

# **CEDAW as a Tool for Achieving Equality**




- Even though the women's movement began during the 19th century, the first wave is typically associated with the suffrage campaign that took place during the first half of the 20th century, Women around the world fought hard to attain political equality, and the suffrage campaign (for the right to vote) took up most of the agenda.

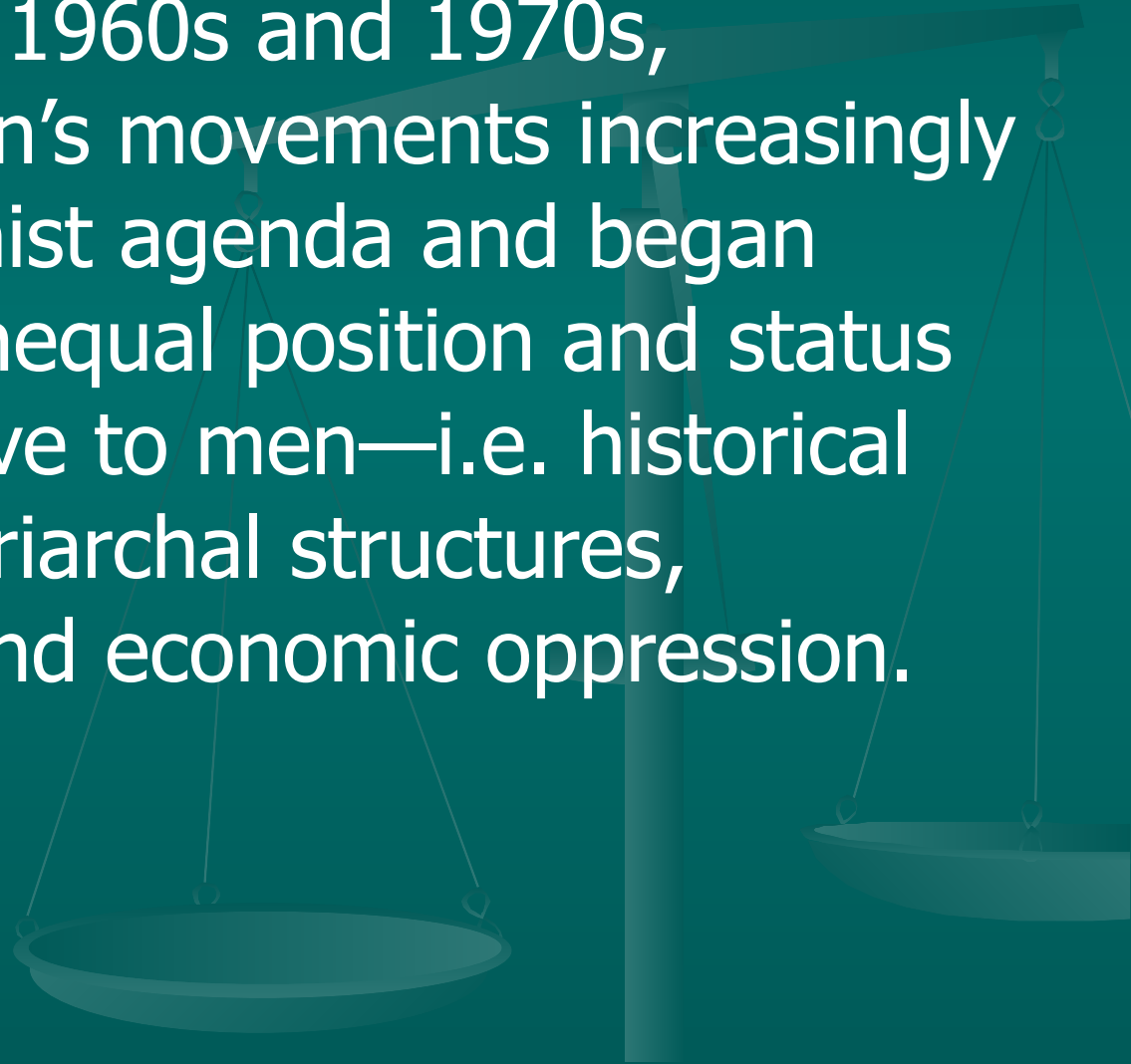
# First-wave feminism

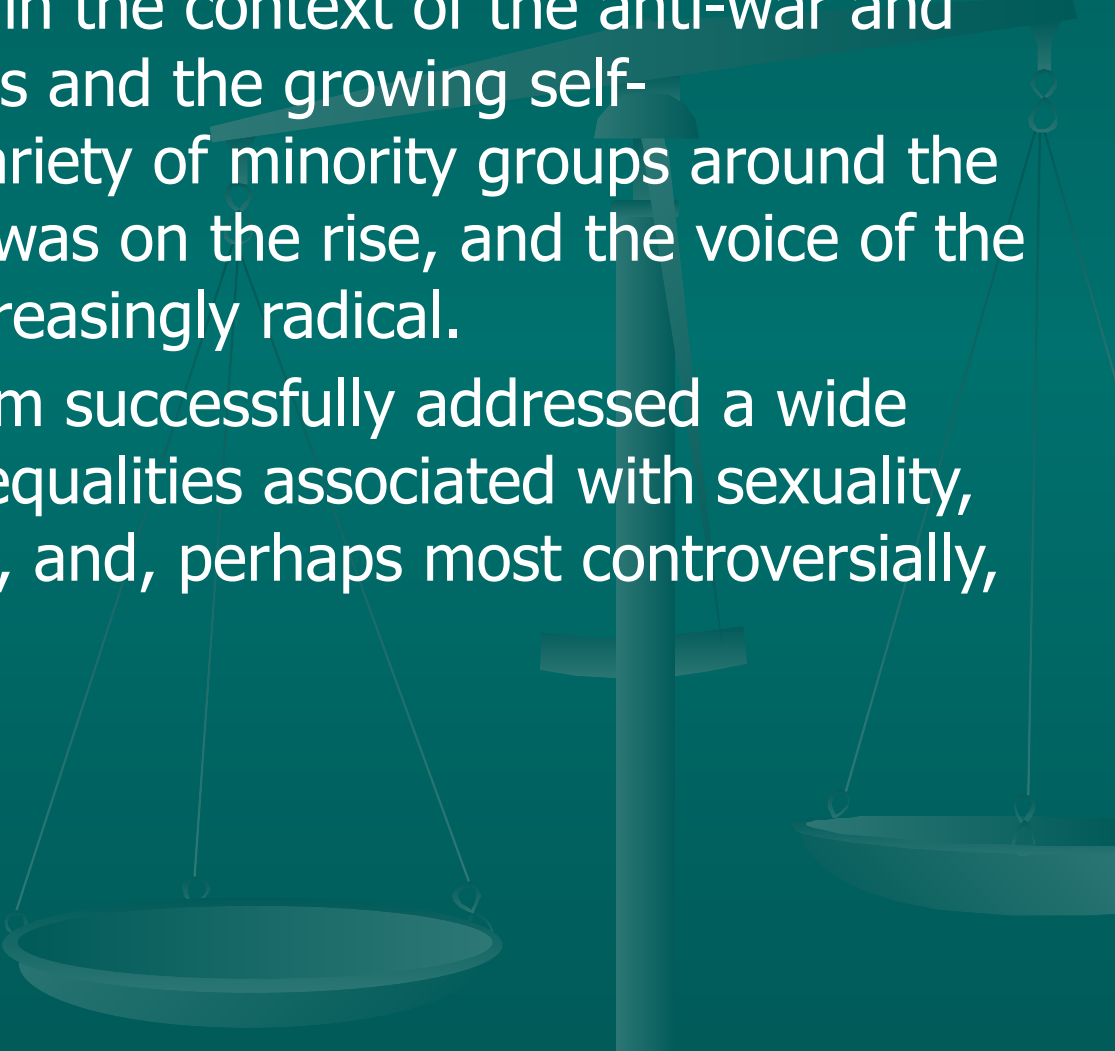
- First-wave feminism refers to a period of feminist activity during the nineteenth and early twentieth century in the United Kingdom and the United States. It focused primarily on gaining women's suffrage (the right to vote).
- The term first-wave was coined in March 1968 by Martha Lear writing in The New York Times Magazine, who at the same time also used the term "second-wave feminism".

# First Wave. Equality

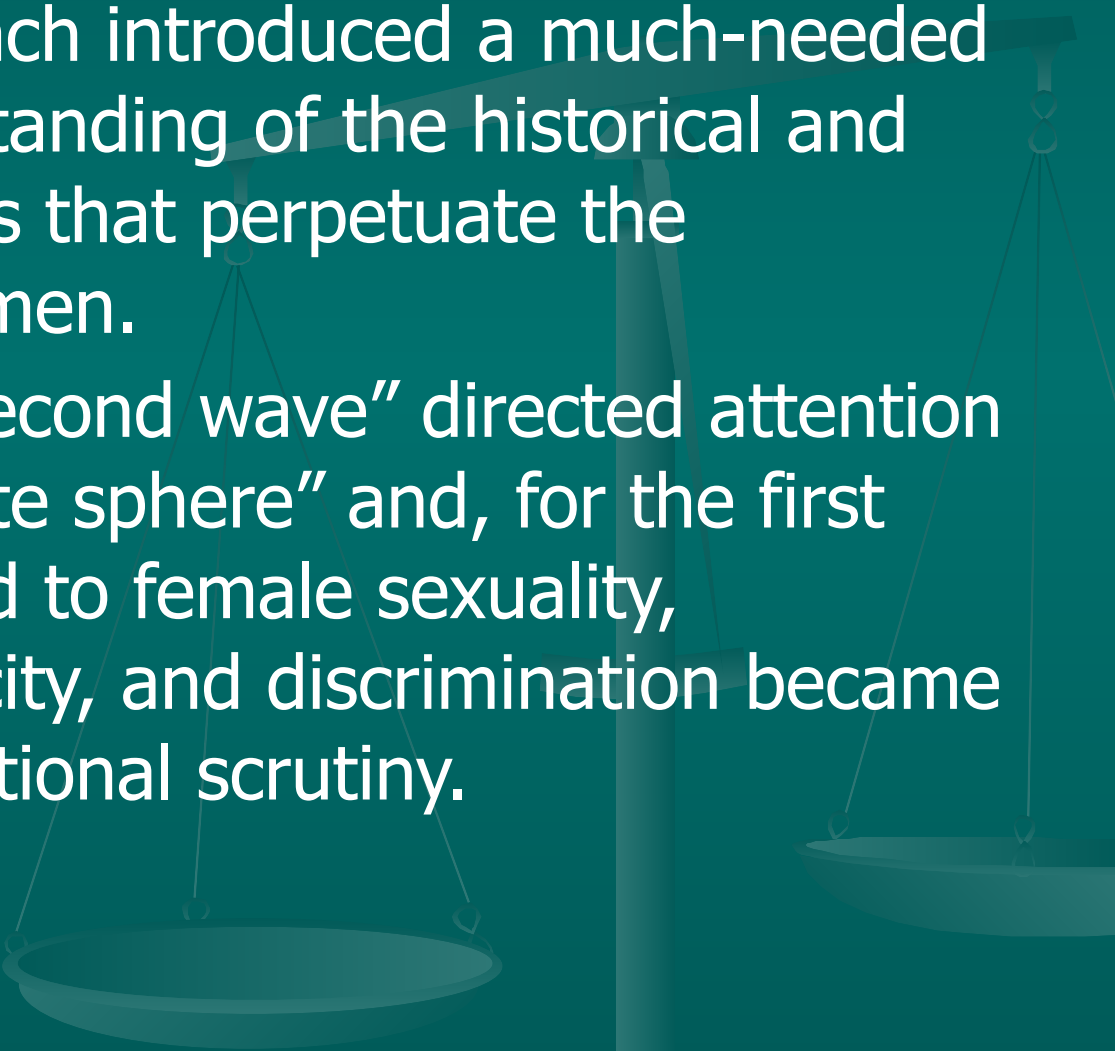
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- Feminism
    - Liberal Feminism
    - US-GB based
    - Equality: sameness
    - Enlightenment rationality
  - Socialist Feminism
    - Workers' rights and class struggle
    - European
    - Equality: sameness
  - Women's Movement
    - Abolitionists
    - Suffrage
      - Cult of domesticity based
      - Justice/equity based
  - Challenges for Movement
    - Public speaking "unwomanly"
    - Tension with Black male enfranchisement

- Throughout the 1960s and 1970s, disparate women's movements increasingly adopted a feminist agenda and began analyzing the unequal position and status of women relative to men—i.e. historical inequalities, patriarchal structures, discrimination and economic oppression.



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- . This wave unfolded in the context of the anti-war and civil rights movements and the growing self-consciousness of a variety of minority groups around the world. The New Left was on the rise, and the voice of the second wave was increasingly radical.
  - Second-wave feminism successfully addressed a wide range of unofficial inequalities associated with sexuality, family, the workplace, and, perhaps most controversially, reproductive rights.

- Because the second wave of feminism found voice amid so many other social movements, it was easily marginalized and viewed as less pressing than, for example, Black Power or efforts to end the war in Vietnam. Feminists reacted by forming women-only organizations (such as NOW) and "consciousness raising" groups. The second wave was increasingly theoretical, based on a fusion of neo-Marxism and psycho-analytical theory, and began to associate the subjugation of women with broader critiques of patriarchy, capitalism, normative heterosexuality, and the woman's role as wife and mother.

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- This radical approach introduced a much-needed conceptual understanding of the historical and structural dynamics that perpetuate the subjugation of women.
  - As a result, this “second wave” directed attention towards the “private sphere” and, for the first time, issues related to female sexuality, reproductive capacity, and discrimination became subjects of international scrutiny.



# Second Wave : Liberation

## Feminism

### ■ Radical Feminism

Women's oppression is the most fundamental oppression

### ■ Challenge compulsory heterosexuality

Mandatory marriage consolidates patriarchy

### ■ Psychoanalytic Feminism

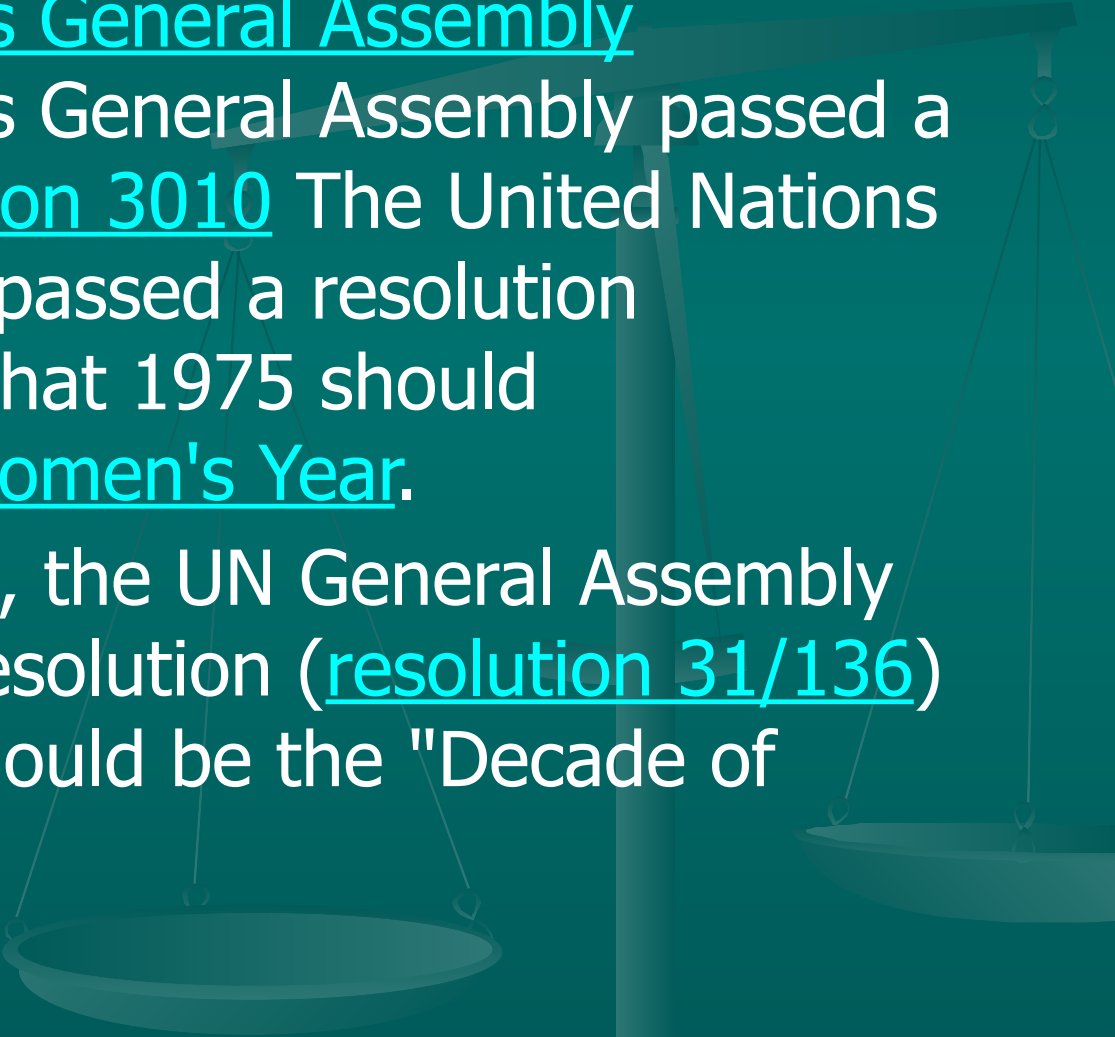
## Women's Movement


### ■ Rejecting traditional gender roles


### ■ Social changes, not only equal rights

### ■ Division over sex politics:

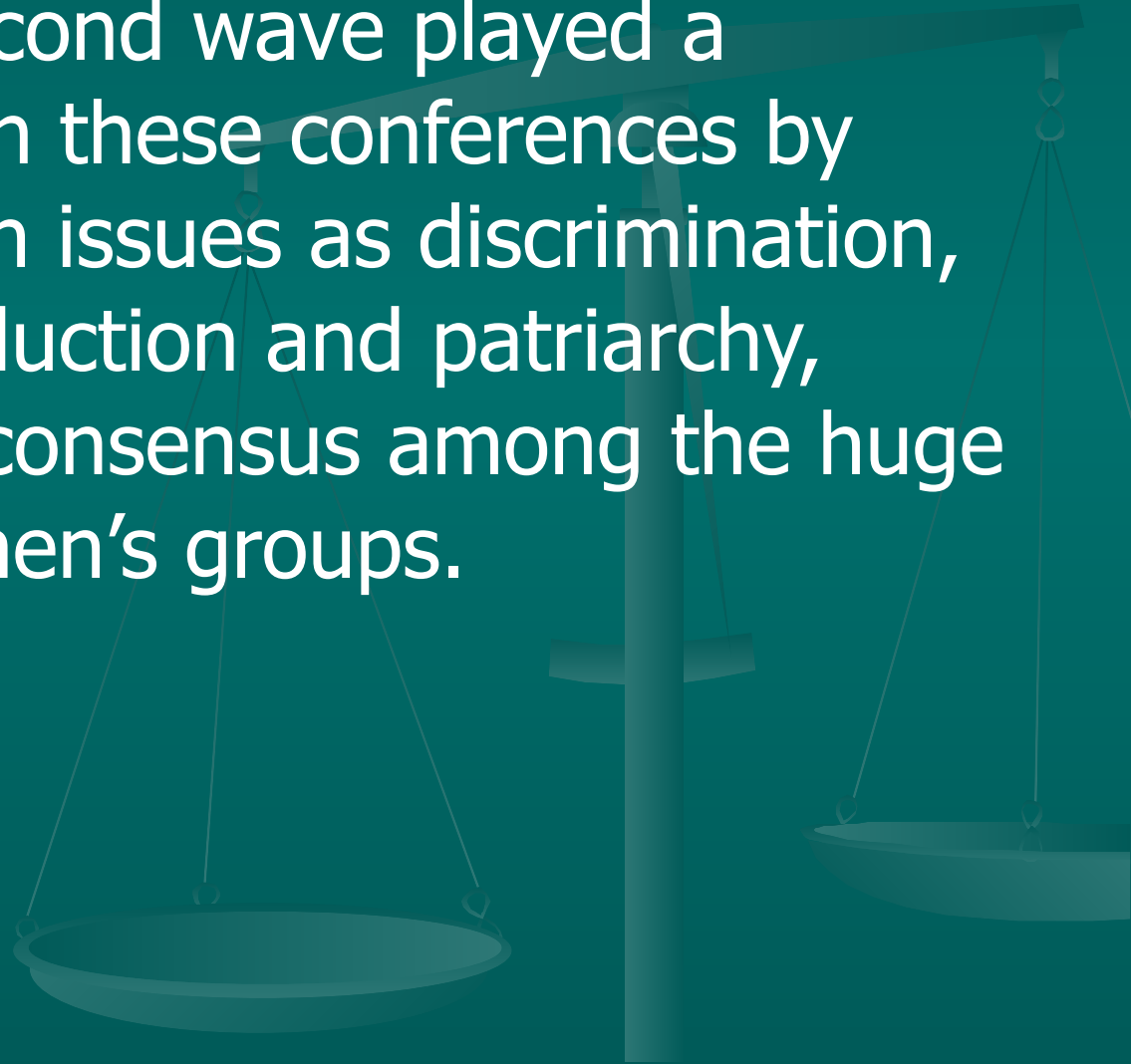
- Lesbian as political identity
- Sexual liberation versus anti pornography

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- The [United Nations General Assembly](#)  
The United Nations General Assembly passed a resolution ([resolution 3010](#) The United Nations General Assembly passed a resolution (resolution 3010) that 1975 should be [International Women's Year](#).
  - In December 1975, the UN General Assembly passed a further resolution ([resolution 31/136](#)) that 1976–1985 should be the "Decade of Women".

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- The United Nations Decade for Women (1976-1985) witnessed a number of UN-sponsored conferences that focused on women:
  - the First World Conference on Women took place in **Mexico City** in 1975, followed by two other world conferences in **Copenhagen** (1980), and in **Nairobi** (1985).

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- These events encouraged a global feminist dialogue and agenda and led to the establishment of a number of new organizations, including the Voluntary Fund for the UN Decade of Women, which later became known as **UNIFEM**, the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and the International Women's Tribune Centre (IWTC).
  - It also offered a forum through which different groups could discuss diverse issues affecting women from around the world.

- Although the second wave played a significant role in these conferences by highlighting such issues as discrimination, sexuality, reproduction and patriarchy, there was little consensus among the huge diversity of women's groups.



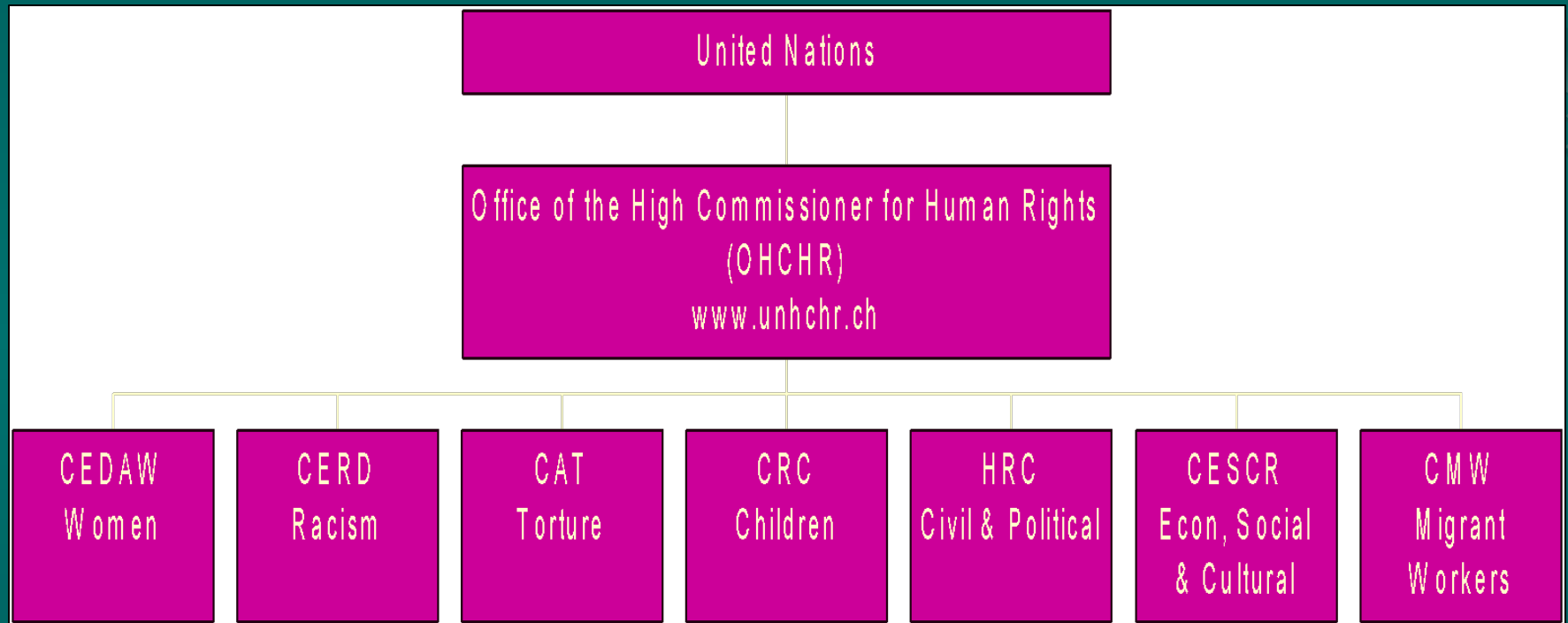
# Women's rights as human rights

- In the 1980s and 1990s, activists took up the human rights framework and began developing the theory and practice of women's human rights.
- The CEDAW, which entered into force in 1981, became both a catalyst and a reference for women's rights activists worldwide, regardless of their backgrounds.

# First World Conference on Women, Mexico City, 1975

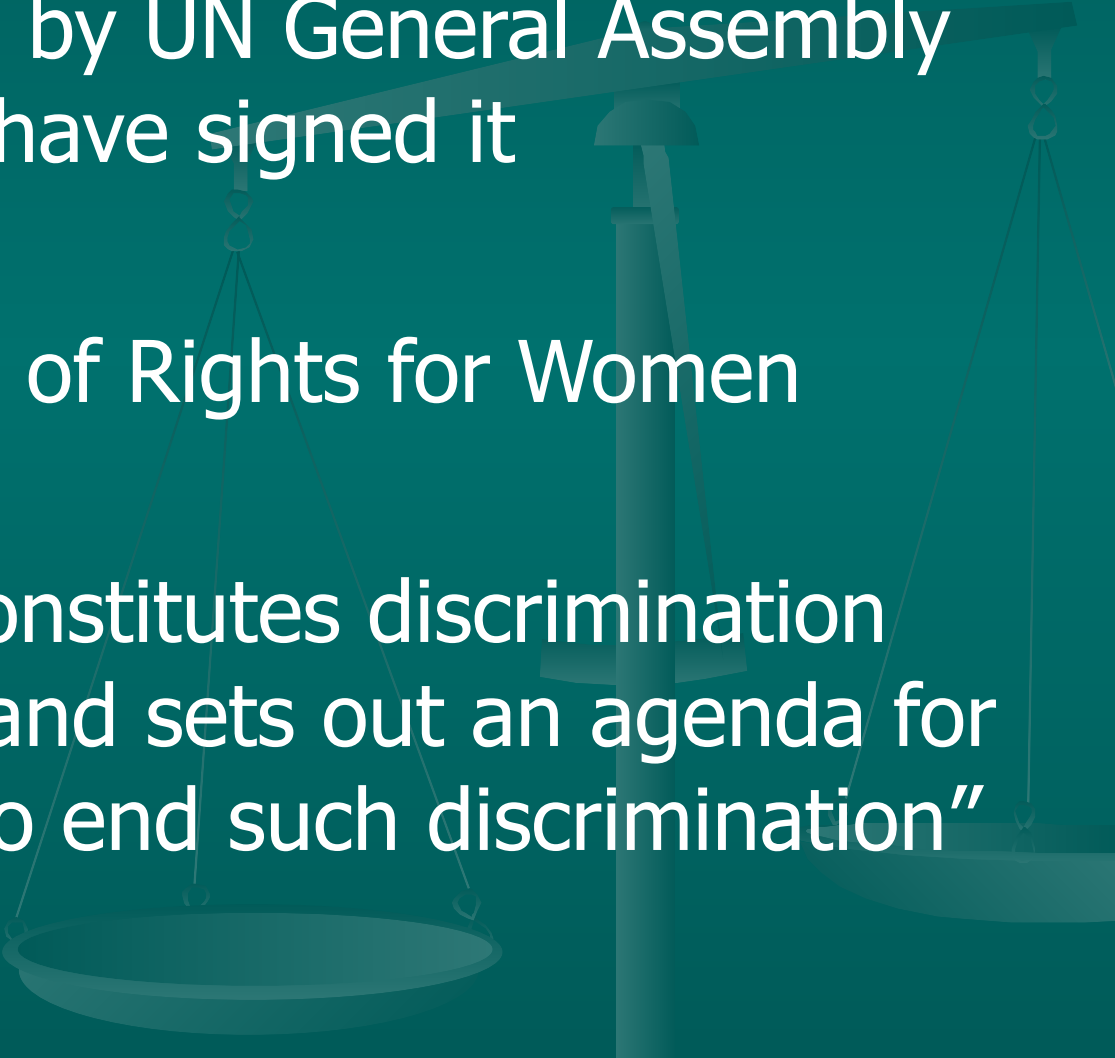
- In conjunction with the International Women's Year, the first world conference on women was held in Mexico City in 1975.
- It resulted in the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace

# Within the UN Structure





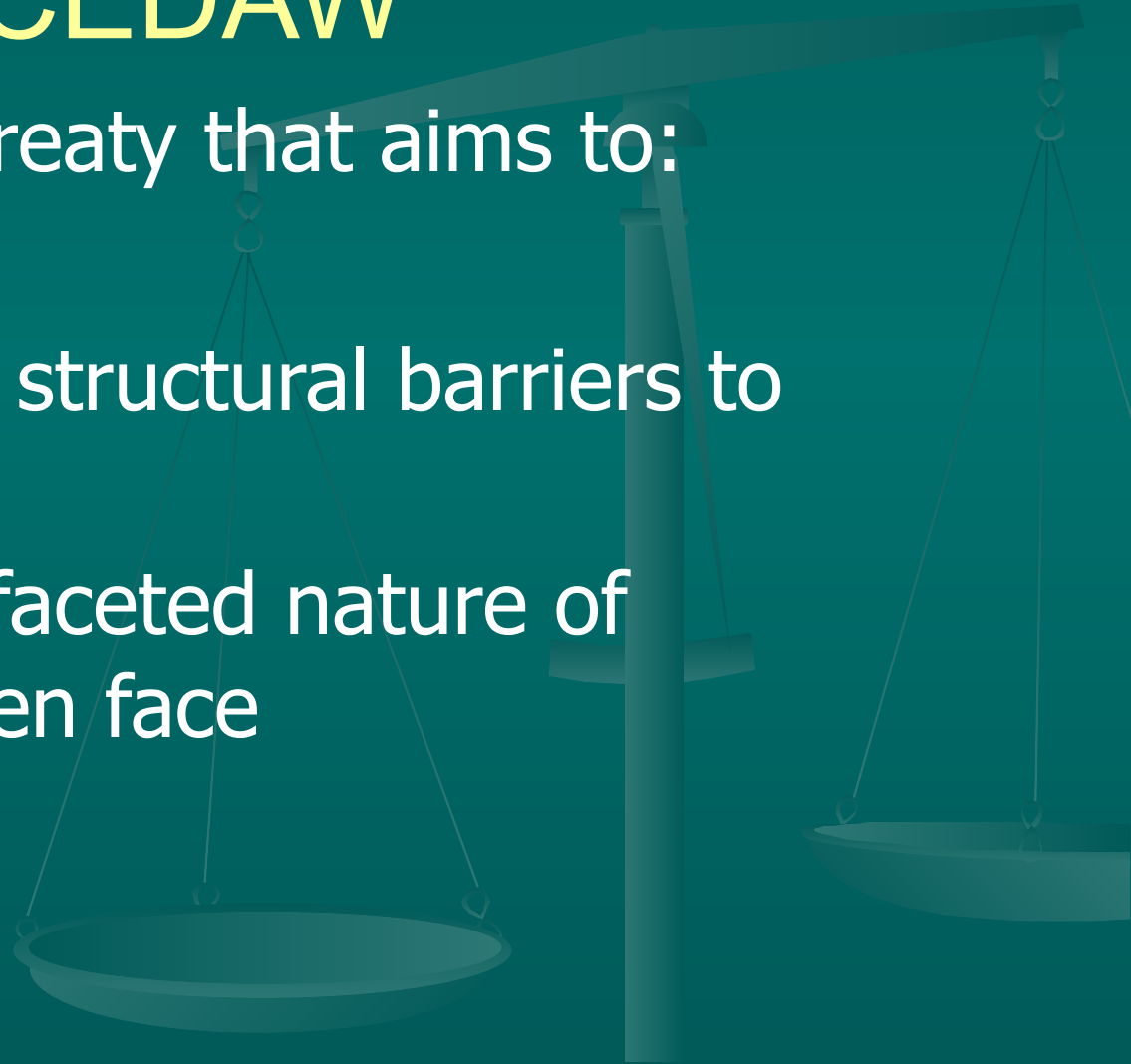
# The CEDAW Convention


- Adopted in 1979 by UN General Assembly
    - 189 countries have signed it
  - International Bill of Rights for Women
  - “Defines what constitutes discrimination against women and sets out an agenda for national action to end such discrimination”
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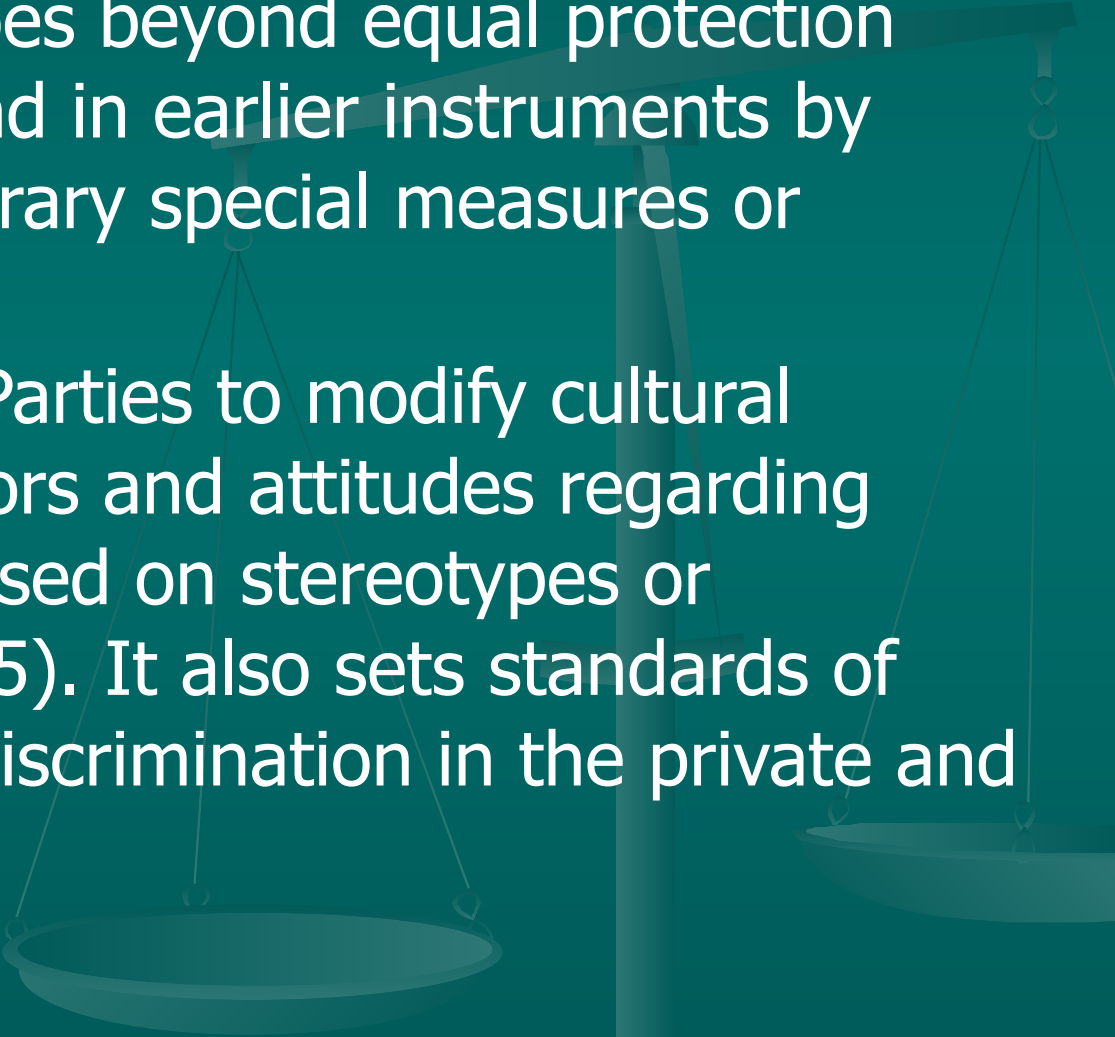
# CEDAW

A radical treaty that aims to:

- transform the structural barriers to equality
- address multifaceted nature of problems women face

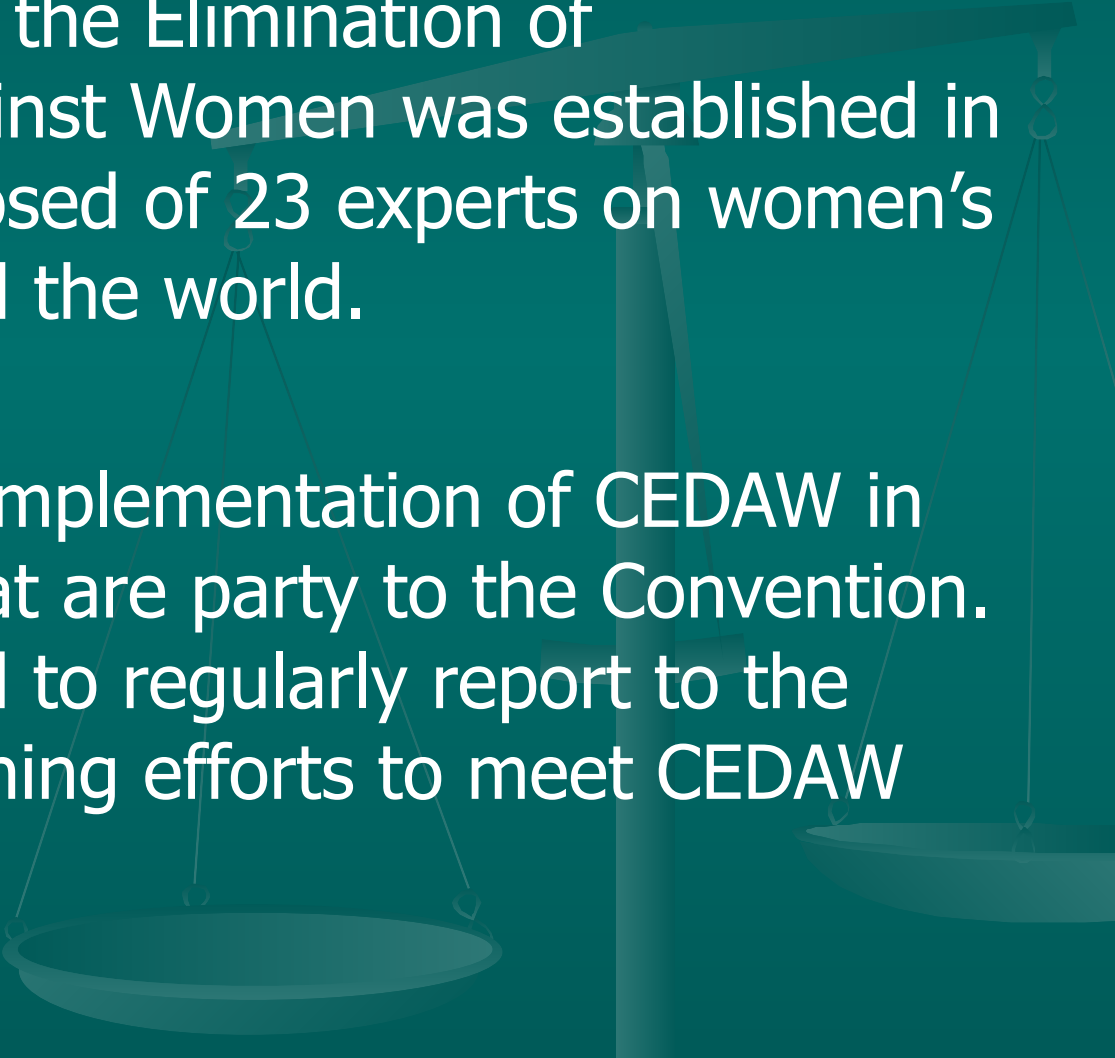


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- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which entered into force in 1981, is a landmark in the history of women's human rights.
  - It is the first legally binding international instrument that prohibits discrimination against women and obligates governments to take affirmative steps to advance the equality of women.

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- The Convention goes beyond equal protection under the law found in earlier instruments by allowing for temporary special measures or affirmative action.
  - It requires States Parties to modify cultural patterns of behaviors and attitudes regarding gender that are based on stereotypes or patriarchy (Article 5). It also sets standards of equality and non-discrimination in the private and public spheres.

# DEVAW

- The Declaration on the Elimination of Violence against Women (DEVAW), adopted by the General Assembly in 1994, reinforced the normative framework created by CEDAW.
- This recognizes the right of women to be free from violence and details the obligations of governments to take steps to eliminate violence against women.

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- The Committee on the Elimination of Discrimination against Women was established in 1982 and is composed of 23 experts on women's issues from around the world.
  - They monitor the implementation of CEDAW in those countries that are party to the Convention. States are required to regularly report to the Committee concerning efforts to meet CEDAW goals.

# Key principles of CEDAW

- **Non-discrimination**
- **Equality**
- **State Accountability**
- **Life cycle approach**

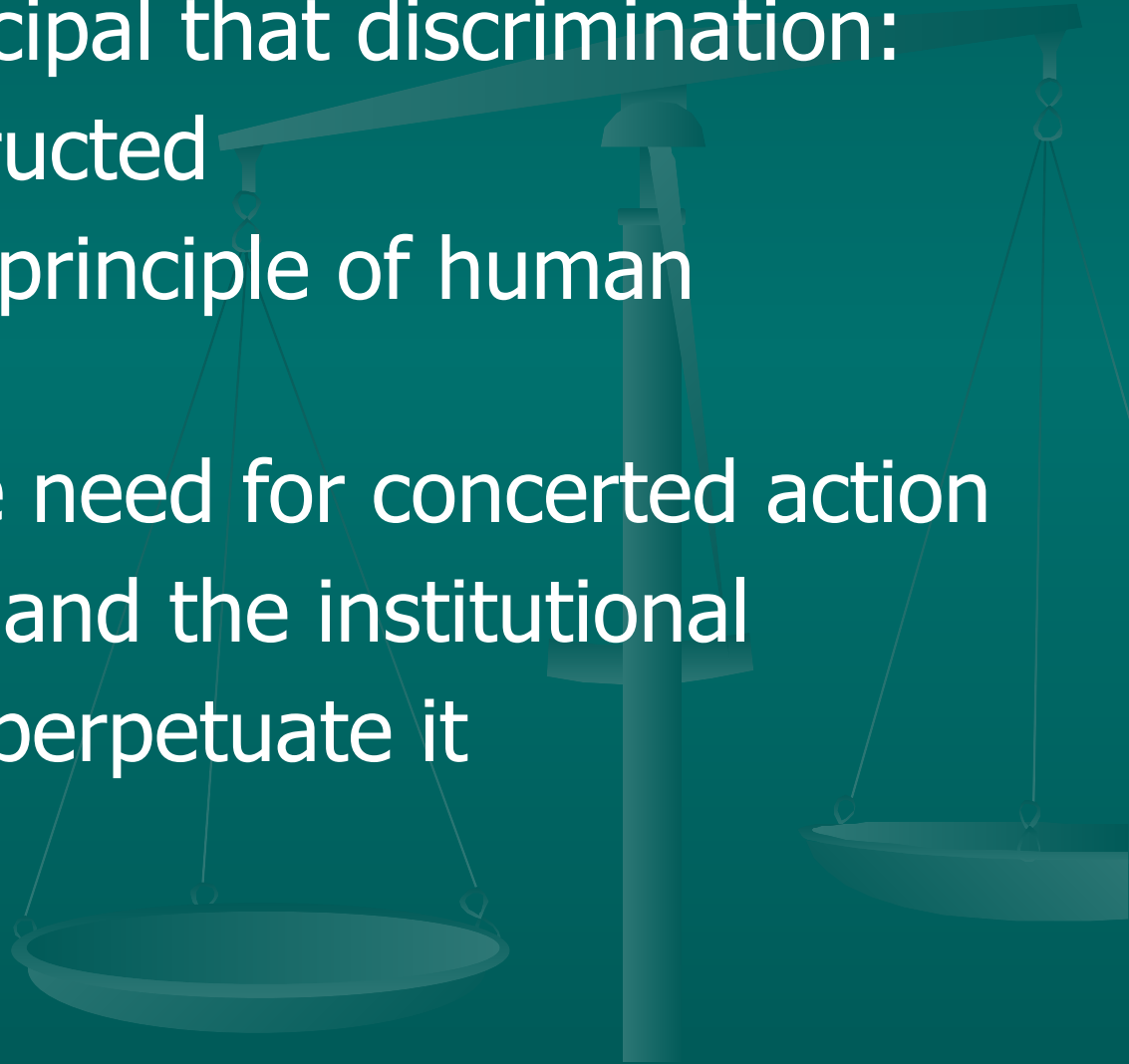


# Non-discrimination

Based on the principal that discrimination:

- is socially constructed
- Is not a natural principle of human interaction

Recognition of the need for concerted action against inequality and the institutional mechanisms that perpetuate it





# Non-discrimination

- The CEDAW requires that discrimination be understood in its larger sense: it seeks recognition for those types of discrimination that are not so obvious or direct
- The CEDAW requires the elimination of all forms of discrimination, both direct and indirect. Direct discrimination is defined as the purpose or intent of discriminating. Indirect discrimination is unintended but has the effect of discrimination.

# Substantive Equality

- The CEDAW recognizes that formal equality (neutral laws and policies) may not be sufficient to ensure that women and girls enjoy the same rights as men and boys.
- Thus, the Convention sets out measures aimed at achieving substantive equality and provides for temporary measures of affirmative action. Therefore, CEDAW combines the notion of formal and substantive equality in its structure.

# Substantive Equality

## Promoting

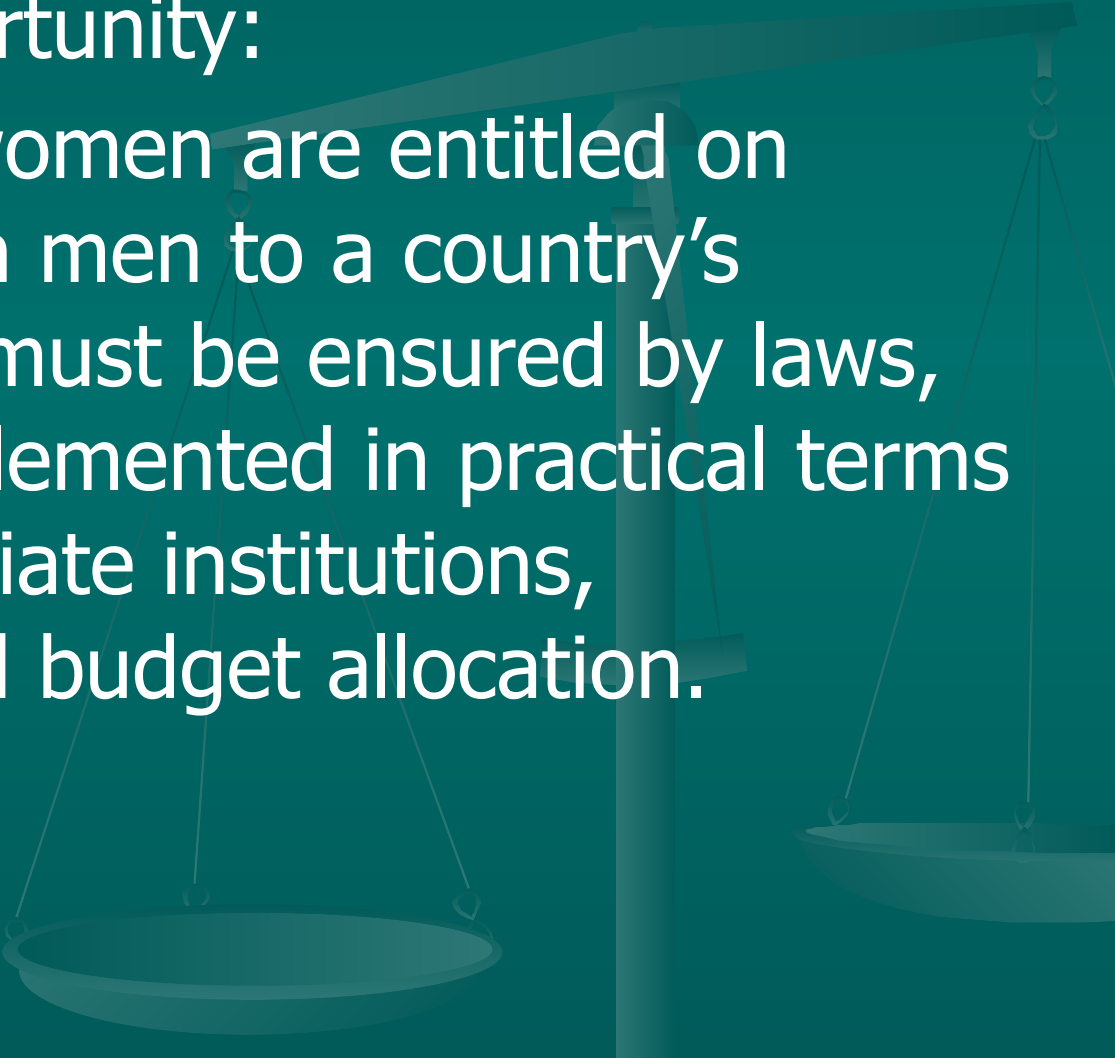
- Equality of opportunity through law, policy, programs and institutional arrangements
- Equality of access by eliminating all obstacles that prevent access to the opportunities & taking positive steps to ensure goal of equality is achieved
- Equality of results



# CEDAW recognizes the obligation of States Parties to work towards creating:

- Equality of opportunity:


This means that women are entitled on equal terms with men to a country's resources. This must be ensured by laws, policies and implemented in practical terms through appropriate institutions, mechanisms and budget allocation.



# CEDAW recognizes the obligation of States Parties to work towards creating:

- Equality to access opportunity:

This means that even if there are appropriate laws, policies, institutions and mechanisms, States must ensure that there are no barriers or obstacles preventing women and girls from enjoying their human rights.



# CEDAW recognizes the obligation of States Parties to work towards creating:

- Equality of results:

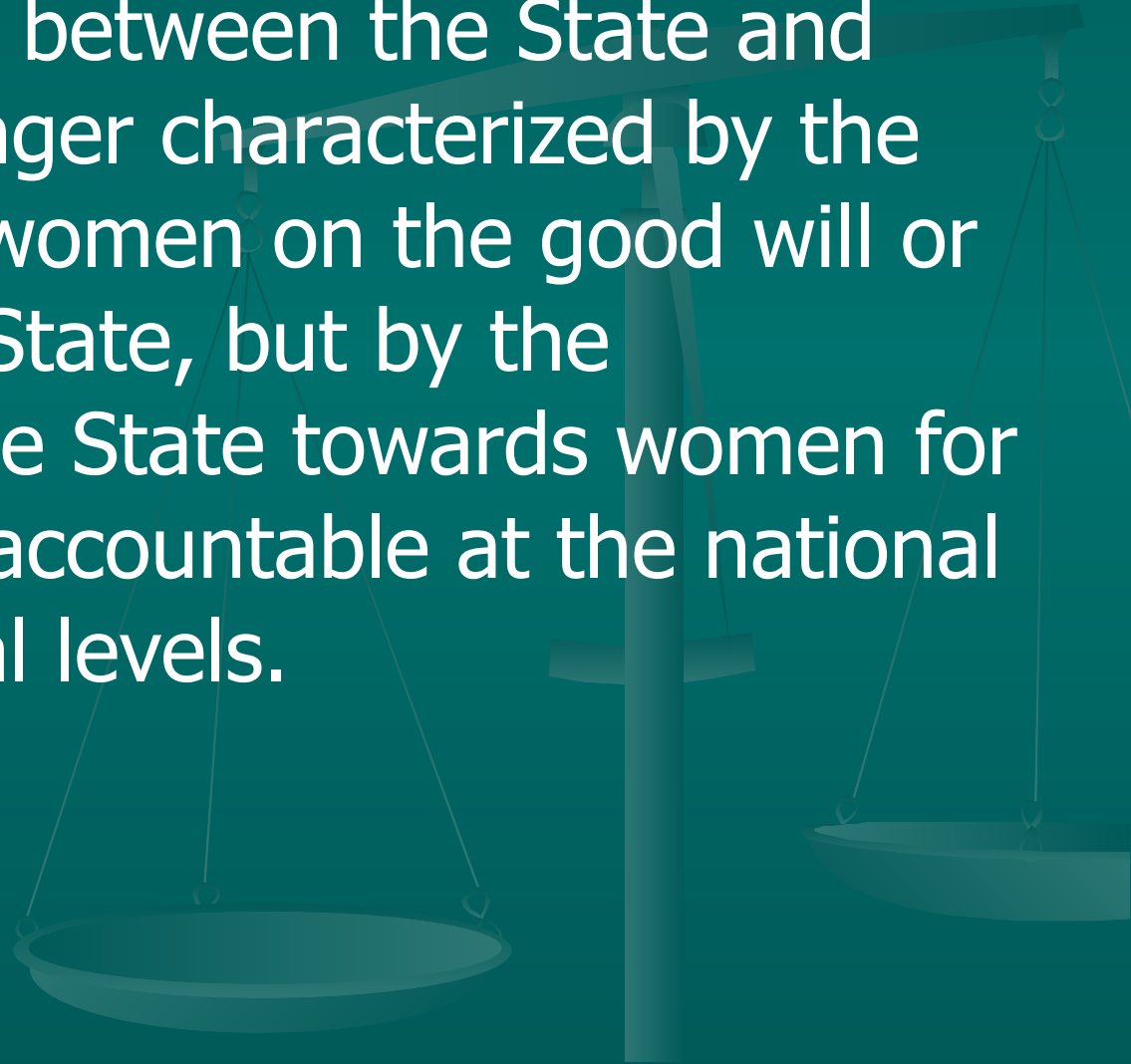
It is not sufficient for a State to simply show that it is complying with and implementing the Convention.

It must demonstrate concrete achievements that have directly improved the status of women.



# State Accountability

- The relationship between the State and women is no longer characterized by the dependency of women on the good will or vagaries of the State, but by the obligations of the State towards women for which it is held accountable at the national and international levels.



# Life cycle approach

- The provisions of CEDAW protect the rights of women throughout the life cycle—meaning from infancy to old age. This is because gender disparities at all ages are mutually linked.
- • Rights aimed at achieving gender equality must be applied in the early stages of life in order to help achieve equality between boys and girls—otherwise the discriminatory and subordinate treatment of girls will lead to the subjugation of adult women.



# What CEDAW says...

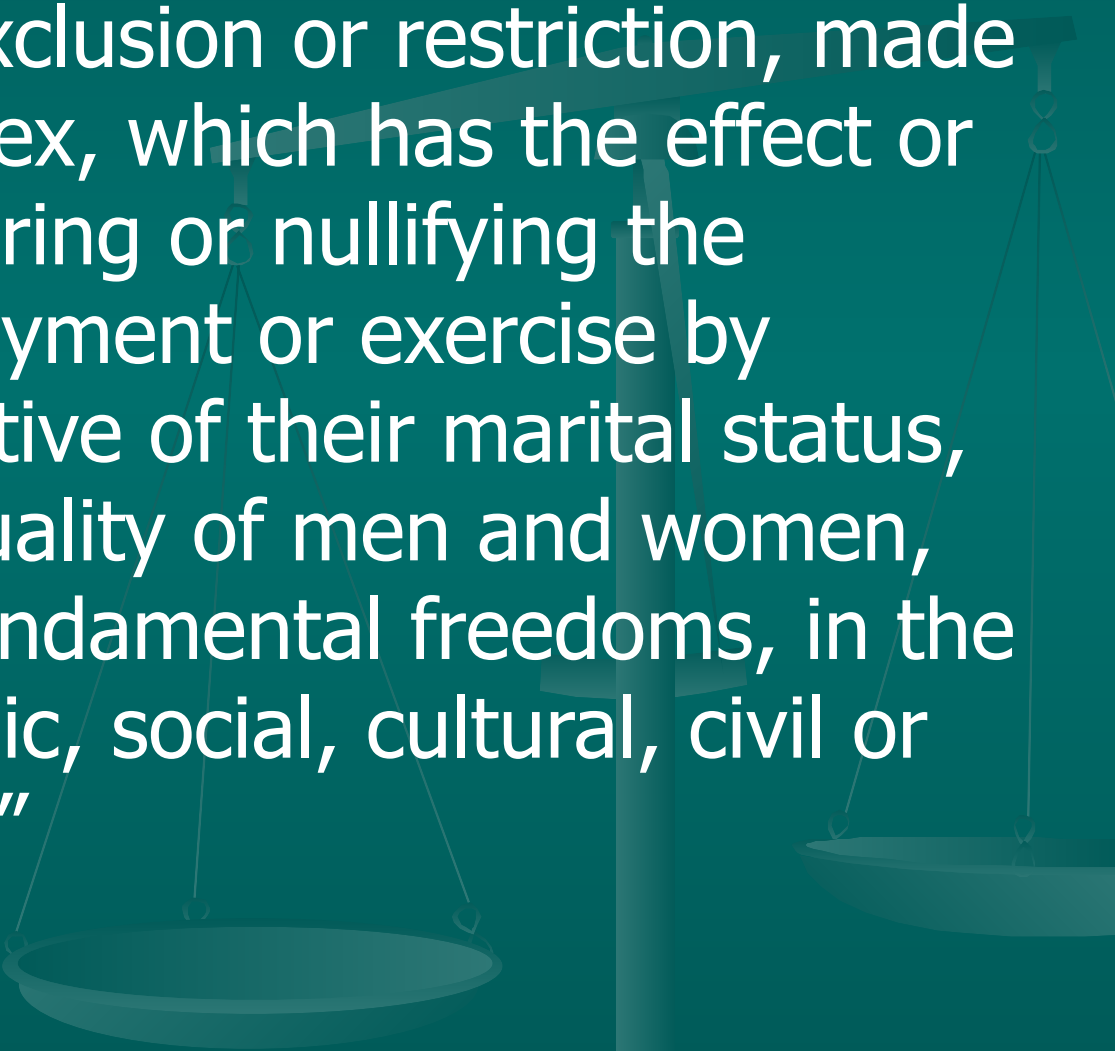
## The Articles

- Discrimination
- Special measures
- Cultural practices
- Trafficking
- Politics
- Nationality
- Health
- Employment
- Education
- Law
- Marriage
- Family benefits
- Rural women




# Article 1- Definition of Discrimination

“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 and fundamental freedoms, in the political, economic, social, cultural, civil or **any other field**”



# Article 5 – cultural practices

“A change in the traditional role of men as well as the role of women in society is needed to achieve full equality between men and women”



# Article 12 - Health

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

# GENERAL RECOMMENDATIONS


Deal with issues related to specific articles

- GR 19 Violence against women
- GR 21 Marriage & family relations
- GR 23 Women in public life
- GR 24 Health
- GR 25 Temporary special measures


For information on CEDAW visit  
**I W R A W – [www.iwraw-ap.org](http://www.iwraw-ap.org)**

# How does CEDAW work?

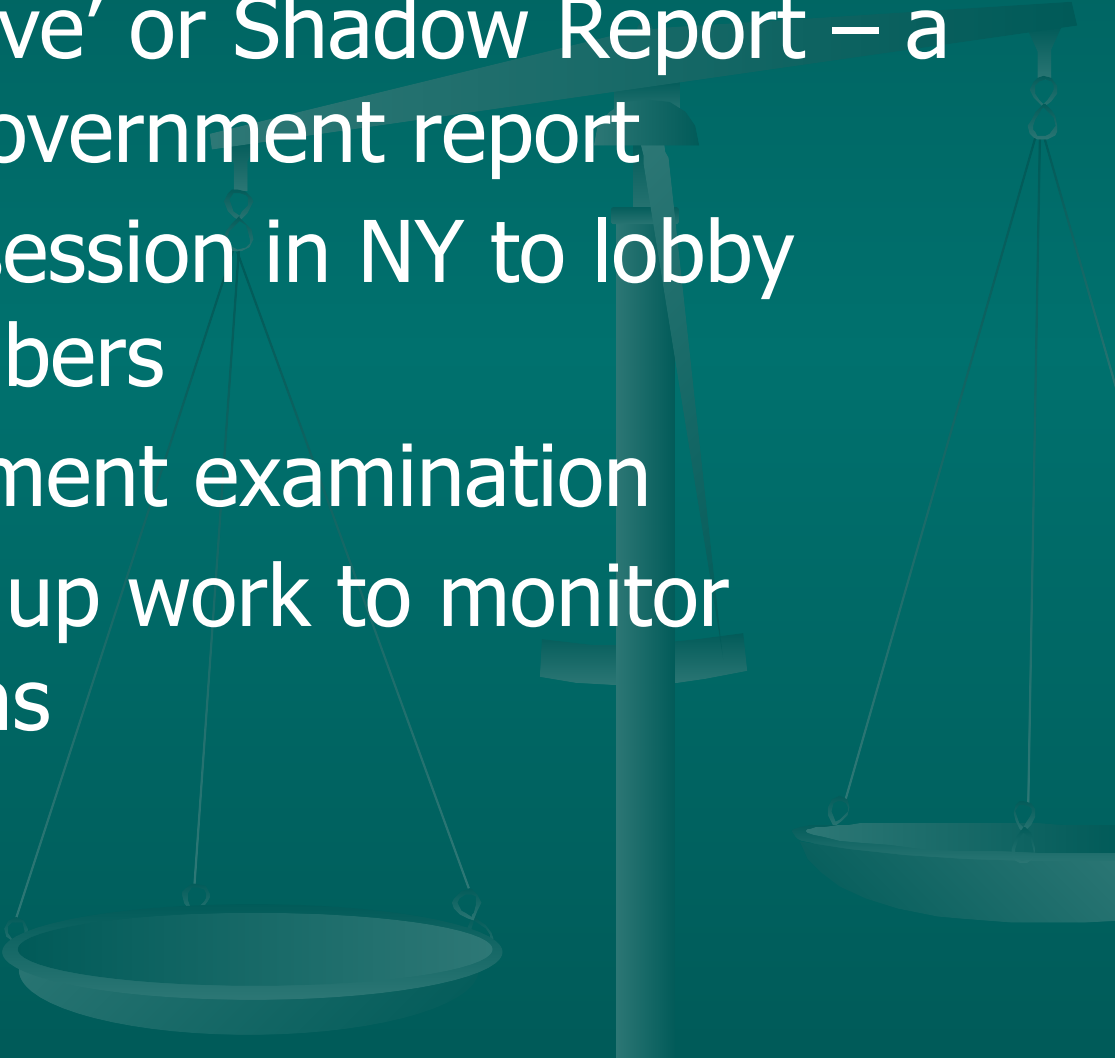
## the reporting process

- When a government ratified CEDAW, it commits to put in place legislation & policy to ensure women's equality
  - Every 4 years government submit a 'progress' report to the CEDAW Committee
  - Government is then examined at a session of the CEDAW Committee
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# The CEDAW Committee

- 23 experts on women's issues from around the world
  - Meet twice annually at UN in New York
  - 8 governments report at a session
  - After a government has been examined the Committee produce 'Concluding Comments' outlining concerns & recommendations
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# Role of NGOs

- Submit 'alternative' or Shadow Report – a critique of the government report
  - Attend CEDAW session in NY to lobby Committee members
  - Observe government examination
  - Carry out follow up work to monitor recommendations
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- A faint, stylized illustration of a balance scale is visible in the background. The scale is positioned on the right side of the slide, with its vertical pillar and horizontal beam extending across the middle. Two pans are suspended from the beam by thin lines. The entire image has a dark teal background.



# The Concluding Comments

## Areas of concern

- Violence against women
- Stereotyping
- Poverty & social exclusion
- Under-representation of women in politics
- Trafficking
- Employment
- Reproductive Health
- National Women's Strategy



# Second World Conference on Women, Copenhagen, 1980

- The conference agreed that the 1979 [Convention on the Elimination of All Forms of Discrimination against Women](#) was an important milestone.
- The Copenhagen conference also acknowledged the gap between rights being secured for women and women's ability to exercise those rights. It was also agreed that it was action on the three areas of: equal access to education; employment opportunities; and adequate health care services are essential to achieve the goals set out in Mexico.

# Third World Conference on Women, Nairobi, 1985

- The Nairobi conference set out areas by which progress in women's equality could be measured:
  - constitutional and legal measures;
  - equality in social participation;
  - equality in political participation and decision-making.

The conference also acknowledged that women need to participate in all areas of human activity, not just those areas that relate to gender

- The Third World Conference on Women held in Nairobi (1985) proved a turning point. Women's rights activists had acquired considerable experience during the previous two conferences and had learned how to handle diverse views in a more constructive way. In addition, they were also more receptive to hearing ideas from NGOs and activists working at the grassroots level. As a result, they gradually began introducing a more cross-cultural analysis of the many issues affecting women and highlighting the need to pay attention, not only to gender discrimination alone, but also to the intersection of gender, race, class, culture and so on.



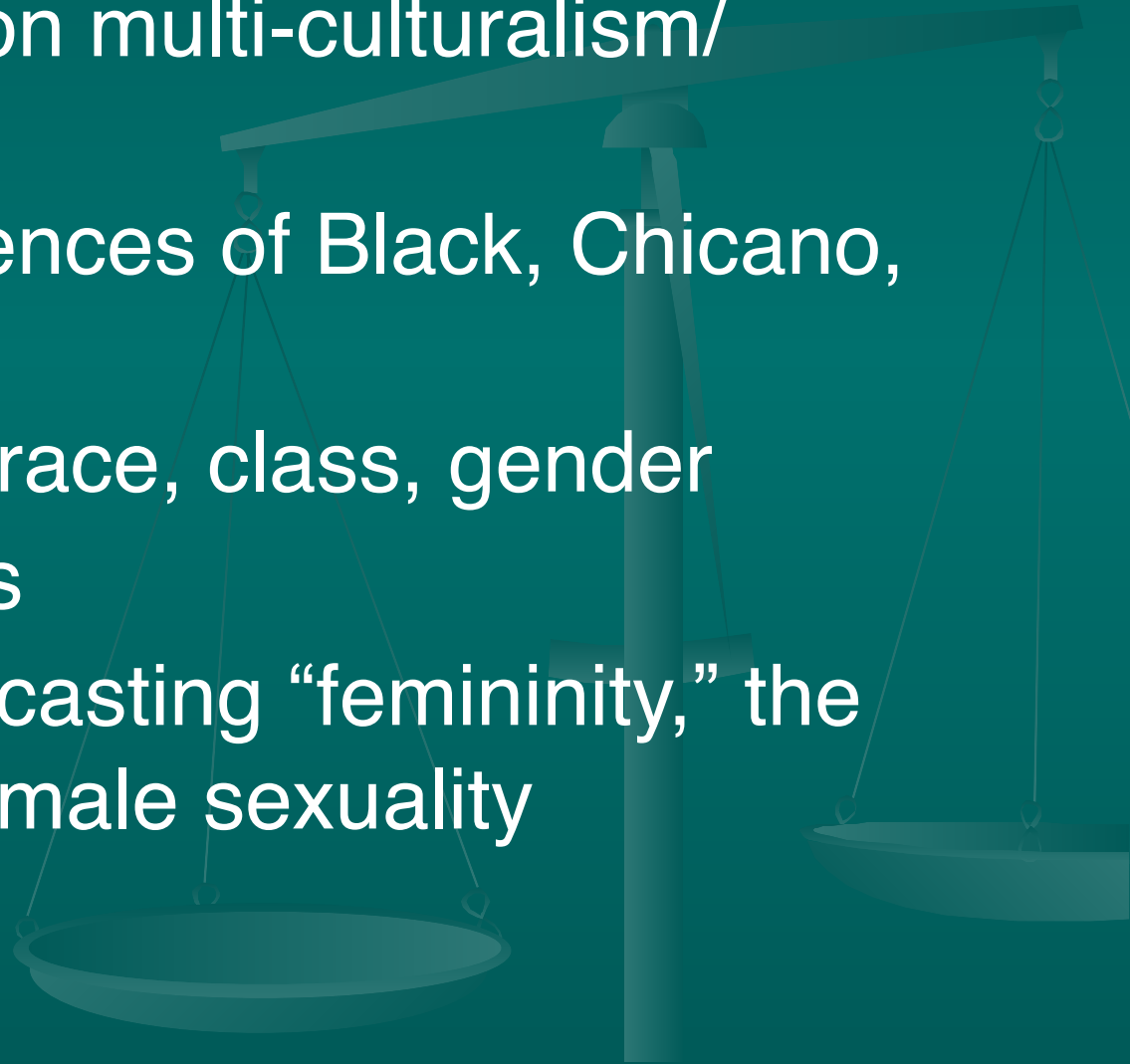
# Third wave: Intersectionality

- Feminism
  - Transversal Feminism
    - Rejection of essentialism
    - Gender as performative
    - Heraclitian world (not Parmedian world)
    - Recognition of difference
  - Women's movement
  - Multiplicity within the movement
    - Intersectionality as fundamental
    - Multitude of issues
    - Social media
    - Expansion of the dialogue to include more than the Global Nord.
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# Third Wave Feminism

In US, emphasis on multi-culturalism/  
interculturalism

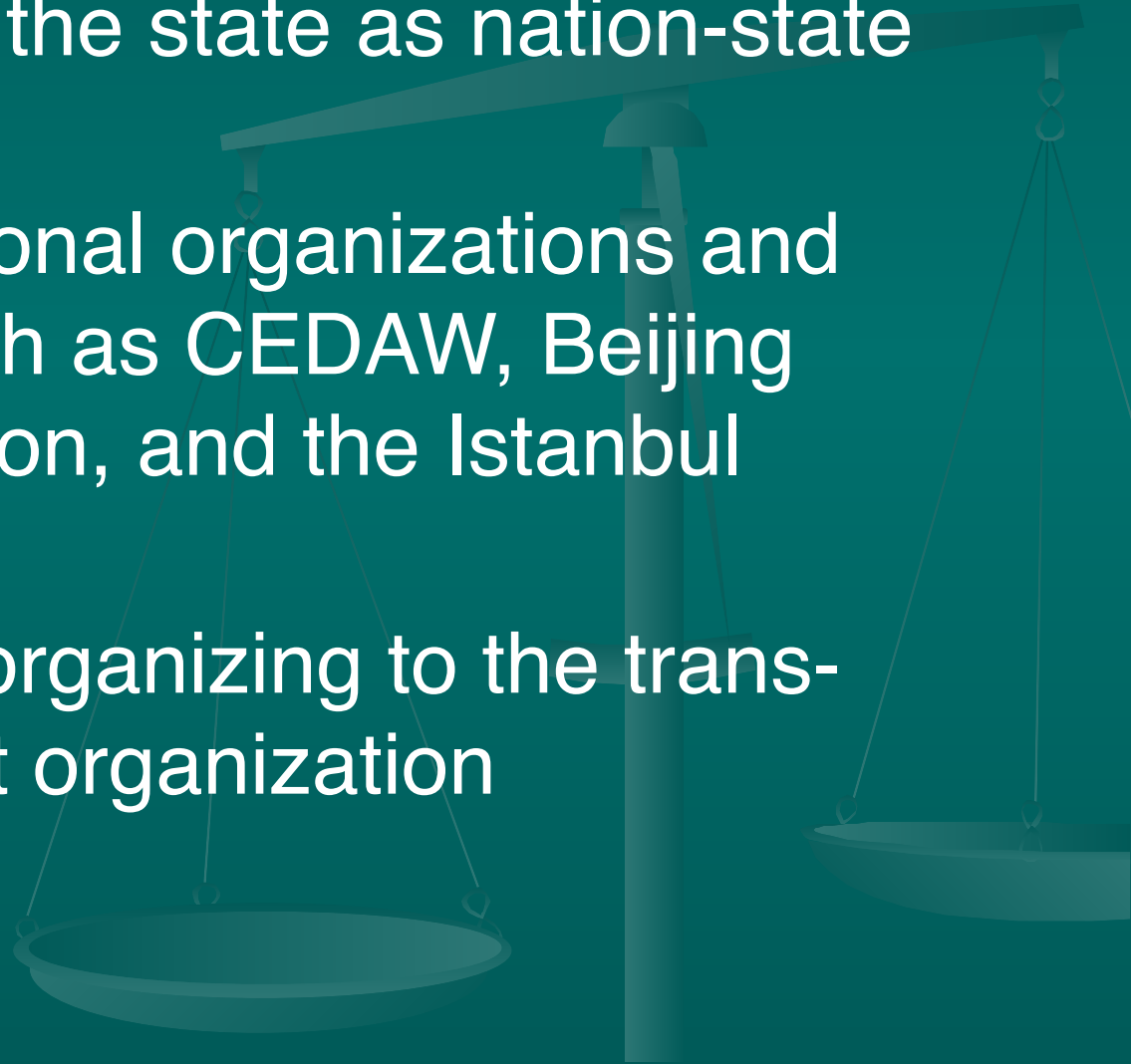
- Different experiences of Black, Chicano, Asian women
- Intersections of race, class, gender
- GLBTQIA issues
- Re-claiming, re-casting “femininity,” the expression of female sexuality



# Third Wave Feminism

## New Opportunities for Women's Leadership

- Turn away from the state as nation-state loses power
- Shift to international organizations and agreements such as CEDAW, Beijing Platform for Action, and the Istanbul Convention
- Shift in level of organizing to the trans-national feminist organization



# DEVAW

- <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>
- <https://undocs.org/en/A/RES/48/104>





# Preceding the Fourth World Conference on Women, Beijing, 1995

- Delegates had prepared a Declaration and Platform for Action aimed at achieving greater equality and opportunity for women.
- In fallout from pre-conference meetings, the Holy See publicly disagreed with positions outlined by the United States and other nations concerning abortion, reproductive rights, and other sensitive issues

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- For women's international struggle to achieve equality, development, and peace, September 1995 was the culmination of decades of a global movement and over a year of intensive preparations and meetings.
  - From September 4th to 15th, official representatives from over 180 countries gathered in Beijing, China, for the Fourth World Conference on Women. For ten days, they worked in legislative sessions and focused working groups, refining the document that would reflect the issues and concerns of the world's women at the end of the 20th century, the Beijing Declaration and Platform for Action.

- Several issues were prominent in these discussions. Not all Governments agreed that human rights are universal in nature. Would the Platform declare that all women's rights are human rights, that the universality of human rights guaranteed women of all cultures the same treatment? In the end, the Platform would include several statements that human rights and fundamental freedoms are universal, although the term "universal" does not appear every time human rights are mentioned.

- Sexual rights and reproductive health and freedom were the focus of a working group devoted almost entirely to resolving whether such issues would appear in the Platform, and, if so, to what extent women would have guarantees in this area. Although inclusion of these concerns in international debate was not new – such language had been discussed intensively at the population conference in Cairo in 1994 – many Governments were not willing to expand women's achievements in this area. In fact, only in the weeks before the Conference did they finally agree to retain the work done in Cairo.

- In its final form, the Platform does guarantee women the right to determine reproductive issues, and states that Governments will ensure “the highest standard of sexual and reproductive health.”



- The Platform is not a binding treaty. It does not provide a mechanism for redress of wrongs, nor is there any enforcement mechanism. Several dozen countries made reservations. Nevertheless, it is a consensus document, and it is the most comprehensive statement about the issues concerning women the world has seen. It addresses a range of problems from human rights abuses to poverty. It recognizes the lack of gender perspective from governmental decision-making to educational systems



It asks people and organizations, from trade unions to international bodies, to commit to addressing the Governments that have embraced the Platform commit themselves to numerous actions, from researching gender issues in the media **to eliminating violence against women.**

# 2 Key Concepts

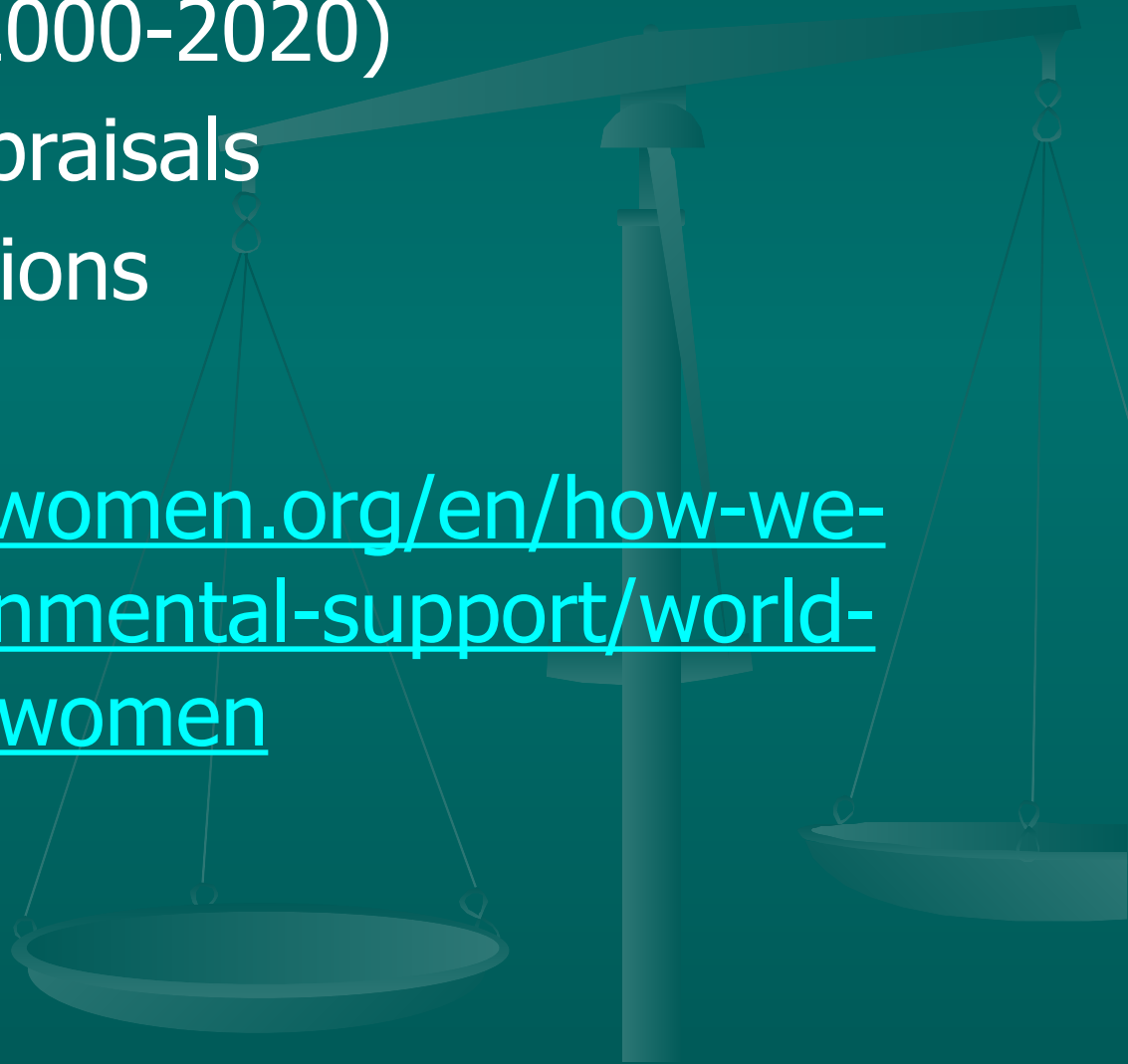
- Women's Empowerment
- Gender Mainstreaming





# Follow Up to Beijing

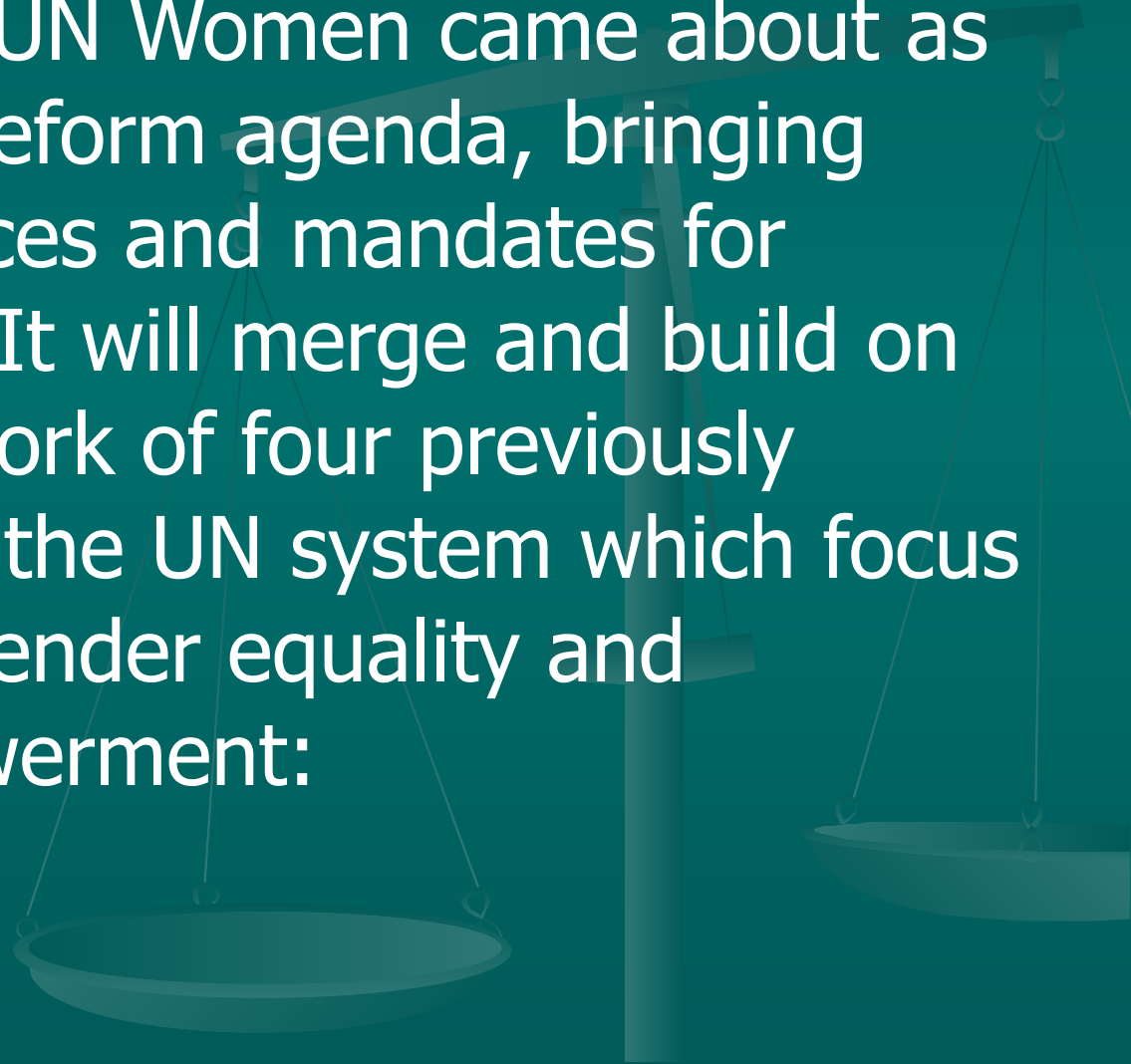
- Every 5 years (2000-2020)
- Reviews and appraisals
- Political declarations
- <https://www.unwomen.org/en/how-we-work/intergovernmental-support/world-conferences-on-women>

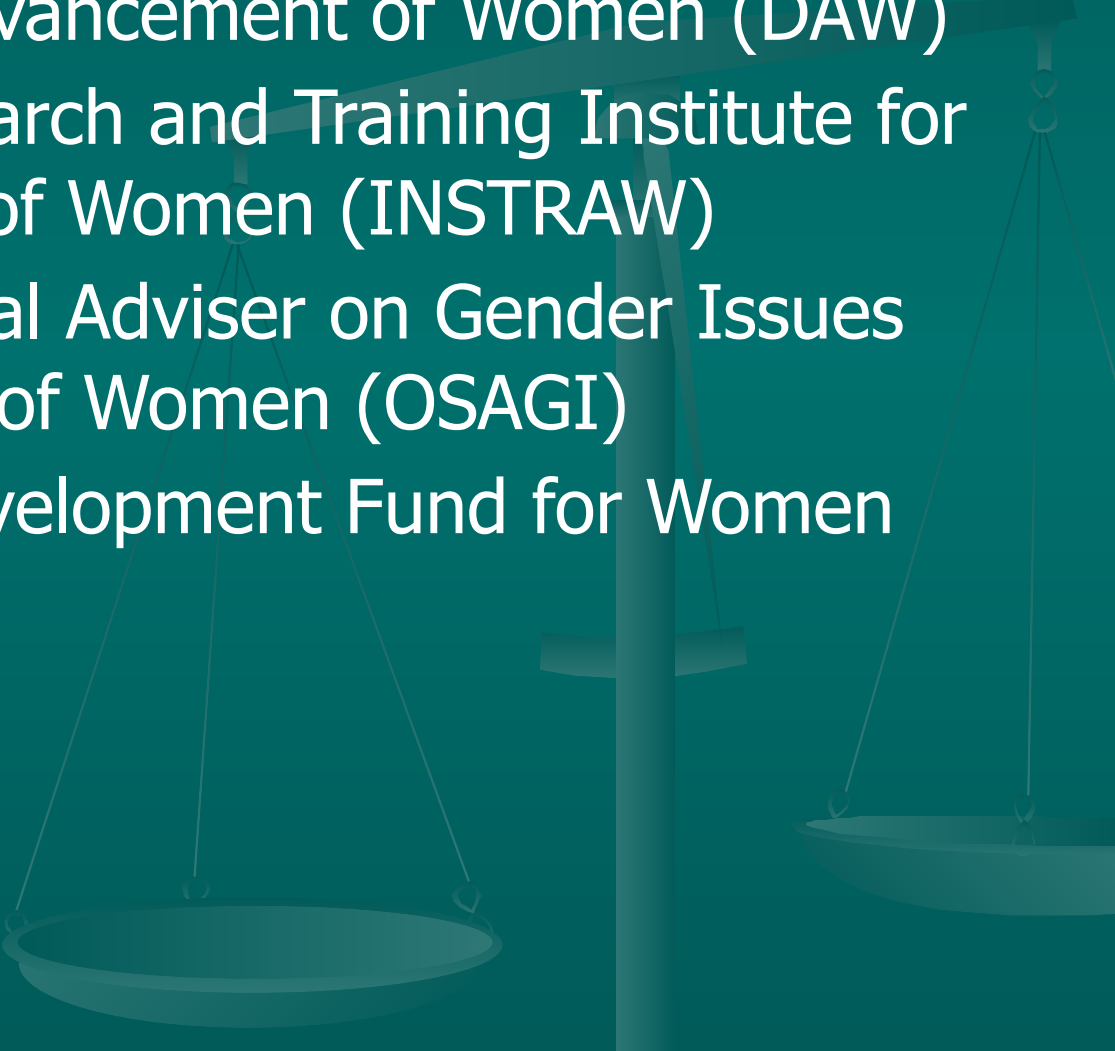


# UN Women

- In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women.
- In doing so, UN Member States took an historic step in accelerating the Organization's goals on gender equality and the empowerment of women.

- The creation of UN Women came about as part of the UN reform agenda, bringing together resources and mandates for greater impact. It will merge and build on the important work of four previously distinct parts of the UN system which focus exclusively on gender equality and women's empowerment:



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- Division for the Advancement of Women (DAW)
  - International Research and Training Institute for the Advancement of Women (INSTRAW)
  - Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI)
  - United Nations Development Fund for Women (UNIFEM)

# The main roles of UN Women are

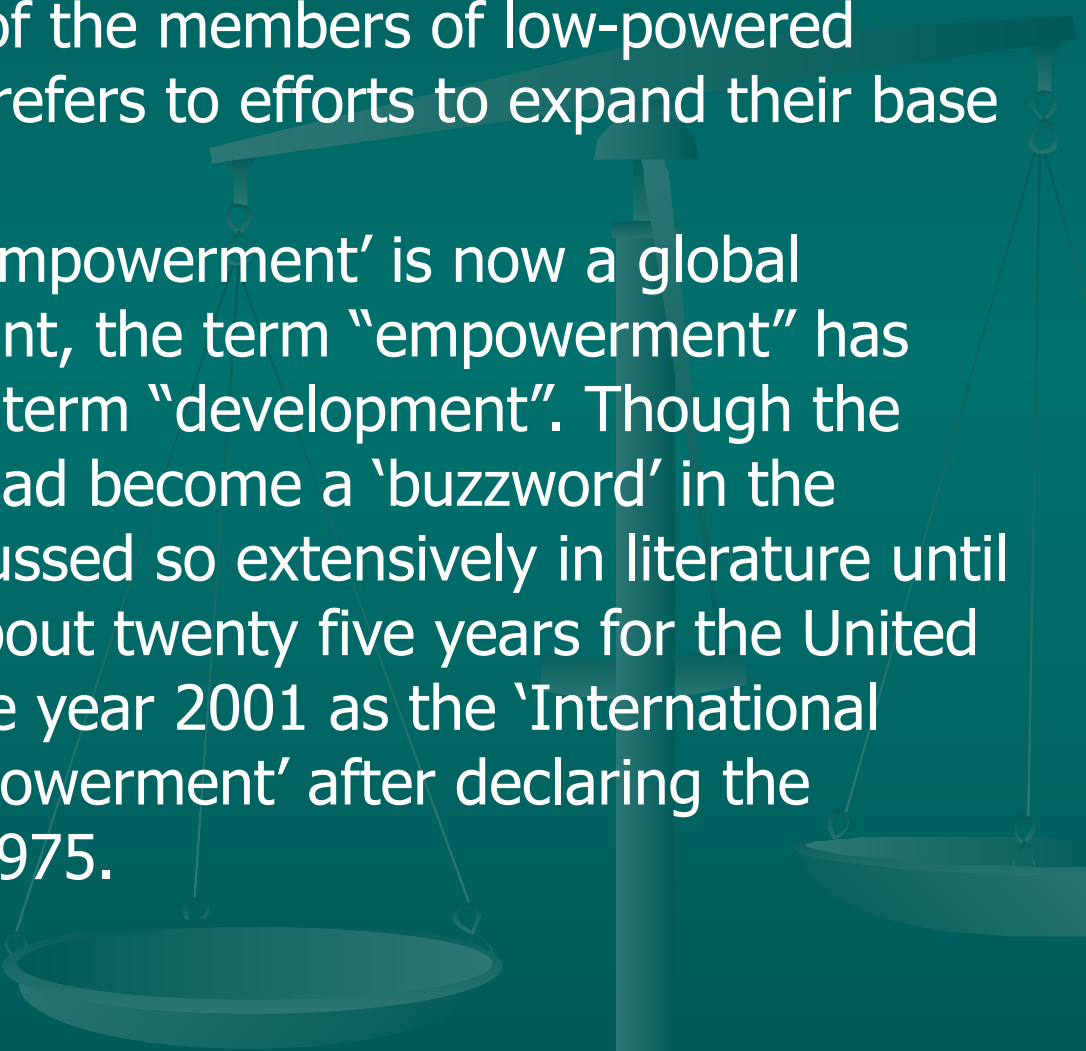
- To support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms
  - To help Member States to implement these standards, standing ready to provide suitable technical and financial support to those countries that request it and to forge effective partnerships with civil society.
  - To hold the UN system accountable for its own commitments on gender equality, including regular monitoring of system-wide progress.
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- <https://www.endvawnow.org/en/articles/314-investing-in-gender-equality-and-womens-empowerment-.html>



# Empowerment

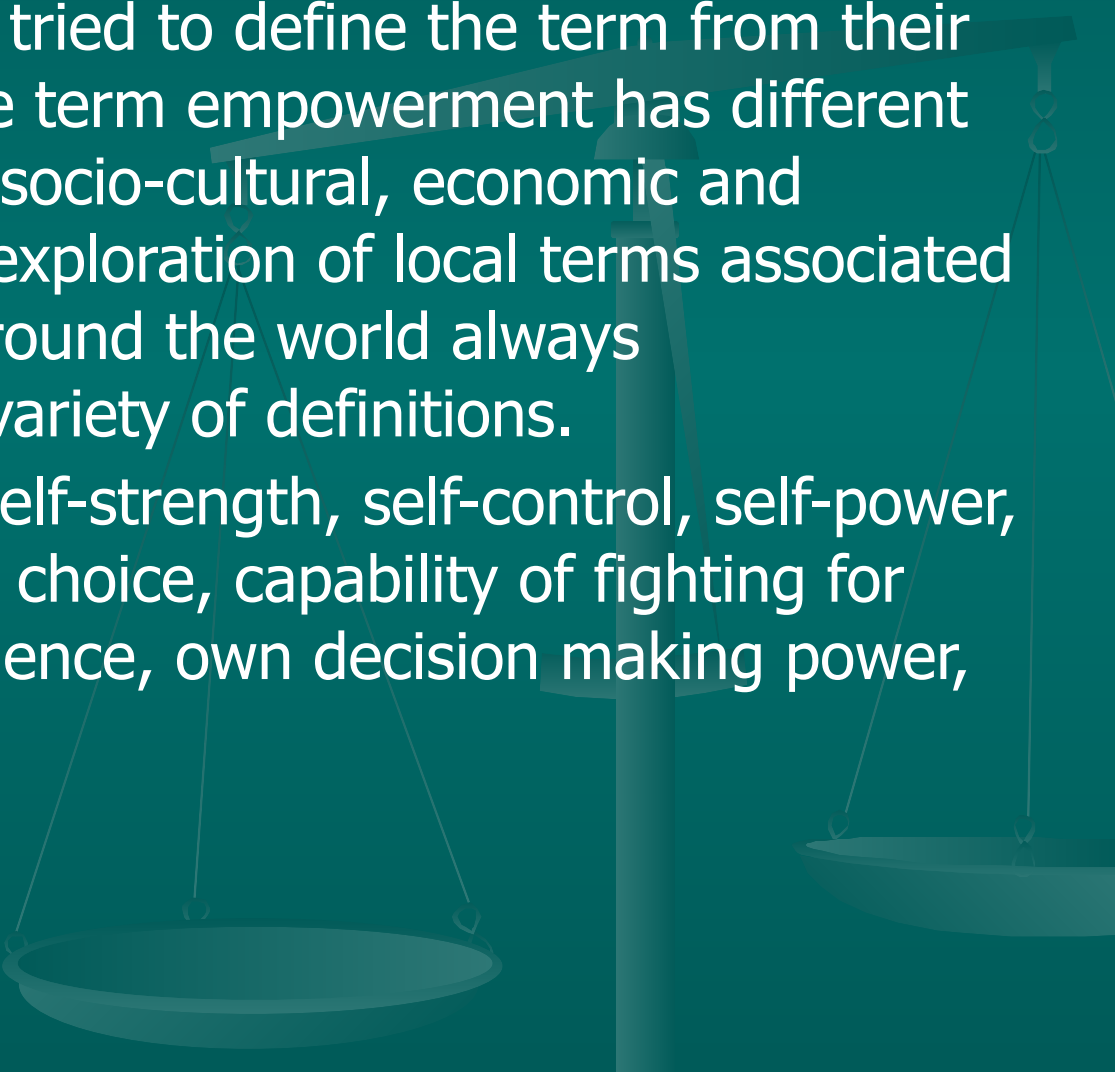
- It is interesting to note that most of the dictionaries only shows a pre-twentieth century definition of the verb empower meaning 'to empower', and 'to give power to'. The word was first used in the 17th century and has meanings like 'authorize', 'delegate', or 'enable'. The term empowerment, as a result, is a complicated idea. However, it implies the transfer of power in a dynamic way over a period of time. Empowerment seems to be a modern idea that would not have been possible 200 years ago when the idea of democracy and 'government of the people, for the people, by the people' was something to fight and die for.

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- From the perspective of the members of low-powered group, empowerment refers to efforts to expand their base of power.
  - The issue of 'women empowerment' is now a global phenomenon. At present, the term "empowerment" has replaced the erstwhile term "development". Though the term 'empowerment' had become a 'buzzword' in the sixties, it was not discussed so extensively in literature until the eighties. It took about twenty five years for the United Nations to proclaim the year 2001 as the 'International Year for Women's Empowerment' after declaring the 'Women's Decade' in 1975.



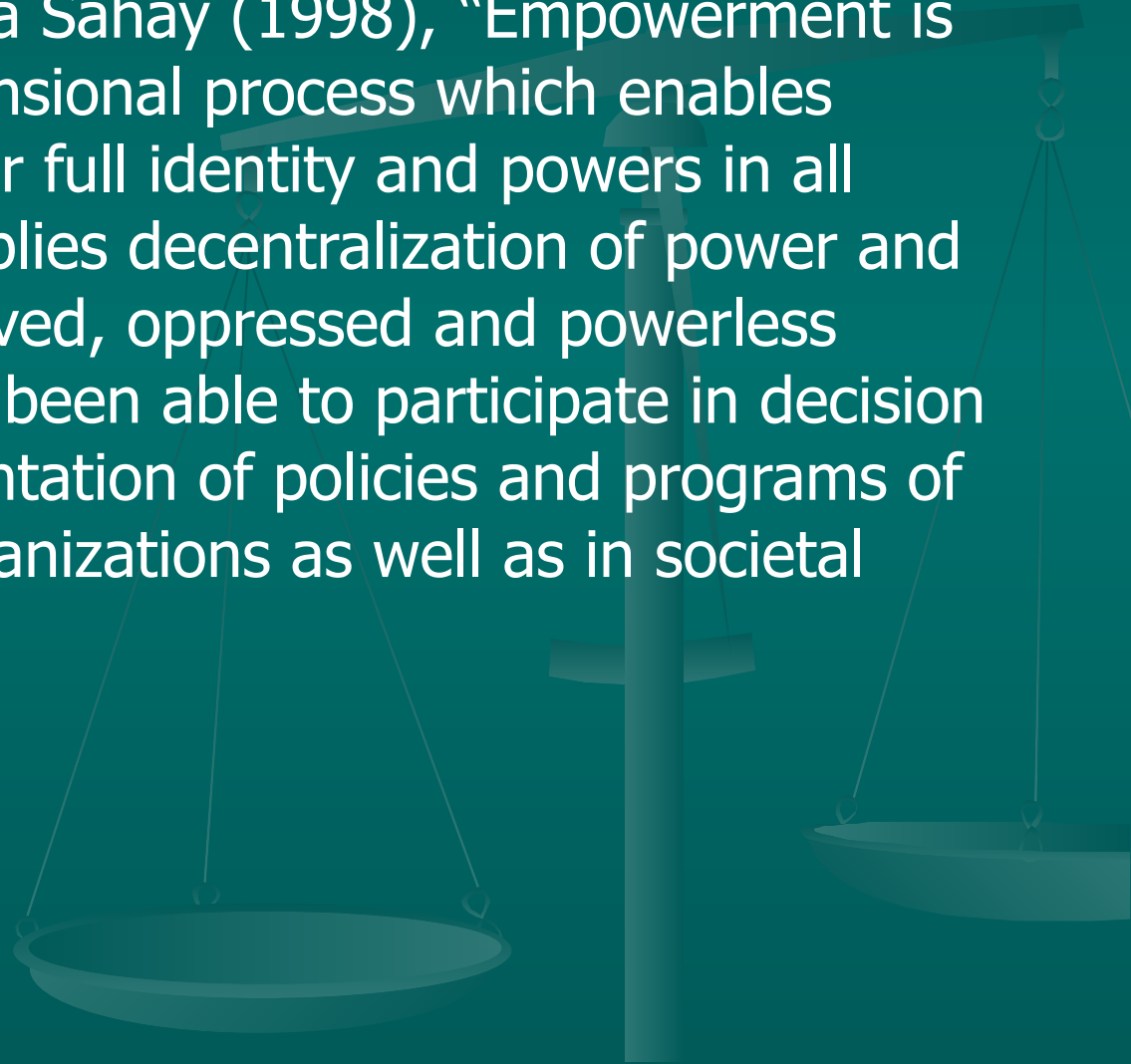
# Definitions

- The term empowerment is a multidimensional social process and it helps people gain control over their own lives. Further, it can be called as a process that fosters power in people for use in their own lives, their communities and in their society, by acting on issues they think as important. "Empowerment refers to increasing the spiritual, political, social, or economic strength of individuals and communities...."

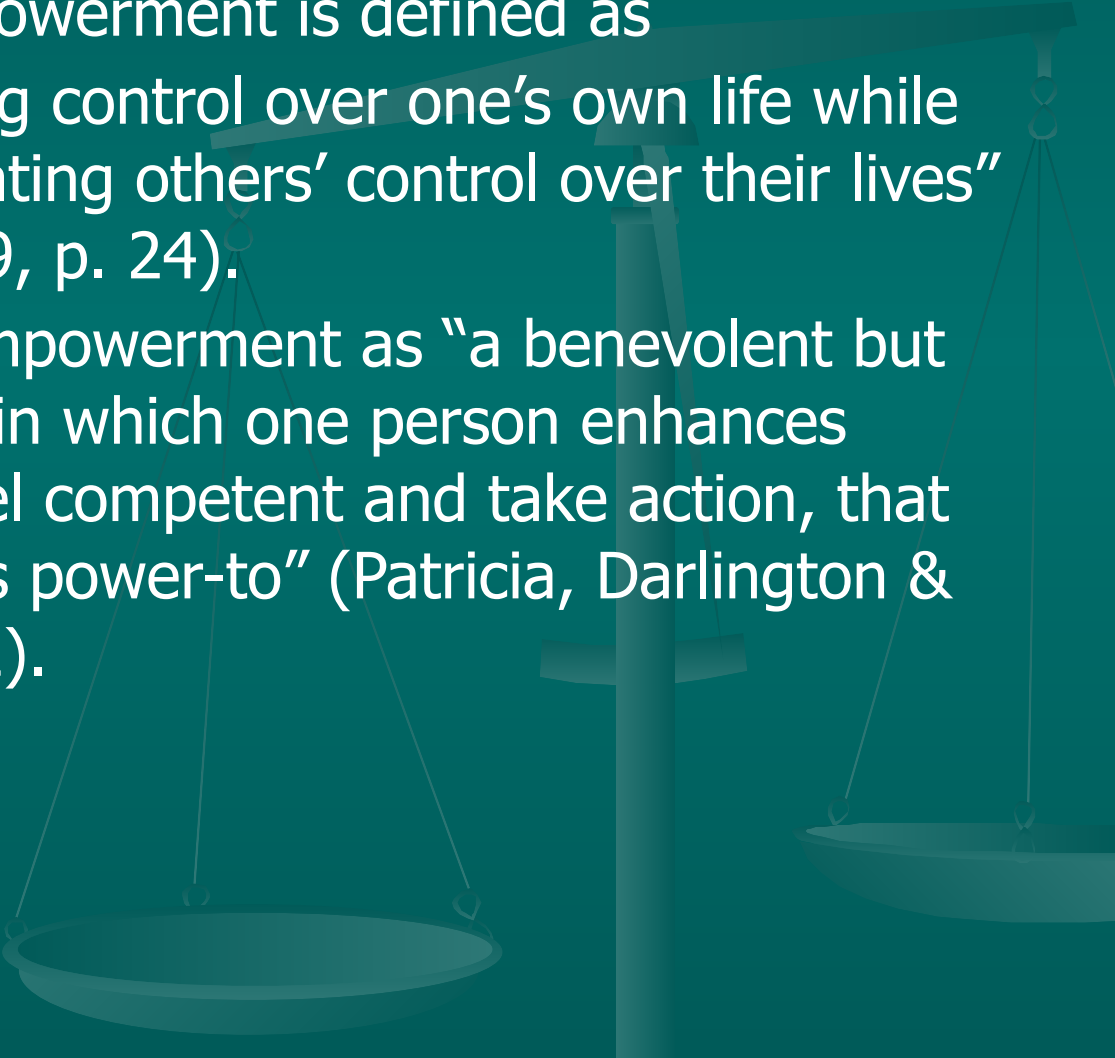
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- Various scholars have tried to define the term from their own perspectives. The term empowerment has different meanings in different socio-cultural, economic and political contexts. An exploration of local terms associated with empowerment around the world always encompasses a wide variety of definitions.
  - These terms include self-strength, self-control, self-power, self-reliance, personal choice, capability of fighting for one's rights, independence, own decision making power, freedom etc.

- These definitions are embedded in local value systems and beliefs. Empowerment has both intrinsic as well as instrumental value. “The most common use of the term “empowerment” refers to increasing the power of the low-power group, so that it more nearly equals the power of the high power group” (Bhadra, 2001, p. 61).

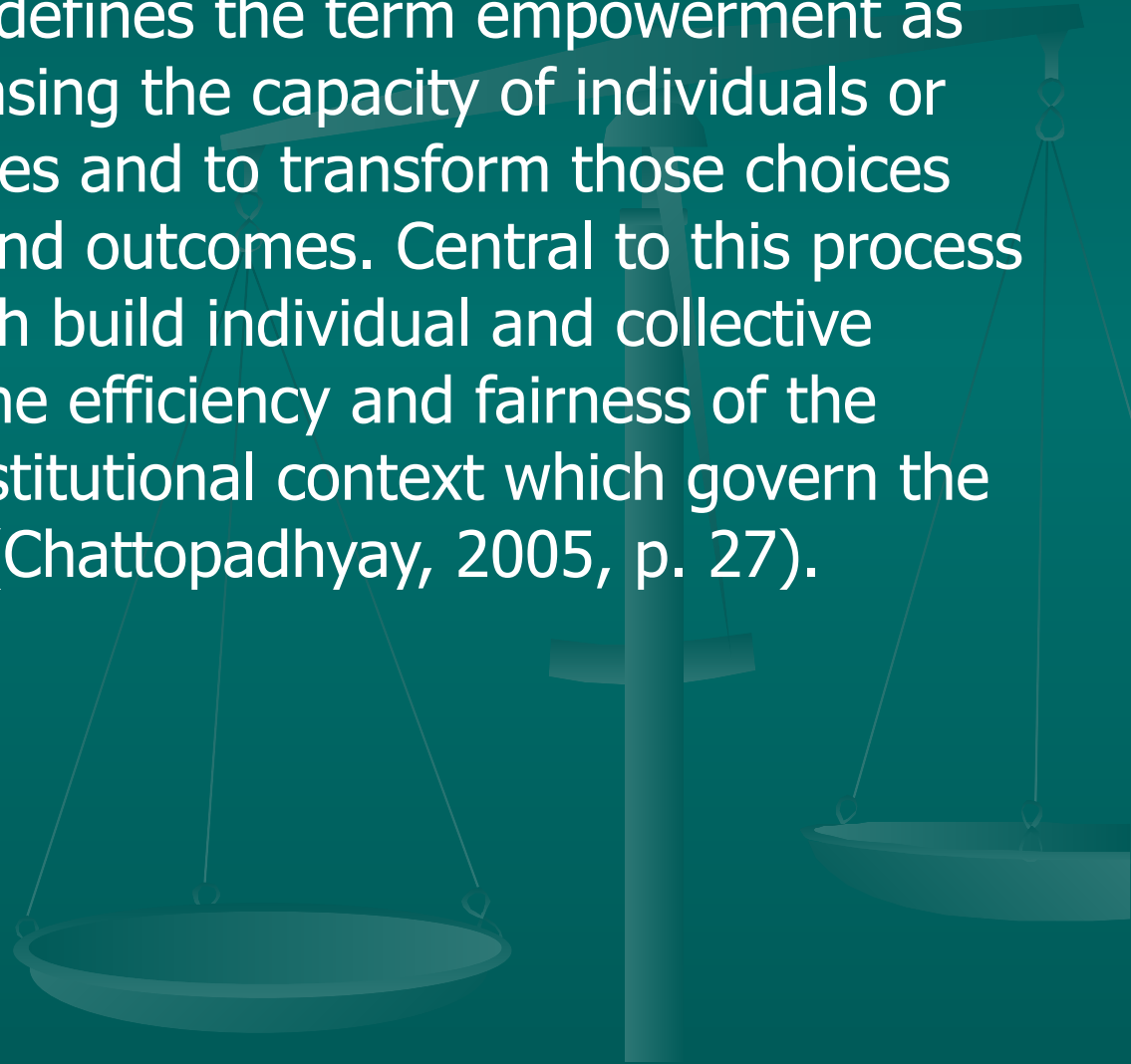
- According to Sushama Sahay (1998), “Empowerment is an active, multi-dimensional process which enables women to realize their full identity and powers in all spheres of life”. It implies decentralization of power and authority in the deprived, oppressed and powerless people who have not been able to participate in decision making and implementation of policies and programs of both government organizations as well as in societal matters



- The term empowerment has been defined by Arundhati Chattopadhyaya (2005). She holds that, “Empowerment is multi-dimensional and refers to the expansion of freedom of choice and action in all spheres (social, economic, and political) to shape one’s life. It also implies control over resources and decisions”.

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- Further the term empowerment is defined as
  - “the process of gaining control over one’s own life while supporting and facilitating others’ control over their lives” (Aspy & Sandhu, 1999, p. 24).
  - Goodrich describes empowerment as “a benevolent but unilateral transaction in which one person enhances another’s ability to feel competent and take action, that is, enhances another’s power-to” (Patricia, Darlington & Mulvaney, 2003, p. 12).

- The World Bank also defines the term empowerment as “the process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes. Central to this process are actions which both build individual and collective assets and improve the efficiency and fairness of the organizational and institutional context which govern the use of these assets” (Chattopadhyay, 2005, p. 27).



# Empowerment

- “Based on the assumptions that women differ from men in their social positions and that those differences consist of asymmetric, unequal power relations between the genders, “women’s empowerment” refers to the process of increasing women’s access to control over the strategic life choices that affect them and access to the opportunities that allow them fully to realize their capacities. Women’s empowerment as an economic, political, and sociocultural process challenges the system of sexual stratification that has resulted in women’s subordination and marginalization in order to improve women’s quality of life.” (Chen YZ., Tanaka H., 2014)