrimination against Women has repeatedly reminded NGOs that their shadow reports, especially if these discuss complaints of abuse of women's rights, must be properly substantiated. "Stocktaking" requires conscientiousness both in understanding the finer points of a women's issue or concern, and in monitoring pertinent developments. Documentation is a skill that should be learned well and soon, especially with the possibility of an Optional Protocol to the Convention coming into effect—hopefully, sooner than later.

Network, network and network. The Women's Convention's comprehensive approach to women's rights allows for the different groups to promote their different concerns with the use of a common framework. The different issue-based and sectoral NGOs could harmonise their demands around the platform of women's rights as a campaign. The sharing of experiences, insights and analyses is certain to enrich individual insights and the different groups' actions.



Suggested Readings on CEDAW and other Women's Rights Treaties

Amnesty International. *Human Rights are Women's Right*. London: Amnesty International Publications, 1995.

Amnesty International. *The Optional Protocol to the Women's Convention: Enabling Women to Claim Their Rights at the International Level*. London: Amnesty International, March-December 1997.

Anand, Anita and Gouri Salvi, eds. *Beijing! UN Fourth World Conference on Women*. New Delhi: Women's Feature Service, 1998.

Bedont, Barbara and Katherine Hall Martinez. *Ending Impunity for Gender Crimes under the International Crime Court*, 1999. Center for Reproductive Law and Policy, Website: <http://www.crlp.org/icc.html>.

Center for Women's Global Leadership. *1998 Global Campaign for Women's Human Rights: An Action Pack*. New Jersey: Rutgers, the State University of New Jersey, 1998. The action pack contains two major essays on women's rights: (1) Charlotte Bunch and Samantha Frost's "Women's Human Rights: An Introduction."; and (2) Florence Butegwa's "International Human Rights Law and Practice: Implications for Women."

Committee on the Elimination of Discrimination Against Women-United Nations. "General Recommendations." Website: <http://www.un.org/womenwatch/daw/cedaw>.

Convention on the Elimination of All Forms of Discrimination against Women, December 1979. Website: <http://www.un.org/womenwatch/daw/cedaw>. The site also contains a brief historical background on the Convention.

Cook, Rebecca J., ed. *Human Rights of Women: National and International Perspectives*. Philadelphia: University of Pennsylvania Press, 1994. This is an excellent collection of essays by contributors noted for their advocacy of women's rights. It has sections on the theory of women's rights, the status and implementation of women's rights in specific countries, and on women's rights in the practice of international law.

Goonsekere, Savitri. "A Rights-Based Approach to the Empowerment of Women." A report presented to the High-Level Intergovernmental Meeting to Review Regional Implementation of the Beijing Platform of Action, 26-29 October, Bangkok, Thailand. Photocopy.

Development: Journal of SID 1 (1994). Edited by Wendy Harcourt, this particular issue of Development concentrates on the polemics of the population-development debate.

International Migration Organization. "The Beijing Platform for Action and Recent Trends in Female Migration in the Asia-Pacific Region." A report presented to the High-Level Intergovernmental Meeting to Review Regional Implementation of the Beijing Platform of Action, 26-29 October, Bangkok, Thailand. Photocopy.

Kerr, Joanna, ed. *Ours By Right: Women's Rights as Human Rights*. London: Zed Books and The North-South Institute, 1993.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Annex to UN General Assembly Resolution, 15 October 1999. Website: <http://www.un.org/womenwatch/daw/cedaw/protocol>. The site also contains an overview of the protocol provisions, and a historical background leading to the adoption of the protocol.

Sharma, Arvind, ed. *Today's Woman in World Religions*. New York: State University of New York Press, 1994.

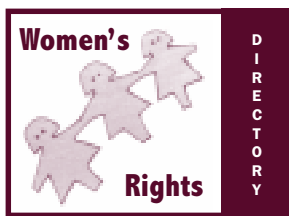
Third World Resurgence 50 (October 1994). This particular issue is focused on the Third World women's perspective of the population-development, and includes Vandana Shiva and Mira Shiva's "Was Cairo a Step Forward for Third World Women?" as well as the statement of Third World women's NGOs from the parallel NGO forum of the Cairo International Conference on Population and Development.

Tomasevski, Katarina. *A Primer on CEDAW for International Development Co-operation Personnel*. Sweden: Swedish International Development Cooperation Agency, 1998.

Trafficking in Migrants [quarterly bulletin of the International Migration Organization]. Website: <http://www.iom.int>.

United Nations Fourth World Conference on Women. *Platform of Action and the Beijing Declaration*. New York: United Nations-Department of Public Information, 1996.

War Crimes Watch, various updates and reports. War Crimes Watch monitors developments in the Rwanda and Yugoslavia tribunals. Its Website contains links to reports, publications and other resources dealing with Women and Armed Conflict. Website: <http://www.wcw.org/ictr>.



Useful Contacts

Following is a listing of some of the groups addressing the issue of women's human rights:

Amnesty International
99-119 Rosebery Avenue
London, EC1R 4RE
United Kingdom
Tel: (44-20) 7814-6200
Fax: (44-71) 833-1510
E-mail: info@amnesty.org.uk
Website: <http://www.amnesty.org.uk>

Asian Centre for Women's Human Rights
(ASCENT)
Suite 306, MJB Building
220 Tomas Morato Avenue
Quezon City 1135
Philippines
Postal Address: P.O. Box AC662,
Cubao, Quezon City, Philippines
Tel: (63-2) 928-4973
Fax: (63-2) 533-0452, 911-0513
E-mail: ascent@csi.com.ph

Asian Women's Human Rights Council
(AWHRC)-Manila Office
934-D Tuazon Bldg. Aurora Blvd. cor. 20th
Ave., Brgy. Mangga, Cubao, Quezon City,
Philippines
Tel: (632) 913-3337
Telfax: (632) 439-4153
E-mail: awhrc@phil.gn.apc.org or
nsancho@skyinet.net

Asia-Japan Women's Resource Center
Maison Hosho 203
Daizawa 3-9-5 Setagaya-ku
Tokyo, Japan 155
Tel: (81-2) 2412-2775
Fax: (81-2) 3412-2765

Asia-Pacific Forum on Women, Law and
Development (APWLD)
APDC Pesiaran Duta, 9th Floor
P.O. Box 12224
Kuala Lumpur
Malaysia
Tel: (603) 255-0648, 254-1371
Fax: (603) 255-1160
E-mail: apwld@pactok.peg.apc.org

Bhutanese Women's Rights Organization
(BWRO)
c/o PFHRD Bhutan
Kathmandu, Nepal EPC-2058
Postal address: GPO 8975,
Kathmandu, Nepal
Tel: (977-1) 273-768
Fax: (977-1) 220-161, 276-016
E-mail: skpfhrd@mos.com.np

Center for Women's Global Leadership
27 Clifton Avenue
New Brunswick, NJ 08903
USA
Tel: (1-908) 932-8782
Fax: (1-908) 932-1180
E-mail: cwgl@igc.apc.org

Centre for Human Rights
United Nations Office
Palais des Nations
CH-1211 Geneva 10
Switzerland
Tel: (41-22) 917-1234
Fax: (41-22) 917-0123

Coalition Against Trafficking in Women-Asia
Pacific (CATW-AP)
Suite 406, Victoria Plaza Building
Annapolis Street, Greenhills
San Juan, Metro Manila, Philippines
Tel: (63-2) 722-0859
Fax: (63-2) 722-0755
E-mail: catwap@skyinet.net

Comité Latinoamericano por la Defensa de los
Derechos de la Mujer (CLADEM-Latin American
Committee for the Defense of Women's
Rights)
Jr. Estados Unidos 1295, apt. 702
Apartado Postal 11-0470
Jesus Maria, Lima II
Peru
Tel: (51-1) 463-9237
Fax: (51-1) 463-5898
E-mail: postmast@cladem.org.pe

Committee on the Elimination of Discrimina-
tion against Women
United Nations Division for the Advancement
of Women
2 United Nations Plaza, DC2-12/F
New York, NY 10017, USA
Fax: (1-212) 963-3463
E-mail: daw@un.org
Website: <http://www.un.org/womenwatch/daw>

Commission on the Status of Women
Division for the Advancement of Women
2 United Nations Plaza
New York, New York 10017
USA

East-East Legal Committee of the Network of
East West Women
Urszula Nowakowska
Women's Rights Center
ul. Wilcza 60 lok. 19
00-679 Warszawa
Poland
Tel: (4822) 620-7624
Fax: (4822) 621-3537
E-mail: temida@medianet.com.pl

Equality Now
226 West 58th Street
New York, NY 10019
Tel: (1-212) 586-0906
Fax: (1-212) 586-1611
E-mail: equalitynow@igc.apc.org

European Commission on Human Rights
Hans Christian Kruger
Secrétaire de la Commission
Council of Europe
BP-431, R6-67006
Strasbourg-CEDEX
France
Tel: (33-88) 412-018, 412-000
Fax: (33-88) 412-792, 412-791

European Court of Human Rights
Herbert Petzold, Registrar
Consil del l'Europe
BP-431, R6-67006
Strasbourg-CEDEX
France
Tel: (33-88) 412-000
Fax: (33-88) 412-791

Fiji Women's Rights Movement (FWRM)
Postal address: P.O. Box 14194
Suva, Fiji
Tel: (679) 313-156
Fax: (679) 313-033
E-mail: fwrn@is.com.fj

FOKUS-Forum for Women and Development
Storgata 33C, Oslo,
Norway N-0184
Tel: (47-22) 209-570, 2098-2611
Fax: (47-22)209-569
E-mail: fokus@online.no
Website: <http://www.fokuswomen.org>

Global Alliance Against Traffic in Women
P.O. Box 1281
Bangkok Post Office
Bangkok 10500
Thailand
Tel: (662) 435-5565
Fax: (662) 434-6774

Human Rights Watch Women's Rights Project
(Washington)
1522 K Street, NW, #910
Washington, DC 20005-1202
USA
Tel: (1-202) 371-6592
Fax: (1-202) 371-0124
E-mail: hrwdc@hrw.org
Website: <http://www.hrw.org>

INFORM
5 Jayaratna Ave., Colombo 5
Sri Lanka
Tel: (941) 584-350
Fax: (941) 591-314
E-mail: inform@slt.lk

International Centre for Human Rights and
Democratic Development (ICHRDD)
63 Rue de Bresoles, Suite 100
Montreal, Quebec H2Y 1V7
Canada
Tel: (1-514) 283-6073
Fax: (1-514) 283-3792
E-mail: ichrdd@web.apc.org
Website: <http://www.ichrdd.ca/>

International Gay and Lesbian Human Rights
Commission
1360 Mission Street, Suite 200
San Francisco, CA 94103, USA
Tel: (1-415) 255-8680
Fax: (1-415) 255-8662
E-mail: iglhrc@iglhrc.org
Website: <http://www.iglhrc.org>

International Human Rights Law Group
Women's Rights Project
1601 Connecticut Ave., NW
Suite 700, Washington, DC 20009
USA
Tel: (1-202) 232-8500
Fax: (1-202) 232-6731
E-mail: lawgroup@igc.apc.org

International Women's Rights Action Watch-
Asia Pacific (IWRAP-AP)
2/F, Block F, Anjung Felda, Jalan Maktab
54000 Kuala Lumpur, Malaysia
Tel: (603) 291-3292
Fax: (603) 298-4203
E-mail: iwraw@po.jaring.my

International Women's Tribune Center (IWTC)
777 UN Plaza
New York, NY 10017, USA
Tel: (1-212) 687-8633
Fax: (1-212) 661-2704
E-mail: iwtc@igc.apc.org

Isis Internacional-Chile
Postal Address: Casilla 2067, Correo Central
Santiago, Chile
Tel: (562) 633-4582, 638-2219
Fax: (562) 638-3142
E-mail: isis@reuna.cl
Website: <http://www.isis.cl>

Isis International-Manila
3 Marunong Street, Bgy. Central,
Quezon City 1100, Philippines
Postal Address: P.O. Box 1837
Quezon City Main, Quezon City 1100
Philippines
Tel: (63-2) 435-3405, 435-3408, 436-0312
Fax: (63-2) 924-1065
E-mail: isis@isiswomen.org
Website: <http://www.isiswomen.org>

Isis-WICCE (Women's International Cross-
Cultural Exchange)
Plot 32 Bukoto Street, Kamwokya
Kampala, Uganda
Postal Address: P.O. Box 4934
Kampala, Uganda
Tel: (256-41) 543-953
Fax: (256-41) 543-954
E-mail: isis@starcom.co.ug
Website: <http://www.isis.or.ug>

Shirkat Gah
P.O. Box 5192
Lahore, Pakistan
E-mail: sgah@lhr.comsats.net.pk

Sisterhood is Global Institute
4343 Montgomery Avenue
Suite 201
Bethesda, MD 20814
USA
Tel: (1-301) 657-4355
Fax: (1-301) 657-4381
E-mail: sigi@igc.apc.org

Special Rapporteur on Violence Against
Women
Radhika Coomaraswamy
Centre for Human Rights
United Nations Office
Palais des Nations
CH-1211 Geneva 10
Switzerland
Tel: (41-22) 917-1234
Fax: (41-22) 917-0123

STV-Foundation Against Trafficking
P.O. Box 1455, 3500 BL
Utrecht
The Netherlands
Tel: (31-30) 271-6044
Fax: (31-30) 271-6084
E-mail: S.T.V@inter.NL.net

United Nations Development Fund for Women
(UNIFEM)
304 East , 45th Street, 6/F
New York, USA, NY 10017
Tel: (1-212) 906-6400; 906-6930
Fax: (1-212)906-6705
E-mail: unifem@undp.org
Website: <http://www.unifem.undp.org>
Gopher: [gopher://gopher.undp.org/1/unifem](http://gopher.undp.org/1/unifem)

United Nations Division for the Advancement
of Women
2 United Nations Plaza
Rm. DC2-1220
New York, NY 10017
Tel: (1-212) 963-5086, 963-8034
Fax: (1-212) 963-3463
Website: www.un.org/womenwatch/daw

Women Living Under Muslim Laws
Boite Postale 23-34790
Grabels, Montpellier
France
Tel: (33467) 109-166
Fax: (33467) 109-167