

**AMERICAN BAR ASSOCIATION  
CENTRAL AND EAST EUROPEAN LAW INITIATIVE  
(CEELI)**



**THE CEDAW ASSESSMENT TOOL:**

***AN ASSESSMENT TOOL BASED ON THE CONVENTION TO  
ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN  
(CEDAW)***

**The RIGHTS CONSORTIUM  
Funded by USAID  
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*“The Convention is not confined to the respect of equal rights per se, since these are guaranteed under the International Convention on Social and Cultural Rights. Rather, its purpose is to ensure the equal enjoyment of these rights. The Convention thus is conceived as an affirmative action program requiring measures by States Parties to ensure that internationally recognized human rights are equally applied to women.”<sup>1</sup>*

CEDAW Secretariat, 1993

## TABLE of CONTENTS

### Acknowledgements

<b>I. Project Description</b>	
<b>A. Introduction</b>	<b>2</b>
<b>B. Components of the Assessment Tool</b>	<b>3</b>
<b>C. Implementing the Tool</b>	<b>4</b>
<b>1. De Jure Analysis</b>	<b>4</b>
<b>2. De Facto Analysis</b>	<b>5</b>
<b>3. Scoring</b>	<b>7</b>
<b>4. CEELI's Initial and Future Role in             Implementing the CEDAW             Assessment Tool</b>	<b>8</b>
<b>5. Findings</b>	<b>8</b>
<b>II. CEDAW Commentary and Guidelines</b>	
<b>A. Part 1 (Articles 1-6)</b>	<b>9</b>
<b>B. Part 2 (Articles 7-9)</b>	<b>23</b>
<b>C. Part 3 (Articles 10-14)</b>	<b>30</b>
<b>D. Part 4 (Articles 15-16)</b>	<b>52</b>
<b>III. De Jure Assessment Questions and     Report Template</b>	<b>60</b>
<b>IV. Suggested De Facto Assessment Questions</b>	<b>78</b>
<b>A. Part 1 (Articles 1-6)</b>	<b>79</b>
<b>B. Part 2 (Articles 7-9)</b>	<b>87</b>
<b>C. Part 3 (Articles 10-14)</b>	<b>91</b>
<b>D. Part 4 (Articles 15-16)</b>	<b>106</b>
<b>V. De Facto Report Template</b>	<b>111</b>
<i>Appendix A: Glossary</i>	<b>176</b>
<i>Appendix B: Convention on the Elimination of All     Forms of Discrimination Against Women</i>	<b>179</b>
<i>End Notes</i>	<b>187</b>

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## THE CEDAW ASSESSMENT TOOL

### 1. Project Description

#### A. Introduction

Increasingly, the world community has recognized that women's rights are an integral part of the international human rights paradigm. The relatively recent advent of human rights treaties, conventions and conference documents has only heightened the world community's commitment to elevate the status of women. Without question, the international convention that most comprehensively addresses the rights of women is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). As of this writing, 168 nations have ratified CEDAW and are therefore bound as a matter of law to eliminate discrimination against women and promote their advancement. It is precisely because of CEDAW's wide acceptance and binding effect that the American Bar Association's Central and East European Law Initiative (CEELI) decided to develop a tool based on the Convention itself.

By devising an assessment tool that measures the status of women—as reflected in a country's laws and based on the degree to which women, in practice, enjoy the rights and protections guaranteed by CEDAW—technical assistance can be targeted at certain deficiencies identified by this assessment tool. A major goal of this assessment tool is to identify and draw attention to the most critical deficiencies, recognizing that, for resident reformers and foreign assistance providers alike, it is impractical to address each and every deficiency without regard to the degree to which it retards gender equality.

While certain problems are more pervasive in, or are unique to, a select number of countries (e.g., honor killings), the vast majority of women throughout the world contend with a common set of problems. These include violence in the home, discrimination in the workplace, lack of economic opportunity, etc. Naturally, where laws deemed necessary to ensure equality of men and women do not exist in the first instance, these and other voids would be identified by the assessment tool, as they are an explicit requirement of CEDAW. In fact, CEELI recognizes that many countries do not yet possess a comprehensive legislative regime that ensures and promotes the equality of women, as required by CEDAW. That is, *de jure* compliance with CEDAW is often unsatisfactory.

More difficult than identifying legislative (or *de jure*) deficiencies, however, is the task of determining the degree to which women, *in practice*, are accorded the rights and status guaranteed to them under CEDAW. A major focus of the diagnostic tool will be on *de facto* or "real life" impediments to equality, many of which are not necessarily a product of poorly drafted or non-existent legislation. These impediments may, for example, be rooted in deep-seated cultural or religious traditions. Whatever the cause, it is the aim of the assessment tool to identify both the problem and its manifestation in the daily lives of women. And because real life barriers to equality are often understood and can be explained only by persons residing in the country that is subject to an assessment, it is of paramount importance that resident experts are made full-fledged participants in any assessment using this tool.

It is expected that many entities will have an interest in this assessment tool and the results of in-country assessments. For example, donor organizations with a proven commitment to elevating the status of women, such as the World Bank and the U.S. Agency for International

## *Project Description*

Development (USAID), will likely find the results of this assessment an important tool in deciding which countries (and which particular problems) are in greatest need of an intervention.

It is also expected that this tool will provide valuable information for non-governmental organizations (NGOs) working actively to promote gender equality in a particular country. In fact, this assessment tool could be used by the NGO community to draft unofficial “shadow reports” for the CEDAW Committee, which reviews Official Country Reports from States Parties<sup>♦</sup> approximately every four years.<sup>♦♦</sup> Predictably, these shadow reports often provide crucial and sometimes far more illuminating and accurate information than is found in governmental reports. Moreover, shadow reports provide a voice to the NGO community. Equally important, the very act of generating a shadow report or utilizing this assessment tool presents an opportunity for capacity building within the NGO community, as doing either of these tasks well requires substantive and administrative expertise.

Finally, the governments of the countries in which this assessment tool is utilized are an important potential audience—perhaps the most important. Ultimately, it is the governments that are in the best position to promote gender equality and eradicate the innumerable barriers that stand in the way of its achievement. This holds true whether or not the country in question is a party to the treaty; indeed, it is expected that this tool will be used in countries which have not ratified CEDAW.

### **B. The Components of the Assessment Tool**

This assessment tool has several components, all of which are designed to equip a team of assessors to conduct a thorough assessment of a country’s de jure and de facto compliance with CEDAW.

*The first component, entitled “CEDAW Commentary and Guidelines,”* explains the meaning of each article and contains, where appropriate, guidance from the CEDAW Committee on how to interpret certain language in a given article. Over the years, several issues have arisen that were not explicitly mentioned in the original 1979 treaty, such as gender-based violence. The CEDAW Committee has written General Recommendations to further interpret the treaty text as it relates to these issues and to provide guidance for States Parties to eliminate discrimination in these areas. Where appropriate, the substance of these post-1979 pronouncements is reflected in the Commentary and Guidelines. Even those individuals who are thoroughly versed in CEDAW and its nuances are encouraged to consult the Commentary and Guidelines while conducting an assessment.

Included in the *Commentary and Guidelines* are *Examples of Compliance and Non-Compliance with CEDAW by States Parties*, including Algeria, Bangladesh, Cameroon, China, Hungary, Luxembourg, Mexico, Norway and Uzbekistan. The examples were drawn from, among other sources, unofficial shadow reports from NGOs, official reports from States Parties, and Concluding Comments from the CEDAW Committee written in response to official reports of

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♦ Countries that have ratified CEDAW are referred to as “States Parties.”

♦♦ The CEDAW Committee meets twice a year to consider reports submitted by States Parties. During the CEDAW Committee session, the Committee reviews the reports and prepares questions for States Parties based on the content of the government’s report. In the final session report submitted to the UN General Assembly, the Committee writes Concluding Comments to each State Party that includes specific suggestions for States Parties to improve compliance with CEDAW.

## *Project Description*

States Parties. This section should assist the assessor to anticipate areas in which the country being assessed might similarly fall short of or succeed in meeting CEDAW's requirements.

*The second component is entitled "De Jure Assessment Questions and Report Template."* The questions contained in this section form the basis upon which to assess how closely a country's legislative regime adheres to the requirements of CEDAW. Intentionally, these questions very closely track the language of CEDAW itself, article by article, sub-paragraph by sub-paragraph. This component is also a reporting template, that is, the assessment team's analysis in response to the questions contained in this section will be included here.

*A third component is entitled "Suggested De Facto Assessment Questions."* This is a fairly comprehensive list of questions designed to guide a de facto analysis of CEDAW compliance on an article by article, sub-paragraph by sub-paragraph basis. The answers to these questions, in the aggregate, should provide a detailed and accurate picture of the degree to which women enjoy the rights and protections guaranteed by CEDAW. There is no expectation that the assessment team will formally record the answers to each of the dozens of questions contained in this section. Instead, these are representative questions that should be selectively asked depending on a variety of factors, including of course, the background and experience of the individual being interviewed by the assessment team. In short, there is no requirement that each of these questions is asked, but it follows that the assessor will have a stronger basis upon which to measure a country's de facto compliance with CEDAW if he or she is able to obtain answers to many or most of these questions. Finally, this is not an exhaustive list of questions; it is fully expected that assessors will formulate and ask many important questions not contained in this suggested list.

*A fourth component is entitled "De Facto Report Template."* This section of the tool provides a standardized format for recording the results of an assessment of a State Parties' de facto compliance with CEDAW. This component tracks the language of CEDAW itself; that is, the actual text of the treaty provides the measurement criteria for assessing de facto compliance. This approach was selected to ensure comprehensiveness (as opposed to asking questions loosely or largely based on the text of the treaty), as it forces the assessor to methodically rate de facto compliance with CEDAW article by article, sub-paragraph by sub-paragraph.

### **C. Implementing the Assessment Tool: Methodology**

#### **1. De Jure Analysis**

This assessment tool is divided into two sections – de jure and de facto. It is recommended that the assessment team complete the de jure section first. In conducting a de jure analysis, the primary method is to review the laws of the State. This should be done with the assistance of a local lawyer or expert with a mastery of the State's laws, preferably someone with experience working on women's issues. Because the tool contains specific questions that track closely the text of CEDAW, most of which can be answered by doing a "paper" review of a country's laws, the de jure section will in most instances be the easier of the two sections to complete. That said, it would be helpful for the assessment team to interview individuals involved in the legislative process and to obtain up-to-date information about relevant pending legislation (either pro or contra CEDAW).

## *Project Description*

As is apparent from a review of the De Jure Assessment Questions and Report Template, the assessment team will be expected to cite the relevant laws relied upon in analyzing a country's compliance with a particular CEDAW article. Also, excerpts from the relevant laws, that is, quotations of the exact language of the relevant law, should be included in the report. Of particular interest is any language that provides for sanctions in the event a particular law is violated.

Finally, the assessment team must assign a score to each De Jure Assessment Question and justify it. This is the heart of the de jure analysis. Without a proper justification, the assignment of a score is largely meaningless. In some cases, it will be clear from a simple reading of the excerpted language of the law that a country's compliance with a particular article is poor or exemplary. But this may not always be the case, and in any event, it cannot be assumed that, based on the text alone, compliance (or non-compliance) will be apparent to a reader with little or no familiarity with a particular country or to someone from a country with a different legal tradition. (See section on scoring below.)

### **2. De Facto Analysis**

After completing the de jure assessment, the next step is to conduct a de facto analysis – an inherently more complicated process. The key to this process is conducting fruitful in-person interviews, although telephone interviews may prove to be the only reasonable means to interview certain individuals (e.g., because of scheduling issues, the cost of travel to remote cities, etc.) To complete this section of the tool, it is expected that a team of individuals (at least two, but preferably more) will conduct interviews with no fewer than 30 individuals. Ideally, a local person with legal and/or investigative experience should conduct the interviews. There is no expectation that more than one person will be present during any given interview. When contacting an individual to arrange the interview, the assessment team or individual assessor should provide a general outline of the issues that will be discussed.

A critical first step in the interviewing process, of course, is identifying which groups and individuals to interview. Possible interviewees include: human rights NGOs, women's rights NGOs, government officials and ministries, trade unions, media representatives, law enforcement officials, judges, prosecutors, law professors, bar association members, social workers, and individuals working at women's health clinics and reproductive health organizations. These groups and individuals should provide information on implementation of laws from the viewpoint of those most involved in and affected by a State's compliance with CEDAW. These groups can be identified with the assistance of international organizations, Internet searches, in-country partners, government officials, official and unofficial CEDAW and other reports, and the media.

Whether this assessment tool produces valuable results will be determined largely by the assessment team's ability to identify and interview a proper mix of interviewees. The assessment team should make every effort to contact interviewees who possess a deep understanding of the manifest and more subtle legal, social, cultural and other barriers to the realization of gender equality in the country in question. Some further guidelines on identifying appropriate interviewees include:

- *Elites and Non-Elites:* Conducting a proper assessment will require the assessment team to interview decision makers in the government as well as ordinary men and women whose lives are affected by those in positions of power. While it is expected that many interviewees will be part of the country's "professional class," it is explicitly recommended that the assessment team interview men and women who are less

## *Project Description*

educated and are in the lower half of the socio-economic sphere. Additionally, women who do not work outside the home and unemployed persons in economically depressed areas would provide valuable information about access to social services and available employment opportunities.

- *Urban and Rural:* An assessment that relies entirely on interviews conducted in the capital city is incomplete. More often than not, the experiences of women living in urban areas are not representative of women living in rural areas. Moreover, CEDAW very explicitly addresses the issue of rural women in Article 14. Therefore, the assessment team must plan to conduct interviews outside major population centers.
- *Men and Women:* As the main purpose of CEDAW is to bring about gender equality between men and women, men have a significant role to play when assessing women's de jure and de facto rights. Men are often in public leadership roles and in decision-making bodies that draft, adopt and implement laws and policies that can serve to either promote or hinder the advancement of women. Moreover, men are of course involved in establishing and perpetuating cultural norms – whether considered positive or negative by CEDAW standards. Accordingly, it is imperative that a meaningful number of interviewees are men. With respect to cultural issues, every country will have its own set of cultural issues, including “traditional” or customary practices that restrict, discourage or prevent women's full participation in society. During interviews, the assessment team should seek to identify those stereotypes and practices relevant to their country of study and chronicle this in the de facto section of this assessment tool. It will be important to assess the degree to which women (and of course men) perpetuate these practices to the detriment of women.
- *Older and Younger:* Another factor worth considering in identifying appropriate interviewees is age, as the attitudes toward and treatment of younger women by younger men, for instance, might be quite different from those of older women and men.

The chronology of the interviews can improve the quality of the data. In most cases, NGOs and women's and human rights organizations should be interviewed first, as they are typically most aware of the level of compliance with CEDAW. Their stories may highlight the pertinent areas of concern that should be addressed in subsequent interviews with policy makers.

The interviews with policy makers and government officials should focus on the viewpoint of, and actions undertaken by, the State. Before interviewing the official, it is advisable to review thoroughly the governmental CEDAW country reports and data collected from other human rights groups, both local and international, if available.

Several different methods can be used to record the qualitative data from the interview. The best data will be obtained by recording responses to questions as nearly verbatim as possible. Among other things, this decreases the likelihood of assessor bias. Relying on memory to summarize an interviewee's responses to questions after completing the interview is not recommended. (The assessor will have to determine whether tools such as audio taping equipment, if available, will negatively affect the interviewee's willingness to speak candidly.)

Although the amount of time each interviewee is prepared to devote to an interview will vary, it is suggested that the assessment team count on no more than one hour of questioning, particularly with busy professionals and government officials.

## *Project Description*

Finally, the assessment team must assign a score to each article and sub-paragraph of CEDAW on a scale of one to five (1-5). As is the case with the De Jure Report Template, the score is of far less importance than the analysis and justification that accompanies the score. Additionally, secondary sources relied upon in analyzing de facto compliance with CEDAW and the identity of persons interviewed in connection with the de facto assessment should also be recorded in the De Facto Report Template.

### **3. Scoring**

In implementing the tool, the assessment team will assign a score ranging from one to five (1-5) to the questions contained in the De Jure Assessment Questions and Report Template. The same scoring will be applied when assessing de facto compliance, as recorded in the De Facto Report Template, where the score corresponds directly to the various articles and sub-paragraphs of CEDAW. The scale is as follows:

- 5=Excellent Compliance
- 4=Good Compliance
- 3=Fair Compliance
- 2=Poor Compliance
- 1=No Discernible Compliance

It is expected that only a handful of countries will receive the highest score on any given question (particularly in the de facto section of the tool), while far more will likely receive scores in the lower ranges (e.g., 1 or 2). Also, it is quite possible that Country X would have a higher overall score than Country Y in the de jure assessment, while their positions would reverse in the de facto assessment. Although the questions in the de jure and de facto section are weighted equally, the information and scores in the de facto section are unquestionably more meaningful, since these two analyses can be roughly characterized as measuring “*what is on the books*” versus “*what is the real-life situation.*” Thus, in most cases, one could safely predict that it would be far preferable for a woman to live in a country that scores very high on the de facto section and very low on the de jure section, than the opposite. In practice, one would predict that a country receiving a high score on the de facto section would also likely score high on the de jure section. Less certain is whether a country with a relatively high score on the de jure section would necessarily score high on the de facto section, since passage of progressive, CEDAW-friendly legislation is no guarantee that it is enforced.

An important note about scoring: it is far from the most important aspect of this tool. It is instituted largely for loose, shorthand comparative purposes and for tracking progress in a given country over time. To use an extreme example, it is expected, for instance, that Norway would score far higher than Afghanistan on both the de jure and de facto assessments. What might be more telling, however, is whether, over the course of two years, Afghanistan’s score improved while Norway’s stayed largely the same. It is also expected that by requiring the assessment team to assign a score and justify it, the assessment will be more rigorous than it might otherwise be.

## *Project Description*

### **4. CEELI's Initial and Future Role in Implementing the CEDAW Assessment Tool**

Initially, CEELI will help oversee pilot assessments in a handful of countries (e.g., Armenia). An American lawyer associated with CEELI (e.g., short-term legal specialist or longer-term liaison) will directly oversee all initial assessments. They will be aided by at least one designated member of CEELI's in-country local staff. Whenever possible, CEELI will conduct initial assessments in partnership with a local NGO, ideally one with experience working on women's issues. If an appropriate NGO cannot be identified, CEELI will engage the services of local lawyers or social scientists without any NGO affiliation.

After the assessment has been completed, CEELI will rely on in-house expertise and an informal working group to assess the thoroughness of the assessment, whether the scores appear to be the product of a sufficiently rigorous analysis, whether the assessment team interviewed an appropriate cross-section of people (e.g., urban versus rural), etc. Perhaps most importantly, CEELI will make appropriate revisions to the tool based on feedback from the initial assessment teams.

Once the tool is adequately field-tested and refined, it will be made available to all interested parties via the RIGHTS Consortium website, [www.RightsConsortium.org](http://www.RightsConsortium.org). CEELI will be engaging in discussions with funders about supporting the creation of a standing committee to review all assessments that utilize this tool. Any organization or person that uses the assessment tool and wishes to post its findings on CEELI's online database would be invited to send their reports to CEELI to be evaluated by any such review committee. If funding for such a review committee cannot be obtained, CEELI will nevertheless post the results of the assessment on an online database with appropriate disclaimers, such as CEELI's inability to vouch for the validity of the findings contained in any such submissions.

### **5. Findings**

As noted immediately above, assessment findings will be presented in a database format on the RIGHTS Consortium website. This database will be searchable by country, CEDAW Article, topic area (e.g., violence against women), etc. This will greatly facilitate one's ability to compare compliance among various countries with respect to a number of different variables. The findings will also be distributed in report format to human rights organizations, including appropriate UN entities, indigenous and international women's rights organizations, government agencies and policy makers.

It is expected that dissemination of the results of country assessments will encourage greater usage of the tool by NGOs and international organizations. It is further expected that the findings for a particular country will be useful in raising awareness, and educating legal professionals and citizens about the role of CEDAW in promoting women's rights. Finally, in addition to raising awareness about CEDAW, the findings of an assessment may prove useful to NGOs and individuals presently engaged in lobbying for reforms on any number of women's right issues.

## Part I

### *Article 1*

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

Article 1 provides a comprehensive definition of “discrimination against women” that is applicable to all provisions of the Convention.<sup>2</sup> The meaning of “discrimination against women” encompasses any difference in treatment on the grounds of gender that intentionally or unintentionally disadvantages women, prevents society as a whole from recognizing women’s rights in both the domestic and public spheres, or prevents women from exercising their human rights and fundamental freedoms.<sup>3</sup>

Furthermore, Article 1 distinguishes discriminatory gender-based differentiations from non-discriminatory differentiations by requiring a discriminatory outcome as an element of “discrimination against women.”<sup>4</sup> Thus, the gender-based differentiation is discriminatory and in violation of the Convention only if such differentiation results in a nullification or impairment of equal rights in “human rights and fundamental freedoms in the political, economic, social and cultural, civil or any other field.”<sup>5</sup> For example, temporary special measures to promote women’s opportunities in employment would not be a violation of the Convention and would indeed be consistent with the mandate.

A distinction must also be made in regards to the use of temporary special measures in legislation that increase a woman’s range of options in the workplace, public and private life, and “protective legislation. Temporary special measures are considered non-discriminatory according to CEDAW Article 4 Paragraph 2, because it is serving to promote the advancement of women and to counteract the effects of centuries of discrimination. However, “protective legislation” that aims to “protect” women’s health and safety with regards to pregnancy and reproductive health usually hinders women’s employment opportunities, by restricting working hours and conditions, choice of occupation, etc., through the guise of “protecting” women’s and not men’s reproductive health. This not only ignores men’s potential health risks but also serves to restrict women’s access to jobs.<sup>6</sup>

The CEDAW Committee issued General Recommendation No. 19, which interpreted the meaning of “discrimination against women” to include gender-based violence.<sup>7</sup> The Committee defines the term “gender-based violence” as violence that is directed against a woman because she is a woman or that affects women disproportionately.<sup>8</sup> Such violence includes physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivation of liberty.<sup>9</sup>

Gender-based violence impairs or nullifies rights and freedoms of women, including the right to life; the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; the right to equal protection under humanitarian norms in armed conflict; the right to liberty and security of a person; the right to equal protection under the law; the right to equality in the family; the right to the highest standard attainable of physical and mental health; the right to just and favorable work conditions.<sup>10</sup>

*Examples of Compliance and Non-Compliance*

- The definition of discrimination contained in Article 1 is not explicitly reproduced in any Cameroon legal text.<sup>11</sup>
- The CEDAW Committee called upon the Uzbek government to include a definition of discrimination in their Constitution, as found in Article 1 of CEDAW.<sup>12</sup>

**Article 2**

*States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

Under Article 2, States Parties must commit to eliminate discrimination against women through legislative and other appropriate means.<sup>13</sup> The obligations under Article 2 extend to States Parties' public authorities and institutions, private persons, organizations and enterprises.<sup>14</sup>

The primary obligations in Article 2 are in the legislative sphere. In addition to inserting anti-discrimination clauses in national legislation, the constitution or other suitable legislation of States Parties must include the principle of equality of women with men.<sup>15</sup> States Parties must also eliminate the legal basis for discrimination and protect women's rights by revising existing substantive and procedural laws.<sup>16</sup> The CEDAW Committee recommends that States Parties review and enact legislation that considers traditional, cultural (or otherwise) practices that discriminate against women to be illegal.<sup>17</sup>

The modification of all discriminatory legal norms should be accompanied by a campaign to eliminate discriminatory practices and traditions in the private sphere. Article 3 addresses the role of the government agencies through the "national machinery" in orchestrating and monitoring state action to eliminate discrimination. Also, the State Party is obligated to provide effective recourse through public institutions or national tribunals to address cases of discrimination.

In the non-legislative sphere, States Parties must refrain from practicing discrimination against women and ensure that all public authorities and institutions similarly do so.<sup>18</sup> They must undertake to ensure the practical realization of the principle of equality of women through the implementation of legal or other appropriate measures.<sup>19</sup>

***Examples of Compliance and Non-Compliance***

Paragraph (a): Embody the principle of equality in national constitution or legislation

- The Constitution of Bangladesh prohibits "... discrimination against any citizen on grounds of religion, race, caste, sex or place of birth." The Constitution also states that

## *CEDAW Commentary and Guidelines*

any law that contradicts its principles is automatically void. This, however, does not include personal laws.

- Cameroon's Constitution contains an explicit equality provision: "The State shall guarantee all citizens of either sex the rights and freedom set forth in the Preamble to the Constitution."<sup>20</sup>

### Paragraph (b): Adopt legislation prohibiting discrimination against women

- The Algerian government reports that the principle of equality found in articles 29, 31, 34 and 140 of the Constitution are sufficient enough to combat discrimination against women, and therefore the government has not adopted legislation prohibiting discrimination against women. Furthermore, the report asserts specific legislation prohibiting discrimination against women would contradict the existing equality provision in the Constitution.<sup>21</sup>
- Demanding a dowry is illegal according to Bangladesh's Criminal Code and the Dowry Prohibition Act of 1980 and is punishable by fines and imprisonment.<sup>22</sup>
- Although Jordan has ratified CEDAW and considers it to have the force of law, the state has yet to publish the document in the Official Gazette. Publication in the Gazette is a prerequisite before a document can become legally binding.<sup>23</sup>

### Paragraph (c): To establish legal protections for women through public institutions

- Colombia's *accion de tutela* is a constitutional mechanism that allows individuals to demand protection for their human rights in the courts. The CEDAW Committee has noted that women have increasingly begun to take advantage of this mechanism with the aid of the Ombudsman's Office, which has special units dedicated to protecting the rights of women.<sup>24</sup>
- In Bangladesh a special "Cell Against Violence Against Women" has been established in the Department of Women's Affairs. It provides legal counseling and assistance in civil and criminal cases related to violence against women, including cases of acid throwing, rape, physical assault, trafficking, dowry disputes and cases for "procurement of women for illicit reasons."<sup>25</sup>

### Paragraph (d): Eliminating discrimination by, and within, public authorities and institutions

- According to section 105 of Cyprus' Criminal Code, a public service employee may be liable for "abuse of office" if they are found to have committed a discriminatory act using the authority of their office.<sup>26</sup>
- In India "people's courts" have instituted gender sensitivity training for judicial officials.<sup>27</sup>
- In Bangladesh, the government has established a legal aid fund, available to men and women equally, but knowledge of its existence and procedures for applying are not well

## *CEDAW Commentary and Guidelines*

known. However, according to the official country report, some NGOs provide legal aid and counseling that specifically targets women.<sup>28</sup>

- In China, The Women's Act, adopted in 1992, mandates that "government agencies, social organization, enterprises, institutions and grass-roots organizations in urban and rural areas shall ensure that women are able to exercise their rights under the law, and that the State shall create the conditions necessary for them to do so."<sup>29</sup>

### Paragraph (e): Take all measures to eliminate discrimination by any person, organization or enterprise

- In early 1997, the Women's Affairs Ombudsman was established within the Employment Administration of Luxembourg to receive labor-related complaints against employers.<sup>30</sup>

### Paragraph (f): Modify discriminatory laws or practices

- An amendment to the Cypriot Constitution in 1990 facilitates the reform and modernization of the Family Code in order to merge the provisions of the Convention into the Constitution.<sup>31</sup>
- In Bangladesh, a committee headed by the Minister for Law, Justice and Parliamentary Affairs was created to examine existing laws and revise them to address all forms of discrimination against women.<sup>32</sup>

### Paragraph (g): Repeal all discriminatory penal codes

- In Jordan, a bill was proposed in the Parliament to repeal part of the State's Penal Code that allows a man who has killed or injured his wife because an adulterous situation to be exonerated.<sup>33</sup>
- A woman who commits adultery in Cameroon is subject to immediate punishment. A man is not penalized for adultery unless he committed it inside the family home, or "habitually" committed adultery outside the home.<sup>34</sup>
- The law in Zaire treats women and men who have been found guilty of committing adultery differently. A woman is more severely punished while a man may only be convicted if the actions he committed provoked "serious injury."<sup>35</sup>

**Article 3**

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

Article 3 recognizes that, unless States Parties take active steps to promote women's development and advancement, women will not be able to fully enjoy the basic human rights guaranteed in other international instruments.<sup>36</sup> While Article 2 requires States Parties to take preventative measures against discrimination, Article 3 requires them to implement more proactive and positive measures that promote women's development and advancement in all fields. As Article 4 relates to temporary special measures, Article 3 arguably addresses those measures that encompass the goals of both Article 2 and 4. Although Article 3 refers to political, social, economic and cultural fields, these issues are specifically addressed in subsequent articles. Therefore, the purpose of Article 3 is to develop broader measures such as national machinery to promote advancements in each field.

To fulfill the obligations under Article 3, ministries or other agencies responsible for the advancement of women should rely on the expertise of women in creating programs. When States Parties adopt any programs for the advancement of women, these programs should be known to the public and must be consistent with principles of the Convention.

Furthermore, General Recommendation No. 6 encourages the establishment of a national machinery to promote the advancement and development of women, which should include monitoring progress in the national action plan and compliance with international human rights standards. In many countries, the national machinery may currently lack both human and financial resources due to a lack of commitment by government officials or reduced public spending. In other cases, the national machinery may serve only as an advisory board with little power to influence change in legislation. However, to fulfill the requirements of the Convention, the national machinery must have the ability to hold governments accountable for promoting the advancement of women in all aspects of society. This can be done through the compilation of gender-segregated data and budgets, reporting to legislative bodies, and educating government workers and the public about gender equality by drawing on the principles of CEDAW.<sup>37</sup>

States Parties should be willing to contribute financial resources to the national machinery that promotes the advancement and development of women. Insufficient funding of NGOs, including women's NGOs, makes it difficult for them to build their capacities in order to fulfill their various roles and functions in supporting human rights of women.

### ***Examples of Compliance and Non-Compliance***

#### Activities of the National Machinery (see General Recommendation No. 6)<sup>38</sup>

- In Kyrgyzstan, the Gender Analysis Council reviews and analyzes laws and regulations from a gender perspective. As a result of the Council's work, the office of the President created the National Gender Policy Council in 1998. This Council is responsible for monitoring the implementation of human rights treaties such as CEDAW.<sup>39</sup>

## *CEDAW Commentary and Guidelines*

- In 1997, the government of Cameroon reinstated the Ministry of Women's Affairs and invested it with greater powers of intervention, including a secretariat, a general inspectorate, specialized technical directorates and the establishment of local departments in the provinces.<sup>40</sup>
- According to their 1995 report to CEDAW, the Australian government created the Women's Policy Statement, which contained government initiatives to eliminate discrimination against women and improve the status of women in New South Wales. The Policy Statement contained outcomes, performance indicators, implementation mechanisms, and targets, ensuring a statewide coordinated response to women's policy issues. Monitoring and evaluation were to be carried out by the Ministry, with an annual report submitted to Cabinet. A Women's Information and Referral Exchange has been established within the Ministry that will attempt to address women's needs by supplying information about available resources, government programs and services. This pilot project analyzed statistics gathered through the program over the course of a year and used this to inform policy development. Disadvantaged and rural women were particularly targeted for governmental interventions.<sup>41</sup>
- The Philippine Plan for Gender-Responsive Development, 1995–2025, is the Philippine government's 30-year perspective framework for pursuing full equality and development for women and men.<sup>42</sup>
- In the Philippines, the government produced "The Women's Budget: Philippines, 1995–1996," a document that assessed the resources that the Philippine government, through its various agencies, spends on programs for the advancement of women.<sup>43</sup>
- In the report of the CEDAW Committee's 23rd Session, the Committee suggested that the government of Jordan "consider strengthening the National Commission for Women by placing its existence on a legislative basis, by strengthening its decision-making and enforcement powers and by providing adequate human and financial resources...and [that it] be given the mandate to receive complaints about discrimination."<sup>44</sup>

**Article 4**

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

Article 4 makes it clear that the goal of the Convention is to promote the gender equality of outcome.<sup>45</sup> Recognizing that legal (de jure) equality does not automatically guarantee de facto equality, Article 4 permits States Parties to employ temporary special measures for as long as inequalities continue to exist.<sup>46</sup> Temporary special measures, which are defined as non-discriminatory by Article 4, are permissible because they promote de facto equality of women.<sup>47</sup> Temporary special measures must be applied to implement effectively all the other provisions within the Convention.<sup>48</sup>

A narrow reading of Article 4 suggests that the article merely permits temporary special measures provisions but does not mandate them.<sup>49</sup> However, Article 2 (e) of CEDAW obligates States Parties to "take all appropriate measures to eliminate discrimination against women by any person, or organization or enterprise." Article 3 also reaffirms the commitment to take all appropriate measures to ensure the full development and advancement of women.<sup>50</sup> Taken together, Articles 2, 3 and 4 do, in fact, create an obligation to implement temporary special measures policies in an effort to end discrimination against women.<sup>51</sup>

To promote further de facto gender equality, General Recommendation No. 5 encourages the States Parties to employ more temporary special measures, "such as positive action, preferential treatment or quota system to advance women's integration into education, the economy, politics and employment."<sup>52</sup> Recommendation No. 8 also suggests that States Parties employ temporary special measures of affirmative action to ensure women equal opportunity to represent their governments internationally.<sup>53</sup> General Recommendation No. 23 further advises States Parties to establish quotas and targeted recruitment procedures and appointments to particular posts, such as the judiciary, in order to overcome the cultural barriers that remain, after de jure compliance has been achieved.

The appropriateness of temporary special measures should be evaluated in accordance with the actual existence of discriminatory practices.<sup>54</sup> Thus, once the objective of equality of opportunity and treatment are met, these special measures are no longer necessary and should be discontinued.<sup>55</sup> However, special treatment of women is sometimes the only way to guarantee equality.<sup>56</sup> In such a case, a special measure—for example, measures to protect the rights of women through pregnancy and childbirth—is always necessary and should never be abandoned.<sup>57</sup>

The CEDAW Committee has been concerned that a number of concepts and provisions beneficial to the advancement and equality of women that were formerly in use (such as quotas) are now being disregarded. The Committee recommends States Parties to review all negative attitudes and actions associated with these concepts.<sup>58</sup>

*Examples of Compliance and Non-Compliance*

- In the CEDAW Committee's Concluding Comments to Germany from Session 22, the CEDAW Committee wrote: "A draft bill has been prepared to increase the number of women in federation policy advisory bodies. Further, the under-representation of women in business and industry will be addressed through the elaboration of effective equal opportunity regulations for the private sector."<sup>59</sup>
- According to a shadow report by a Lithuanian NGO, the Lithuanian Social Innovation Fund, the rector of Vilnius University issued a decree in April 1997 that 40-50 percent of the top positions within the university administration would be filled by female candidates.<sup>60</sup>

**Article 5**

***States Parties shall take all appropriate measures:***

***(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of 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.***

In Paragraph (a), even if women’s legal equality is guaranteed and special measures are taken to promote their de facto equality, another level of change is necessary to achieve women’s true equality. Article 5 requires States Parties to strive to remove the social, cultural and traditional patterns that perpetuate gender-role stereotypes and to create an overall framework in society that promotes the realization of women’s full rights.<sup>61</sup>

The extent of the obligations under Article 5 is unclear. Even though States Parties have obligations to modify behavior patterns using all appropriate measures, Article 5 does not define the extent of the behavior patterns that are to be changed, nor does it provide descriptions of what are appropriate measures.<sup>62</sup>

This ambiguity of Article 5 may provide a convenient excuse for inaction for States Parties and obscures their responsibilities in redressing inequalities.<sup>63</sup> In fact, the CEDAW Committee has expressed its concern that some States Parties constantly cite religious principles and cultural norms to justify why the status of women has not kept up with the overall advances of society.<sup>64</sup>

The CEDAW Committee, however, has provided some examples of social and cultural patterns that need to be modified. For example, the CEDAW Committee has expressed its concern with the societal notion that “women who have traditionally performed their roles in the private or domestic sphere have long had those activities treated as inferior,” and that patriarchy overemphasizes the role of women as mothers and role of man as breadwinner.<sup>65</sup>

The CEDAW Committee also considers the practice of female circumcision/female genital mutilation (FC/FGM) as a violation of Article 5 under General Recommendation No. 14. Other traditional or customary practices harmful to women include sex-selective abortion (son preference), dowry and dowry-related crimes, domestic violence, bride price, facial scarring, force-feeding of women, dry sex, early and forced marriage, sexual slavery and honor crimes.<sup>66</sup>

Furthermore, the CEDAW Committee considers polygamous marriage to be a violation of Article 5(a) of the Convention in General Recommendation No. 21.<sup>67</sup> The Committee has condemned polygamous marriage, noting that it “contravenes a woman’s right to equality with men, and can have such serious emotional and financial consequences for her and her dependents.”<sup>68</sup>

Article 5(b) calls on States Parties to ensure that family education includes the proper understanding of the role of maternity as a social function.<sup>69</sup> It is important to ensure the rights of women throughout pregnancy and childbirth, and to ensure that women are not discriminated against due to pregnancy and childbirth. Any policies that provide special treatment for women during pregnancy and childbirth must ensure a beneficial—not negative—effect for women (e.g., maternity leave must not be used by employers as an excuse not to hire women, or to fire them if they become pregnant). Furthermore, women should not be valued solely because of their ability

to reproduce, and their choices regarding maternity, including their right not to bear children, must be ensured and respected.<sup>70</sup> Paragraph Article 5(b) also requires that States Parties recognize the raising of children as a responsibility that should be shared by women and men, and not as a task that is borne by women alone.<sup>71</sup> This requires the development of social infrastructures, such as paternity and parental leave schemes in the workplace, that make the sharing of parental duties possible.<sup>72</sup>

*Examples of Compliance and Non-Compliance*

- In Bangladesh, the animated cartoon program “Meena” has been launched to positively portray the social worth of girl children. It has been widely distributed and is shown on television, cinema halls and by mobile film units of the Mass Communications Department.<sup>73</sup>
- The CEDAW Committee commended India for introducing legislation that bans sex-selective abortions, also known as “son preference.”<sup>74</sup>
- In Cameroon, the Ministry of Women’s Affairs, established in 1997 by Decree No. 97/205, helped institute the celebration of International Women’s Day. The theme in 1998 was “Practices and Customs that Discriminate Against Women.”<sup>75</sup>
- Bangladesh’s Film Center Board censors any scene in a film that shows the giving or receiving of a dowry.<sup>76</sup>

**Article 6**

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

Article 6 of CEDAW requires States Parties not only to pass and implement appropriate legislation to suppress trafficking and exploitation of prostitution, but also to address the root causes of such practices.<sup>77</sup> For example, in General Recommendation No. 19, the Committee expresses its concern that poverty, unemployment and armed conflict increase opportunities for trafficking in women and forces them, and even young girls, into prostitution.<sup>78</sup>

This article addresses trafficking and exploitation of prostitution but does not suggest that States Parties punish women who choose to be prostitutes.<sup>79</sup> In fact, the CEDAW Committee encourages States to remove penalties against women who are prostituted.<sup>80</sup> Prostitution of children and pornography of children are always exploitative and constitute violations of Article 6.<sup>81</sup> The CEDAW Committee recognizes the vulnerability of prostitutes to violence and marginalization in society,<sup>82</sup> and States Parties should provide women with alternatives to prostitution by creating job-training and job-referral programs and the necessary provision of social services.<sup>83</sup>

Furthermore, the CEDAW Committee, in its General Recommendation No. 19, 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 labor from developing countries to work in developed countries, and organized marriages between women from developing countries and foreign nationals.<sup>84</sup> States Parties should take measures against such practices,<sup>85</sup> which according to the CEDAW Committee, are “incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity.”<sup>86</sup> The Committee also recommends that States Parties establish specific preventive and punitive measures to overcome trafficking and sexual exploitation and rehabilitation measures to protect women from sexual exploitation.<sup>87</sup>

The most recent international document dealing with the trafficking of women and girls is the Trafficking Protocol, supplementing the United Nations Convention against Transnational Organized Crime.<sup>88</sup> Although this consensus document provides a comprehensive definition of “trafficking in persons,” some consider it controversial because of “consent” issues relating to women who have been trafficked. This will enter into force after 40 States have ratified it, but as of this writing, only four states have done so.

According to Article 3(a) of the Trafficking Protocol, “trafficking in persons” means “the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>89</sup>

The Trafficking Protocol sets forth the following three elements of trafficking.

- 1) The perpetrator of trafficking is involved in a process of recruitment, transfer, transportation, harboring, or receipt of a person.
- 2) The perpetrator achieves this goal by use or threat of force, coercion, abduction, deceit, abuse of power or inducement to obtain consent of the victim.

3) The recruitment, transfer, transportation, harboring, or receipt of a person must be accompanied by the intent to exploit the victim.

*“Exploitation”* in the context of trafficking in humans is not limited to exploitation of prostitution or sexual exploitation, but it also includes forced labor or services, other slavery-like practices, and removal of organs.<sup>90</sup> Furthermore, Article 3(b) of the Trafficking Protocol states that the consent of the victim is irrelevant where the perpetrator uses means listed in Article 3(a).<sup>91</sup> Where a victim is under eighteen years old, any act of recruitment, transportation, transfer, harboring or receipt for the purpose of exploitation itself constitutes trafficking regardless of means used by the perpetrator to procure the victim.<sup>92</sup>

Although *“prostitution”* is not defined in any international instruments, it is commonly interpreted as *“any sexual act offered for reward or profit.”*<sup>93</sup>

*“Exploitation of prostitution”* is defined as a form of slavery where money made through prostitution is passed on a systematic basis to anyone other than the prostitute.<sup>94</sup>

### *Examples of Compliance and Non-compliance*

- The 1994 Dutch Criminal Code, Section 250, prohibits trafficking in women "when inducing another person into prostitution involves violence, threat, abuse of authority, or deceit." The current maximum sentence for trafficking is up to six years imprisonment. However, a sentence of ten years imprisonment may be imposed in cases involving "severe physical violence or organized forms of trafficking."<sup>95</sup>
- In Georgia, prostitution is not a criminal offence under existing legislation. However, the keeping of brothels, the "enticement of women into depravity" and procurement are punishable offenses under various legal codes. The President of Georgia established a rehabilitation center to which under-age women and girls who were prostituted will be sent.<sup>96</sup>
- In Nepal, Chapter II of The 1990 Constitution and Civil Code, titled "Human Trafficking," forbids the trafficking and sale of women and other forms of slavery. Violation of this law carries a prison sentence of up to 20 years. The National Legal Code, *Mulukai Ain*, also contains provisions against international and national trafficking in human beings. The Traffic in Human Being Control Act of 1986/87 forbids the sale of "human beings with any motive," the transport of "any person abroad with intent of sale," and "conspiracy for committing any of the acts mentioned." The penalties are identical whether or not the offense occurs in Nepal or in another country.<sup>97</sup>
- According to Bangladesh's 1997 Report to CEDAW, the rape laws apply equally to prostitutes though they are rarely applied in practice. The report asserts that this is likely due to the difficulties the authorities have in establishing proof of rape in such cases. In addition, prostitutes in Bangladesh are often subject to harassment and violence from the police themselves.<sup>98</sup>

*CEDAW Commentary and Guidelines*

- According to Article 343 of Cameroon's Criminal Code, "Anyone of either sex who habitually engages in sexual acts with others, for remuneration, shall be liable to imprisonment for six months to five years and a fine of 20,00 to 500,000 francs."<sup>99</sup>

## Part II

### Article 7

*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-governmental organizations and associations concerned with the public and political life of the country.*

According to General Recommendation No. 23, the obligations specified under Article 7 extend to all areas of political and public life and go beyond those areas specified in Paragraphs (a)-(c) of the Article.<sup>100</sup> For example, the concept of political and public life refers to the exercise of political power in executive, legislative and judicial spheres, but it also covers activities of civil society, including political parties, trade unions, professional or industry associations, as well as other organizations concerned with public and political life.<sup>101</sup> General Recommendation No. 23 advises States Parties to develop temporary strategies to increase women's political participation, such as targeted recruitment of female candidates, financially assisting and training such candidates, amending electoral procedures, and appointing women to public positions that hold significant decision-making abilities to affect society.<sup>102</sup>

Equality in political and public life under Article 7 requires the establishment of an electoral democracy.<sup>103</sup> The right to participate in an electoral democracy has been established in other international human rights instruments.<sup>104</sup> The CEDAW Committee emphasized this right in its General Recommendation No. 23, stating that "[t]he equality under Article 7 must be achieved within the framework of a political system in which each citizen enjoys the right to vote and be elected at genuine periodic elections held on the basis of universal suffrage and by secret ballot, in such a way as to guarantee the free expression of the will of the electorate."<sup>105</sup>

Article 7(a) reaffirms the right of women to vote in all elections and to be eligible for all elections, a right already enshrined in other international human rights instruments, particularly in the 1952 Convention on the Political Rights of Women.<sup>106</sup> Of particular importance for women is the right to vote anonymously and the prohibition of "proxy voting" whereby the husband can vote for the wife.<sup>107</sup> Women who are not allowed to vote anonymously are often prevented from expressing their own opinions because they are pressured to vote in the same way as their husbands.<sup>108</sup> In addition to political and public rights guaranteed in other instruments, Article 7(a) of the Convention explicitly enshrines the right to vote in public referenda.<sup>109</sup>

The CEDAW Committee described several factors that impede the right of women to vote. For example, women tend to have less access than men to information about candidates or political parties, voting procedures and other information about the relevant political system.<sup>110</sup> Women also have limited time or opportunity to follow electoral campaigns and to exercise their vote due to their double burden of work (both paid employment and work in the home) as well as due to financial constraints.<sup>111</sup> Moreover, many traditions and cultural stereotypes discourage women from exercising their right to vote.<sup>112</sup>

The CEDAW Committee states that "the enjoyment of the right to vote by women should not be subject to restrictions or conditions that do not apply to men or that have a disproportionate impact on women."<sup>113</sup> For example, measures to limit the right to vote to persons who have a

## *CEDAW Commentary and Guidelines*

specified level of education, who possess a minimum property qualification or who are literate are violations of Article 7(a).<sup>114</sup>

States Parties should take measures to eliminate barriers to equality in political and public life, including those resulting from illiteracy, language, poverty and impediments to women's freedom of movement.<sup>115</sup> States Parties should remove all barriers that prevent women from exercising their right to vote and to be elected.<sup>116</sup>

Article 7(b) seeks to ensure two different rights of women concerning political and public life: the right to participate in formulation of government policy and the right to hold public office. Article 7(b) intends to promote the meaningful political participation by women rather than merely nominal representation in political and public life.<sup>117</sup>

First, States Parties must take measures to ensure women's right to participate in the formulation of government policy. General Recommendation No. 23 emphasizes that States Parties have an obligation to appoint women to senior cabinet and administrative positions and to incorporate women's view and interests in policy formulation.<sup>118</sup> States Parties also have an obligation to identify and overcome barriers to women's full participation in the formulation of government policy, including traditional and customary attitudes that discourage women's participation.<sup>119</sup> The Committee points out that the State Party has a responsibility to take initiatives to guide public opinion and change attitudes that discriminate against women or discourage women's involvement in political and public life.<sup>120</sup>

### *Integrating Article 4 (Temporary Special Measures)*

The Committee strongly encourages States Parties to use temporary special measures mandated in Article 4 to increase women's participation in decision-making processes.<sup>121</sup> In addition, the Committee recommends that States Parties adopt a rule that neither sex should constitute less than 40 percent of the members of a public body, and to consult with women's organizations to ensure that qualified women are nominated for membership in public bodies and offices.<sup>122</sup>

### *Integrating Article 2 (Eliminating Discriminatory Laws)*

Second, States Parties must take measures to ensure women's right to hold public office and to perform all public functions. Laws excluding women from exercising royal powers, from serving as judges in religious or traditional tribunals or from full participation in the military deny the advantages of women's involvement and skills in these areas and violate the Convention.<sup>123</sup> The Committee recommends that States Parties take measures that ensure women's enjoyment in practice of the equal right to hold public office and ensure that recruiting processes directed at women are open and subject to appeal.<sup>124</sup>

### *Integrating Article 3 (Promoting the Advancement of Women)*

In addition, under Article 3 (promoting the advancement of women), as well as under Article 7(b), States Parties should encourage political parties to provide information, financial and other resources, to promote women's full participation and representation in political and public life.<sup>125</sup> Both under Article 7(c) and Article 7(b), political parties should further ensure, through adoption of temporary special measures, that women have an equal opportunity in practice to serve as party officials and to be nominated as candidates for election.<sup>126</sup> The CEDAW Committee further encourages other organizations to take initiatives to ensure women's full and equal participation within their organizations and to provide training for women in political skills, participation and leadership.<sup>127</sup>

*Women in the Military*

The military often plays a major role in the lives of citizens. It provides educational and skills training opportunities, jobs, and comprehensive social and economic benefits. In addition, when women are excluded from the military, their role in decision making in foreign policy and the use of force, peace-keeping, budget allocations, etc., are curtailed. CEDAW requires that States Parties ensure equality for women in the military.

*Examples of Compliance and Non-Compliance*

Paragraph 1(a): Right to vote

- In addition to the constitutional provision that guarantees to all Moldavian citizens the right to vote, numerous other international conventions that guarantee women's political rights have been ratified by Moldova.<sup>128</sup>
- In the 1996 local elections in subdistrict Chayalnaiya in Cameroon, village headmen and religious leaders issued a *fatwa* (a religious decree) to discourage women from going to polling centers to vote. As a result more than 6000 women could not exercise their right to vote.<sup>129</sup>

Paragraph 1(b): Right to formulate policy and hold public office

- In Luxembourg, according to the Act of 12 December 1972, no one may seek to prevent his or her spouse from holding public office, even in the likelihood of "serious detriment" to the material or other interests of the spouse in question or those of their minor children.<sup>130</sup>
- Due to temporary special measures in place in Bangladesh's parliament, 30 seats are reserved for women, in addition to the 300 available seats. Women occupy four of the 24 ministerial positions: the Prime Minister, the Minister of Agriculture and Water, Environment and Forestry and the Minister for Education.<sup>131</sup>

Paragraph 1(c): Right to participate in NGOs and in the public life of the country

- In Colombia, a 1993 census showed that one-third of the trade union members of the United Federation of Workers were women. In their 1994 Congress they discussed the role of women within the organization. Some of the participants pointed out that women are often assigned to secondary tasks, are not involved in decision making, and their leadership and management capacities are not developed.<sup>132</sup>
- In the Philippines, the peasant women's coalition, *KaBaPa*, has been active in electoral literacy through the production of voters' manuals and their translation into various Philippine languages and dialects. They also conduct study sessions for its members to discuss pressing political matters, such as foreign debt.<sup>133</sup>
- In Lithuania, the national Law on Charity Funds does not allow NGOs to generate income, or for the private sector to donate funds to support salaries or programming. Many NGOs are canceling activities due to lack of funding.<sup>134</sup>

## *CEDAW Commentary and Guidelines*

- In Cameroon, statistics have been gathered to determine the extent of women's participation in the legal profession. Women make up 16% of judges, 19% of barristers, 5.9% of bailiffs and 38% of notaries.<sup>135</sup>

### Women in the Military

- Luxembourg's Act of 17 November 1986 amended the Act of 23 July 1953, giving women the opportunity to volunteer to serve in a number of jobs that are filled by army volunteers, such as, non-commissioned officers, military bands, prison guards, officers of the gendarmerie and the police force.<sup>136</sup>

**Article 8**

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

The globalization of the contemporary world makes the equal participation of women at the international level increasingly important.<sup>137</sup> The inclusion of a critical mass of women in all areas of international affairs will make a difference in the policy and decision-making processes.<sup>138</sup> Nevertheless, as the CEDAW Committee points out, women are still grossly under-represented at the international level, and sometimes not at all.<sup>139</sup> Article 8 requires States Parties to ensure the opportunity for women to participate at all levels and in all areas of international affairs, including economic and military matters, multilateral and bilateral diplomacy, official delegations to international and regional conferences, and missions of international organizations.<sup>140</sup>

To achieve the goal of Article 8, the CEDAW Committee, both in its General Recommendations Nos. 8 and 23, specifically recommends that States Parties employ temporary special measures as envisaged in Article 4.<sup>141</sup> In General Recommendation No. 23, the Committee further recommends that States Parties establish objective criteria and processes for appointment and promotion of women to relevant positions and official delegations.<sup>142</sup> States Parties should also take steps to change traditional, customary and stereotyped attitudes towards women's role in society that prevent them from representing their governments at the international level.<sup>143</sup>

***Examples of Compliance and Non-Compliance***

- Cameroon's initial report to the CEDAW Committee provided statistics on the level of women's participation on the international level. The statistics show under-representation in all areas, including the percentage of women occupying diplomatic posts in the President's office, the percentage of women holding senior posts in the Ministry of External Relations, the percentage of women in diplomatic missions, the percentage of women in the various diplomatic grades and the percentage of women in international organizations.<sup>144</sup>

**Article 9**

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.**

Article 9 is based on Article 15 of the Universal Declaration of Human Rights, which guarantees everyone the right to a nationality.<sup>145</sup> As the CEDAW Committee points out in General Recommendation No. 21, nationality is critical to full participation in society.<sup>146</sup> A woman's nationality affects her right to vote and to stand for public office.<sup>147</sup> It may affect her choice of residence and her access to public services and benefits.<sup>148</sup> In the context of this Article, nationality means citizenship.<sup>149</sup> Article 9 should be read along with Articles 15 and 16 of CEDAW, which respectively deal with equality of women before the law and within the family.

Paragraph 1 requires States Parties to guarantee women equal rights with men to acquire, change or retain their nationality.<sup>150</sup> Furthermore, it states that neither marriage to an alien nor the change of the husband's nationality during marriage shall automatically change her nationality, render the wife stateless, or force upon her the nationality of the husband. This provision elaborates on the 1957 Convention on the Nationality of Married Women, which states that a marriage, its dissolution, or the change of the husband's nationality should not automatically affect the nationality of the wife.<sup>151</sup>

Paragraph 2 requires States Parties to extend women the same rights as men regarding the nationality of their children. In many countries, children automatically receive the nationality of the father. In implementing this article, States Parties must establish formal legal equality between men and women with regard to acquiring, changing or retaining nationality and conferring it upon their spouse or children.

*Dual Citizenship*

A particular difficulty lies in Article 9, Paragraph 2 of the Convention. This provision might lead to the situation whereby a child holds dual nationality, which might or might not always be in the child's best interests.<sup>152</sup> Also, this might lead to a situation whereby the child has no nationality at all when the parents are unable to agree.<sup>153</sup> The best interpretation of Paragraph 2 would be that where a choice is to be exercised as to the nationality of a child the decision maker can take into account the nationality of both parents and potentially the child can acquire either.<sup>154</sup> The provision cannot be taken to mean that parents have an automatic right to choose the nationality of their child or to automatically pass on to the child their own nationality.<sup>155</sup>

***Examples of Compliance and Non-Compliance***

Paragraph 1: Equal right to acquire, change and retain nationality

- According to the initial CEDAW report from Azerbaijan in 1996, Article 5 of the Act on Nationality states, "The marriage of a male or female citizen of the Azerbaijani SSR to an alien or a stateless person, or the dissolution of such a marriage, does not change the nationality of the foreign spouses." Therefore, a change in the nationality of one spouse does not change the nationality of the other spouse.<sup>156</sup>

- Although women and men in Bangladesh have equal rights to acquire, change or retain their nationality and can obtain passports without the signature of their husbands or fathers, Bangladeshi women do not have the same rights as men to transfer Bangladeshi citizenship to their foreign spouse. According to Bangladesh's Citizenship Act of 1951, only the foreign spouse of a Bangladeshi man may receive citizenship.<sup>157</sup>
- The Pakistan Citizenship Act 1951 grants Pakistani citizenship to a foreign female married to a male Pakistani citizen but not to a foreign male married to a female Pakistani citizen. This was challenged in court, but the judge ruled that these provisions did not constitute discrimination because constitutional rights are granted only to citizens, therefore the non-citizen man could not avail himself of constitutional protection against gender discrimination. The judge also decided that “granting citizenship to foreign men who marry Pakistani women would result in an uncontrollable influx of foreigners becoming citizens in an indiscriminate manner – equality must yield to the fundamental rights of the nation at large.” In further support of this ruling, the judge cited a case that has held that the domicile of a married woman must follow that of her husband.”<sup>158</sup>

Paragraph 2: Equal rights when deciding the nationality of children

- Botswana's Citizenship Act grants citizenship to children of married parents only through the father. Thus the children of a Botswana woman who marries a citizen of Botswana will be citizens, while the children of a Botswana woman married to a refugee or stateless person will have no nationality. Thus, Botswana denies its female citizens the ability to pass their nationality to their children.<sup>159</sup>

### Part III

#### *Article 10*

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

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs 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 dropout rates and the organization of programmes for girls and women who have left school prematurely;*
- (g) The same opportunities to participate actively in sports and physical education;*
- (h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.*

Article 10 requires States Parties to take all appropriate measures to eliminate discrimination against women in the field of education. Essentially, States Parties should reform the education system so that it no longer creates or permits the existence of separate standards and opportunities for males and females.<sup>160</sup> Article 10 recognizes that equality in education forms the foundation for women's empowerment in all spheres, including in the workplace, family and society.<sup>161</sup> Education helps to break down the legacy of discrimination by challenging traditions and beliefs that reinforce gender inequality.<sup>162</sup>

States Parties' obligations under Article 10 can be divided largely into three categories.<sup>163</sup> First, States Parties must take all appropriate measures to ensure equal access to education.<sup>164</sup> Second, States Parties have obligations to eliminate gender-role stereotyping in and through the education system.<sup>165</sup> Third, States Parties are obliged to close the existing gap in education levels between men and women to promote advancement of women.<sup>166</sup>

#### *Equal Access to Same Vocational Guidance*

Paragraph (a) requires States Parties to ensure women and girls the same conditions for career guidance and access to studies as men and boys at all levels of educational and vocational institutions both in rural and urban areas. In many countries, parents do not expect their daughters to have careers outside the home.<sup>167</sup> Consequently, girl-children are encouraged to leave school after completing only a basic or elementary education.<sup>168</sup> States Parties are obligated to take measures to end such practices.

#### *Equal Access to Same Curricula and Facilities*

Paragraph (b), requires the development of specific and effective guarantees to ensure that female students have access to the same curricula, examinations, qualified teachers and school facilities and equipment. Often textbooks used in schools reinforce traditional, unequal stereotypes,

## *CEDAW Commentary and Guidelines*

particularly as they apply to employment and domestic and parenting responsibilities.<sup>169</sup> Teachers may promote this type of gender-role stereotyping by discouraging female students from engaging in mathematics, sciences, sports and other so-called “male” areas of study or activity.<sup>170</sup> Furthermore, the CEDAW Committee in its General Recommendation No. 19 recognizes that traditional attitudes regarding women as subordinate to men or other stereotypes regarding the role of women perpetuate widespread gender-based violence.<sup>171</sup> States Parties should, where necessary, revise textbooks and offer special courses for teachers in order to combat gender-based discrimination.<sup>172</sup> Additionally, Article 10 encourages States Parties to establish a co-education system to further eliminate existing stereotypes and to redress imbalances between men and women working in educational institutions.<sup>173</sup>

### *Equal Access to Scholarships*

Paragraph (d) mandates States Parties to develop specific and effective guarantees to provide female students with opportunities to benefit from scholarships and other study grants.<sup>174</sup> In encouraging parents to provide their daughters with equal education as their sons, States Parties may, for example, design scholarship funds for female students attending universities and technical and vocational schools.<sup>175</sup>

### *Continuing Education and Training*

Paragraph (e) obliges States Parties to ensure that women have equal opportunities to participate in continuing education.<sup>176</sup> Access to continuing education programs is important to redress the imbalance between women and men, particularly in areas of new technology.<sup>177</sup> 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 work.<sup>178</sup>

### *Women and Girls Returning to School*

Under Paragraph (f) States Parties should create programs that give women opportunities to return to school or attend special training courses.<sup>179</sup> In this way, women who did not have the benefit of an equal education in the past will be offered the opportunity to “catch up” and thus to enjoy an equal role in the workplace and in society as a whole.<sup>180</sup> Special attention should be paid to meeting the needs of young pregnant students and young mothers to enable them to complete their education.<sup>181</sup> Programs should also be initiated to enable these women to enter or re-enter the waged labor force.<sup>182</sup>

### *Equal Access and Participation in Sports*

Paragraph (g) seeks to reverse the situation whereby 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.<sup>183</sup>

### *Health and Family Life Education*

Paragraph (h) entitles women and girls to receive education relating to health and family life.<sup>184</sup> This provision guarantees women and girls access to information and counseling concerning family planning to allow them to decide on the number and spacing of their children.<sup>185</sup> This provision intends to enable them to participate equally in matters connected with family life.<sup>186</sup> This paragraph is based on the right of women to be informed about reproductive health matters, and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertilization which are not against the law, as recognized by the International Conference on Population and Development.<sup>187</sup> This rests on the basic right of all couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so.<sup>188</sup> Women should be provided with other reproductive health information and

education, for example, about sexually transmissible infections, sexual violence and coercion, and their reproductive rights as part of human rights.<sup>189</sup>

Moreover, the CEDAW Committee, in its General Recommendation No. 14, recommends that States Parties introduce appropriate education and training based on research findings about the problems arising from FC/FGM and other practices harmful to women.<sup>190</sup> Additionally, because disabled women suffer a double discrimination linked to their special living conditions, the Committee also recommends, in its General Recommendation No. 18, that States Parties ensure that disabled women have equal access to education.<sup>191</sup>

### *Examples of Compliance and Non-Compliance*

#### Paragraph 1(a) : Equal access to career and vocational training and studies

- China's Constitution guarantees that women "enjoy equal rights with men in the area of education. Such equal rights apply, *inter alia*, to school enrollment, promotion to higher educational levels, post-graduation work assignments, awarding of academic degrees, and continued education on a broad scale."<sup>192</sup>
- In Hungary, Article 4 of Act LXXIX of 1993 on Education declares that "all forms of discrimination are prohibited in public education on any basis, especially color, gender, religion, national or ethnic identity, political or other convictions, national, ethnic or social origin, wealth, age, birth or other situations of the child or the child's relatives."<sup>193</sup>
- In the United States, Titles IV and VI of the Civil Rights Action of 1964 guarantees equal education opportunities for all students in all levels. The Department of Justice continues to litigate in cases of segregation or unequal opportunity. One such case is the admissions policy of the Virginia Military Institute and the Citadel (Military College of South Carolina), both public universities that continued to deny entry to female applicants. The male-only admissions policy was found to be in violation of the Equal Protection Clause of the U.S. Constitution and was overturned.<sup>194</sup>

#### Paragraph 1(b): Access to the same curricula, teacher training, facilities and equipment

- In Bangladesh, contrary to the law stating that the same curricula should be followed by both sexes, some subjects are restricted to boys. In institutions of higher learning, women can study agriculture but cannot study marine engineering because such institutions do not have facilities to accommodate women. According to the official report to CEDAW Committee, "Women lack information about the existing options, the facilities available to accommodate women are often inadequate and the perceived gender role and division of labor influences the selection of subjects for girls and boys."<sup>195</sup>
- Also in Bangladesh, facilities for girls' schools often lack common rooms or sports facilities and science laboratories compared to boys' schools.<sup>196</sup>

Paragraph 1(c): Textbook revision to eliminate gender stereotypes

- In Azerbaijan, Article 3 of the Education Act stipulates, "Citizens are guaranteed the right to education regardless of sex. At all levels of the school system, education is provided on issues relating to equality between men and women; special emphasis is placed on ensuring that teaching aids and textbooks do not reflect discriminatory attitudes vis-à-vis either sex."<sup>197</sup>

Paragraph 1(d): Equal access to scholarships and grants

- In Azerbaijan, by law, scholarships are awarded in equal proportions to students in establishments of higher education, special secondary education and vocational and technical education, regardless of their sex.<sup>198</sup>

Paragraph 1(e): Continuing education programs

- The U.S. Federal Adult Education Act was amended in 1978 to provide means to enable all adults to acquire the basic skills necessary to function in society, and to enable adults who so desire to continue their education through completion of secondary school. Since 1975, the majority of participants in this program have been women.<sup>199</sup>
- In Lithuania, by law, women and girls who left school before obtaining their diplomas have the opportunity to participate in non-formal adult education classes. However, there is no budget in the Ministry of Education and Sciences to fund these classes.<sup>200</sup>

Paragraph 1(f): Measures to decrease drop-out rates among female students

- The U.S. Perkins Act of 1992 authorizes the use of a certain amount of states' federal vocational education funds for single parents, displaced homemakers and single pregnant women to help them continue their education. It also requires states to appoint a sex equality coordinator to oversee gender equity in vocational education programs.<sup>201</sup>

Paragraph 1(g): Participation in sports and physical education

- In the United States, Title IX of the 1972 Education Amendments prohibits discrimination in sports based on sex by any institution that receives federal funds.<sup>202</sup>

Paragraph 1(h): Sexual health education

- The Luxembourg movement of Family Planning and Sex Education offers sex education in numerous secondary schools.<sup>203</sup>
- In Cameroon, among the measures recommended by the government in its population policy enacted in July 1992, sex education for girls was of major emphasis. However, Act 80/10 of July 14, 1980, which prohibits "encouraging abortions by the sale or distribution of abortion equipment or by written materials," could be a legal barrier to a comprehensive policy of reproductive health education.<sup>204</sup>

**Article 11**

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

- (a) The right to work as an inalienable right of all human beings;**
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;**
- (c) The right 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.**

Paragraph 1(a), the right to work, is often guaranteed to women in national legislation, but with the stipulation that her husband agree, which effectively nullifies this right and relegates her to the status of a legal minor. Any restriction on a woman's right to work is inconsistent with CEDAW. In some countries, laws prohibit women from leaving the home without their husband or fathers' presence or permission. Other laws prohibit a woman from being in the company of men not related to her, thus restricting her right to work.

Paragraph 1(b) mandates that States Parties must guarantee to women the same employment rights and opportunities as men. It is not sufficient for the State Party to outlaw discriminatory hiring practices.<sup>205</sup> Equal employment opportunities presume, among other things, equality of opportunity to prepare for employment through education and vocational training.<sup>206</sup> In the recruitment process, women must be subject to the same hiring criteria as men.<sup>207</sup> Indirectly discriminatory criteria for employment often favor candidates based on traditionally perceived masculine characteristics or qualities that are not directly necessary for the job (e.g., physical strength over dexterity). Though non-discrimination clauses in labor codes may exist, they often do not specifically call attention to discrimination against women, as opposed to "discrimination based on sex," which in practice usually does not prevent discrimination against women.<sup>208</sup>

Furthermore, Paragraph 1(b) obligates States Parties to eliminate discriminatory laws or provisions that may exist in other bodies of law that effectively restrict women's employment opportunities. Frequently, banking regulations and property ownership laws restrict women from accessing credit that would help them to start businesses. [See Article 13, Paragraph 1(b).] CEDAW calls on States Parties to support women's entrepreneurship through the creation of a conducive legislative and regulatory environment for providing women with access to loans and credits.<sup>209</sup>

Paragraph 1(c) states that women must have the freedom to select a profession and must not be automatically channeled into traditional "women's work." To this end, States Parties must provide women full equality in education and employment opportunities, and they must work towards the creation of social and cultural patterns that promote the presence of women in many different types of careers.

*Protective Laws Restrict Women's Occupations (see Article 2)*

Although women's right to a free choice of profession may be contained in the constitution, so-called protective laws often restrict women from certain jobs because of "dangerous working conditions." These protective laws are often de facto discriminatory because they often restrict women from "unsafe" working conditions usually found at non-traditional job sites. Additionally, these protective laws also prevent women from participating in apprenticeships, vocational training programs, and re-training programs. As a result, women's access to the labor market as a whole is curtailed.<sup>210</sup> As mandated in Paragraph 1 (f) restrictions placed on female employees working in unsafe working conditions should apply to all employees, men and women equally.

*Temporary Special Measures (see Article 4)*

CEDAW further recommends that States Parties pass legislation that includes temporary special measures to increase the number of women in the national government administration and in policy advisory bodies. Likewise, the under-representation of women in management positions in industry and business should be addressed through the expansion of effective equal opportunity regulations for the private sector. "Voluntary" compliance with government regulations is not adequate to ensure actual compliance.<sup>211</sup>

Paragraph 1(d) states that women must receive equal pay and benefits for equal work. CEDAW Recommendation No. 13 also provides that States Parties should develop job evaluation systems based on gender-neutral criteria, which would facilitate a comparison of work and value of jobs predominated by men and by women.<sup>212</sup> Moreover, contract laws should have clauses that prohibit discrimination against women based on criteria not directly related to the job requirements and linked to traditionally male attributes, such as physical strength instead of dexterity. All provisions in Paragraph 1 (d) should apply to women who work in both public and private sectors, including family-owned businesses, where women are not always paid.<sup>213</sup>

Paragraph 1(e) guarantees women equal rights with men to receive social security benefits when unemployed, retired or incapable of work<sup>214</sup> and the right to paid leave.<sup>215</sup> In many countries, men's and women's official retirement age differ, sometimes by five or ten years. This reduction in work years can affect not only pension benefits but also pay scale and advancement opportunities in a woman's career.

Paragraph 1(f) mandates the right to protection of health and to safety in working conditions, including the safeguarding for the function of reproduction, which is somewhat controversial. Any law that protects female workers' reproductive capacity should not contain any provisions that purport to safeguard women's health and safety but are indirectly discriminatory towards

female workers and inhibit their marketability in the job market. For example, such discrimination would include restrictions on working hours or conditions that are harmful to all workers, not just women, yet only women are restricted from working in them.<sup>216</sup> Some countries have passed progressive national laws that guarantee all workers “safe and healthy working conditions” without regard to gender or pregnancy.<sup>217</sup>

*Sexual Harassment*

Sexual harassment is considered a health and safety issue, as well as a form of gender-based violence.<sup>218</sup> General Recommendation No. 11 calls on all States Parties to report on laws that prohibit sexual harassment in the workplace. Such laws should stipulate that the petitioner should not disproportionately bear the burden of proof in such cases. Additionally, CEDAW General Recommendation No. 19 states: “Sexual Harassment includes such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.”

Sexual harassment legislation should provide protection against retaliatory dismissal and the right to bring legal claims, including class action complaints, and it must ensure that the plaintiff does not disproportionately bear the burden of proof.<sup>219</sup>

Paragraph 2(a) states that women in the workplace must be protected from discrimination based on marital status or maternity.<sup>220</sup> States Parties must have legislative and implementing measures to prohibit employers from using pregnancy or marital status as a criterion in the hiring or dismissal of women employees.<sup>221</sup>

Paragraph 2(b) guarantees a woman’s right to paid maternity leave. A legal right to maternity leave now exists in most countries but varies in its duration and cash benefits.<sup>222</sup> While the purpose of maternity protection is to ensure that pregnancy and motherhood do not constitute obstacles to the right to work, many women continue to face direct and indirect discrimination because of existing maternity protections.<sup>223</sup> For example, in some countries employers periodically require women to take pregnancy tests to prove that they are not pregnant, or they simply hire only women who are sterilized.<sup>224</sup> Indirect discrimination is more likely to occur when employers, rather than social insurance or public funds, have to pay the cost of maternity leave and are therefore more reluctant to hire women.<sup>225</sup>

In Paragraph 2(c), States Parties are obligated to take measures that allow parents to combine family obligations with work responsibilities by giving them benefits such as paid maternity and parental leave, child-care subsidies and special health protection during pregnancy.<sup>226</sup> Laws that restrict the use of social services (especially child care services) to “mothers” only, reinforces gender-role stereotypes.

Paragraph 2(d) guarantees “special protection to women during times of pregnancy.” This is based on a long history of International Labor Organizations’ Conventions that have “protective” provisions that guarantee pregnant (and breastfeeding) women protection from dangerous working conditions.

*Maternity and International Conventions*

International Labor Organization (ILO) Convention No. 183, Maternity Protection<sup>227</sup> and the ILO No. 191, Maternity Protection Recommendation,<sup>228</sup> provide the most recent international

standards concerning the health of pregnant women in workplace. The scope of the Maternity Protection Convention is broader than that of the CEDAW. While the Article 11.2 (d) of CEDAW only covers pregnant women, the protection under Maternity Protection Convention extends to nursing mothers.

Article 3 of the Maternity Protection Convention requires Member States to ensure pregnant or breastfeeding women are not obliged to perform work that a competent authority has determined to be prejudicial to the health of the mother or the child, or upon an assessment of a significant risk to the mother's or her child's health.<sup>229</sup> Maternity Protection Recommendation states that Article 3 is applicable particularly when pregnant or nursing women's work involves the following: manual lifting, carrying, pushing or pulling of loads; exposure to biological, physical agents that represent a reproductive health hazard; work requiring special equilibrium; physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration; and types of work that a medical certificate declares to be incompatible with pregnancy or nursing.<sup>230</sup> If a pregnant or nursing woman's work involves any of these tasks, the Maternity Protection Recommendation suggests that Member States provide an alternative to such work through the elimination of risk, an adaptation of her conditions of work, or a transfer to another post without loss of pay, benefits or paid leave.<sup>231</sup>

Health and safety protections should be in place for all employees, both male and female. Furthermore, women should be given full information about potentially hazardous work conditions and the right to make informed decisions regarding her employment, as well as assurances that any special treatment may not be used to discriminate against them.

Paragraph 3 requires States Parties to periodically review protective legislation in light of scientific and technological knowledge. A periodic review is necessary to eliminate non-scientific-based "protective" measures that discriminate against women and limit their employment opportunities, and are not supported by scientific data.<sup>232</sup> The mechanism to review protective measures should be written into law. In some countries, systems for legislative reviews may not be in place, or limited to certain restrictive conditions, thus making this type of review difficult. Frequently, ILO Conventions and non-discrimination laws need to be reconciled.

#### *International Conventions*

Article 11 consolidates many labor and employment rights of women incorporated in the ILO treaties.<sup>233</sup> In fact, the CEDAW Committee stated that States Parties should ratify the major conventions of the ILO concerning women workers and workers with family responsibilities. These Conventions include: No. 45 Employment of Women in Underground Work in Mines; No. 103 Maternity Protection; No. 100 Equal Remuneration for Men and Women Workers for Work of Equal Value; and No. 111 Discrimination in Respect of Employment and Occupation.<sup>234</sup> However, it should be noted that protective legislation that has the aim of protecting women's rights to a safe working environment, especially women with nursing infants, or with children, run the risk of providing benefits to women as "mothers" and denying these rights to fathers. This has the dual effect of casting women in the role as primary caretaker of children and ignoring the provisions in Article 11 Paragraphs 2(c) and Article 16 Paragraph (d) that state that both parents have equal rights and responsibilities as parents.

#### **Areas of Concern**

##### *Migrant Women*

The lack of proper legal status for migrant women is a significant problem in many countries of the world. Without legal status, they are forced into unsafe and unregulated working conditions not in compliance with ILO Conventions or national law. To combat this, the CEDAW Committee

recommended that States Parties facilitate attainment of work permits by migrant women on an equal basis with migrant men and establish conditions for integration into economic and social life.<sup>235</sup>

*Women in the Informal Work Sector*

Workers who perform work in the informal sector, such as domestic servants, home caregivers and agricultural workers, rarely enjoy rights under Article 11. CEDAW obliges States Parties to guarantee full employment rights to workers in this sector. (See Article 14 Paragraph 1.)

*Disabled Women*

According to General Recommendation No. 18, States Parties must also ensure that disabled women enjoy these rights by law with implementation and enforcement measures written into the law.

***Examples of Compliance and Non-Compliance***

Paragraph 1(a): Right to work

- Despite Article 1 of Zaire's labor code that states that it applies to all people without regard to their sex, Article 3 (c) of the same code requires a woman to get her husband's permission before accepting work. However, another provision in the labor code permits a woman to go to court if she feels her husband is unreasonably objecting to her employment. These cases are rare.<sup>236</sup>
- In Cameroon, Article 223 of the Civil Code and Article 74 of Ordinance 81/02 of June 6, 1981 state that a husband can restrict or prevent his wife's pursuit of a trade, profession and/or economic activity if he objects to it.<sup>237</sup>

Paragraph 1(b): Equal employment opportunity

- Article 3 of Luxembourg's Act of 8 December 1981, states, "...equality of treatment with respect to conditions of access, including selection criteria...must be ensured through regulatory, administrative, and statutory provisions in collective labor agreements, company rules and regulations, and in the statutes of independent professions, as well as in practice."<sup>238</sup>

Paragraph 1(c): Free choice of employment; equal criteria for promotion and benefits, including re-training

- Article 35 of the Constitution in Azerbaijan states that everyone has the right to a free choice of profession, employment and workplace "in accordance with his or her capacity to work."<sup>239</sup>
- Article 6 of the Uzbek Labor Code provides that "no restrictions are permitted in the area of labor relations on the basis of gender..." However, there is a ban on the dismissal of pregnant women and women who have children, and a ban on women's labor in jobs with "unfavorable working conditions," even though the term is not defined. Article 228 prohibits the employment of pregnant women or mothers of children under 14 years of age for night shifts, overtime and weekends and from taking business trips without their husbands' consent.<sup>240</sup>

Paragraph 1(d): Equal pay for equal work

- In addition to ratifying numerous ILO conventions, Cyprus' Law on Equal Remuneration of Men and Women for Work of Equal Value (Law. No. 158/89) passed in 1989, making it a criminal offense to pay men and women unequally for work of equal value.<sup>241</sup>
- In April 1982, the Luxembourg Supreme Court declared void a provision in bank employees' labor contracts that awarded housing subsidies only to married male employees.<sup>242</sup>

Paragraph 1(e): Social security and other benefits

- In many collective agreements negotiated by trade and labor unions in Cyprus, the minimum pay rates in several fields differ by sex, for example, in the food, beverage, construction, clothing, woodworking and metal goods industries.<sup>243</sup> Also a female worker's benefits are lower than a male worker's, because a woman is assumed to be "dependent" on her husband, while he is not considered "dependent" on his wife.<sup>244</sup>
- In Bulgaria, unemployment benefits are guaranteed equally for men and women until they complete 20 years of service when women get 12 months of unemployment compensation, while men receive only 10 months of compensation.<sup>245</sup>
- Luxembourg amended the Social Security Equality Act of July 27, 1987, to include gender-neutral terms. For example, "wife" and "widow" were replaced with non-gender-specific terminology, which allowed both women and men to become eligible for certain benefits. Also, public and private sector employees are now guaranteed the same rights to paid leave, regardless of gender.<sup>246</sup>
- Articles 11 and 14 of CEDAW provide that the right to equal remuneration and all benefits should be equal for men and women, with special regard for rural women and women who work in family business. However, Cyprus' labor code provides social security benefits for all workers, with the exception of female family workers in the agricultural sector.<sup>247</sup>

Paragraph 1(f): The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction

- In the Philippines, the Republic Action 7877 includes a provision that penalizes sexual harassment in the workplace and in educational or training programs.<sup>248</sup>
- In Argentina, Title VII of the Labor Code contains laws that restrict women's access to the labor market, including a prohibition against night work, with two exceptions: "work of a non-industrial nature which should preferably be done by women, and services provided in places of public entertainment at night." Women are also restricted from doing work "of an arduous, dangerous or unhealthy nature," which is not defined in the code.<sup>249</sup>

## *CEDAW Commentary and Guidelines*

- Lithuania's Law on Equal Opportunities established an Ombudsman's Office to monitor implementation of the law and also prohibits sexual harassment and allows for administrative sanctions against persons who commit sexually harassment in both the private and public sphere.<sup>250</sup>

### Paragraph 2(a): Illegal to dismiss because of pregnancy, maternity leave or change in marital status

- Article 17 of Act 90-11 in Algeria's Labor Code states: "Any provision within a collective convention or agreement or a labor contract that establishes discrimination of any kind with respect to work, on the basis of age, sex, social or matrimonial situation, is null and void." Such discrimination is subject to the penalties provided in Articles 142, 143 of the Act.<sup>251</sup>
- Legal protections were proposed in Colombia that would have prohibited dismissal on grounds of pregnancy or breastfeeding. Significantly, these restrictions also would have prohibited dismissal of both mothers and fathers who recently adopted a child recognizing the equal right of both parents to care for their children and to receive relevant benefits.<sup>252</sup>
- In Azerbaijan, the Labor Code prohibits an employer from terminating a labor contract with a woman during pregnancy, maternity leave or period of nursing, or while the mother is caring for a sick child up to the age of three.<sup>253</sup> The Azerbaijani Criminal Code provides criminal penalties for employers who violate the labor rights of pregnant woman and nursing mothers.<sup>254</sup>

### Paragraph 2(b): Right to maternity leave

- In Luxembourg, women have the right to 16 weeks of maternity leave; the employer must keep the woman's position open or provide an equivalent position open with equivalent pay.<sup>255</sup>
- Bulgaria's labor code allocates 120 days of paid leave after the birth of a woman's first child. Similar periods of paid leave are available for women after the birth of subsequent children (150, 180, and 120 days for the next three children, respectively). Furthermore, a woman is entitled to unpaid leave up to two years after the birth of the child. Fathers are only entitled to unpaid leave immediately after the birth of a child. These "special protections" as they relate to unpaid leave discriminate between mothers and fathers, and in reality may discourage employees from hiring women because, by law, once a woman becomes pregnant the employer is required to pay her maternity benefits while she is out of the labor force for up to two years.<sup>256</sup>
- A law implemented in Zaire offers women the right to 14n weeks of maternity leave. However, she is only entitled to two-thirds of her salary and loses her vacation time for that year.<sup>257</sup>

### Paragraph 2(c): Social support measures to help parents share family and work obligations

- Luxembourg has a law that provides insurance for a baby two years after it is born or adopted. Either parent may take advantage of this provision.<sup>258</sup>

## *CEDAW Commentary and Guidelines*

- In 1993, the Japanese Labor Ministry began providing subsidies to those employers who provide and operate child-care facilities at their businesses.<sup>259</sup>
- Under Norway's parental leave "time account scheme," both parents have the option of combining parental leave with reduced working hours, thus extending the period during which they receive parental benefits.<sup>260</sup>
- According to Bangladesh's 1997 report to the CEDAW Committee, six childcare centers have been established in Dhaka for working mothers. The childcare centers also provide primary health care, nutrition and immunizations. The report does not mention if these facilities are available for single fathers.<sup>261</sup>

### Paragraph 2(d): Protection for pregnant women in the workplace

- Luxembourg does not allow employers to assign pregnant or breastfeeding women to physically demanding work or work that would expose them to the harmful effects of noxious substances or radiation, dust, gas, emissions, heat, cold, humidity, impact or vibration.<sup>262</sup>
- Uzbekistan's labor code imposes limits on certain types of employment for women. For example, Article 225 prohibits women's employment in "unfavorable conditions" without defining them. Article 228 further prohibits the employment of a pregnant woman or mother of children under 14 years for night shifts, overtime, weekends and from taking business trips without her husband's consent. These working conditions have not been scientifically proven to be harmful to women and are therefore inconsistent with CEDAW, as they could prevent women from obtaining certain types of employment and generally limit their opportunities in the labor market.<sup>263</sup>
- Panama's Labor Code prohibits women from working underground or in mines, quarries or dangerous and/or unhealthy occupations, as determined by the Ministry of Labor and Social Welfare.<sup>264</sup>
- Article 21 of Iran's Constitution states, "The Government shall be responsible for the safeguarding of the rights of women in all respects in accordance with the principles of Islam, by taking the following measures: ...protection of mothers, particularly in duration of pregnancy and custody of children." These unspecified "protections" could be used to restrict women's right to work.<sup>265</sup>
- Similarly, Article 40 of Croatia's Labor Relations Fundamental Rights Act restricts a woman's right to work overtime or at night if she is pregnant or has a child younger than two years.<sup>266</sup>

### Paragraph 3: Legislative review of protective measures

- Finland has repealed its ban on women working night shifts as well as in the mining industry and has also removed the prohibition against women housepainters in cases where lead white and lead sulfate is used, which is dangerous to all workers, male and female.<sup>267</sup>

**Article 12**

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

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

Paragraph 1 of Article 12 specifically requires States Parties to ensure equality of women and men in access to health care services.<sup>268</sup> Access to health care for women includes access to the quality of health care, access to the health care of her choice, timely and affordable access to health services, guarantees of full information to enable informed decisions about all options, and informed consent that respects her dignity and confidentiality.<sup>269</sup>

Recognizing that women's distinctive biological, socio-economic and psychological concerns affect their health care needs,<sup>270</sup> the CEDAW Committee, in its General Recommendation No. 24, states that States Parties have obligations to *respect*, *protect* and *fulfill* women's rights to health care in their legislative, executive and judicial spheres.<sup>271</sup>

First, the obligation to *respect* rights requires States Parties to remove legal and social barriers that prevent women from making full use of available health care services.<sup>272</sup> For example, any law that requires authorization of husbands or parents for women's access to health services is a violation of Article 12(1).<sup>273</sup> Any law that criminalizes medical procedures needed only by women and that punishes women who undergo those procedures is also a violation of this Article.<sup>274</sup> CEDAW is the first human rights treaty to specifically affirm that access to family planning is a basic right.<sup>275</sup> States Parties must ensure that services and education regarding all methods of family planning are available to both women and men equally.<sup>276</sup>

According to the International Conference on Population and Development held in Cairo (1994), reproductive health and reproductive rights are already recognized in international human rights documents. Furthermore, reproductive rights are not limited to "counseling and care related to reproductions and sexually transmitted diseases" but encompass the enhancement of life and personal relations.<sup>277</sup> Reproductive health eludes many people due to insufficient access to information on reproduction and sexual health, high-risk sexual behavior, and negative attitudes about women and girls and the limited control they have over their sexual and reproductive lives.<sup>278</sup>

*Gender-Based Violence*

Second, the obligation to *protect* rights requires States Parties to prevent and impose sanctions for violations of rights by private parties.<sup>279</sup> Because gender-based violence is a critical health issue for women, the Committee particularly recommends<sup>280</sup> that States Parties enact and implement laws and policies to address violence against women and girl children and ensure the provision of appropriate health services for victims of gender-based violence.<sup>281</sup> States Parties should provide gender-sensitive training for health care workers to detect and manage the health consequences of gender-based violence.<sup>282</sup> States Parties should further establish fair and protective procedures to penalize health care professionals who are guilty of sexually abusing patients.<sup>283</sup> Finally, States Parties should enact and effectively enforce laws that prohibit FC/FGM and marriage of girl children.<sup>284</sup> In addition to measures dealing with health consequences for gender-based violence, States Parties should also ensure that adequate protection and health

services, including trauma treatment and counseling, are provided for women in especially difficult circumstances such as situations of armed conflict.<sup>285</sup>

Third, the obligation to *fulfill* rights requires States Parties to take appropriate measures to ensure that women are able to realize their rights to health care.<sup>286</sup> The Committee noted with concern that more and more States Parties relinquish their obligations as they transfer State health functions to private agencies.<sup>287</sup> States Parties cannot absolve themselves of responsibility in these areas by delegating or transferring these powers to private sector agencies.<sup>288</sup> States Parties should, in particular, provide sexual and reproductive health services and education to both female and male adolescents by qualified personnel in specially designed programs that respect privacy and confidentiality.<sup>289</sup> The CEDAW Committee warns that without the assurance of strict confidentiality, women may be less likely to seek treatment for diseases of the genital tract, contraception or treatment for sexual or physical abuse.<sup>290</sup>

*Disadvantaged Groups: Disabled Women, Women with HIV/AIDS*

In General Recommendation No. 24, as well as in General Recommendation No. 15,<sup>291</sup> the CEDAW Committee recognizes that women's and girls' subordinate position in many cultures puts them at particular risk of HIV/AIDS and other sexually transmitted diseases.<sup>292</sup> States Parties thus should take action to meet the needs of HIV-infected women and to prevent specific discrimination against women in response to AIDS.<sup>293</sup> States Parties should also ensure the right to sexual health information, education and services for all women and girls.<sup>294</sup> States Parties should ensure this right to trafficked victims, even if they are not legally resident in the country.<sup>295</sup>

The Committee also recognizes the difficulties of elderly women and disabled women in receiving adequate health services.<sup>296</sup> Thus, States Parties should take appropriate measures to ensure the access of elderly women to health services that address the handicaps and disabilities associated with aging, including osteoporosis and dementia.<sup>297</sup> States Parties should also take appropriate measures to ensure that health services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity.<sup>298</sup>

Together with the Subcommission on Prevention of Discrimination and Protection of Minorities, the CEDAW Committee has paid special attention to traditional practices harmful to the health of women,<sup>299</sup> including, but not limited to, FC/FGM,<sup>300</sup> dangerous birth practices and son preference (sometimes known as "sex selective abortions").<sup>301</sup> The Committee recommends that States Parties introduce appropriate educational and training programs,<sup>302</sup> develop national health policies aimed at eradicating FC/FGM,<sup>303</sup> and provide support for national organizations working towards this goal.<sup>304</sup>

Article 12(2) recognizes that women need specific health care and services during pregnancy, childbirth and the post-natal period.<sup>305</sup> States Parties must recognize women's needs both as providers and receivers of health care during these times and must ensure that they have access to adequate health care facilities and resources, including adequate nutrition during and after pregnancy.<sup>306</sup> States Parties should allocate the maximum extent of available resources to emergency obstetric services and other safe pregnancy and childbirth care.<sup>307</sup>

### *Examples of Compliance and Non-Compliance*

#### Paragraph 1: Access to health care

- In Bangladesh, in order to ensure adequate health care in rural communities, health centers in each *thana*, or sub-district, are being established. As of 1997, 351 health centers have been established.<sup>308</sup>
- It is against Tanzanian law (Section 151 of the Penal Code) to perform or obtain an abortion. The only circumstance under which it is legal is to preserve the mother's life. Any woman convicted for violating this law can be imprisoned for up to seven years; those performing the procedure, for up to 14 years; and anyone who otherwise assists, for up to 3 years.<sup>309</sup> This restriction on a medical procedure needed only by women is not consistent with General Recommendation No. 24, Paragraph 14.<sup>310</sup>
- In Mexico, the Federal Constitution guarantees all persons the right to health care. In addition, the General Health Law provides that service users have the right to "obtain timely health care of an appropriate quality and to receive professionally and ethically responsible treatment, as well as respectful and dignified treatment from technical and auxiliary health professionals."<sup>311</sup>

#### Paragraph 2: Granting free services and adequate nutrition during pregnancy and lactation

- On June 26, 1991, Belarus adopted Decision No. 248 to improve the clinical examinations of pregnant women. It provides for "the allocation of an incentive grant amounting to 50 percent of the one-time allowance at childbirth for women who register at a women's consultation clinic before the twelfth week of pregnancy."<sup>312</sup>
- According to Lithuania's Law on the National Health System, all people are provided with free health care and services, and women have free access to pre- and post-natal care.<sup>313</sup>

#### HIV-AIDS: Discriminatory laws

- In Israel, a law exists that requires persons in categories defined by the Ministry of Health as "likely to carry HIV," specifically prostitutes, to undergo mandatory testing every six months. If they are found to be HIV positive, they must, "comply with the directives given to him by the physician in charge of the laboratory."<sup>314</sup>

#### Gender-based violence

- In 1996, Burkina Faso's Penal Code prohibited and established severe punishments for practicing FC/FGM.<sup>315</sup>
- The CEDAW Committee Concluding Comments to Lithuania recommended that it amend its criminal code in order to explicitly define rape as "sexual intercourse without consent."<sup>316</sup>

**Article 13**

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:**

**(a) The right to family benefits;**

**(b) The right to bank loans, mortgages and other forms of financial credit;**

**(c) The right to participate in recreational activities, sports and all aspects of cultural life.**

Article 13 recognizes that, unless States Parties guarantee women financial independence, they will not have true equality with men because they will not be able to head their own households, own their own homes, or start their own businesses or carry out other activities on the same basis as men.<sup>317</sup>

The CEDAW Committee, in its General Recommendation No. 18, noted that the right to social security under Article 13 should be guaranteed for disabled women through special measures undertaken by the States Parties.<sup>318</sup>

Many private businesses discriminate against women employees by not giving them the same access to family benefits and insurance as male employees.<sup>319</sup> Under Article 13(a), therefore, States Parties must take steps to guarantee women equal rights to benefits that accrue to the family.<sup>320</sup> Such benefits could be social, economic, or financial and include family allowances, insurance, housing subsidies, childcare and financial or tax credits.<sup>321</sup> In some countries, social security provisions discriminate against single mothers by presuming dependence upon a man, which is prohibited under CEDAW.<sup>322</sup>

Under CEDAW, States Parties must guarantee women equal rights to bank loans, mortgages and other forms of credit.<sup>323</sup> Loan and mortgage companies often impose higher standards on women and require higher premiums or deposits for obtaining credit.<sup>324</sup> Different credit standards should not be applied to women, nor should women be required to obtain the consent of male relatives for credit.<sup>325</sup>

### ***Examples of Compliance and Non-compliance***

#### **Paragraph (a): Right to family benefits**

- Cyprus considered “amending the Social Insurance Law so that in case of the death of the insured person, the transfer of the pension to the surviving spouse will not be subject to discrimination on grounds of sex.”<sup>326</sup>
- In 1995, Cyprus considered lowering the retirement age of women in the Social Insurance Scheme from 65 to 63 years. This provision would limit women’s ability to attain seniority and all accompanying benefits, in addition to limiting her pension benefits.<sup>327</sup>

#### **Paragraph (b): Right to bank loans, mortgages and financial credit**

- Article 7 of Cameroon’s Commercial Code authorizes a husband to put an end to his wife’s economic activity by declaring his objection to the Registrar of the Commercial

Court. This right, if exercised, would have a direct impact on a woman's ability to support herself and any dependents through entrepreneurship.<sup>328</sup>

Paragraph (c): Participation in sports and other cultural activities

- In Algeria, legislation provides that "sports are open to all categories of the population, without distinction as to age or sex."<sup>329</sup> In elementary and secondary schools, physical education is compulsory and graded in the same fashion as other subjects.<sup>330</sup>
- Title IX of United States Code 9 requires institutions of higher education to distribute equally federal funds to encourage men's and women's participation in college sports.<sup>331</sup>

**Article 14**

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

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

**(a) To participate in the elaboration and implementation of development planning at all levels;**

**(b) To have access to adequate health care facilities, including information, counseling and services in family planning;**

**(c) To benefit directly from social security programmes;**

**(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;**

**(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;**

**(f) To participate in all community activities;**

**(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;**

**(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.**

Article 14 intends to protect and promote rights of women living in rural areas according to two UN resolutions<sup>332</sup> that recognized greater needs for social improvements and economic opportunities for rural women.<sup>333</sup> National definitions of “rural area” are often used to compile data.<sup>334</sup>

Paragraph 2 (a) asserts that rural women’s participation in the discussion and strategy-making process is critical for the development of rural areas. In rural areas, women play a central role in both agricultural production and care giving to children.<sup>335</sup>

Paragraph 2(b) was created in response to the concern that health expenditures intended for the most needy, especially for rural women, do not reach them.<sup>336</sup> Rural women’s health has wide implications for rural poverty. An unfavorable health condition of rural women is a detriment to their capacity to produce and secure household food, as well as their ability to look after themselves and their family on an equal basis with men.<sup>337</sup>

*Women with HIV/AIDS*

Women tend to be more vulnerable to HIV/AIDS because they have less secure employment, lower incomes, less access to formal social security, lower entitlement to assets and savings, and little power to negotiate sex.<sup>338</sup> Women are also physically more susceptible to contracting HIV/AIDS than men, and young women and girls are often targeted for sex by men due to myths that sex with a virgin can cure HIV/AIDS, or a belief that men are less likely to be exposed to sexually transmitted diseases by young women and girls. Moreover, the illness of family members due to HIV and AIDS imposes an additional demand on the labor and time of rural women.<sup>339</sup> In such cases, the burden usually falls disproportionately on older women and girls to extend their care giving as part of their responsibilities.<sup>340</sup>

Paragraph 2 (c) requires States Parties to ensure that rural women benefit directly from social security programs. According to the CEDAW Committee, large numbers of women work without pay in enterprises usually owned by a male member of the family.<sup>341</sup> As a result, these undocumented, unpaid workers are not eligible to receive social security benefits from the government. Such unpaid work constitutes a form of exploitation contrary to the Convention.<sup>342</sup> Recognizing that many women work without payment, social security and social benefits in enterprises owned usually by a male member of the family, General Recommendation No. 16 suggests that States Parties include, in their report to the CEDAW Committee, statistical data on the legal and social situation of unpaid women working in family enterprises. It also recommends that States Parties take the necessary steps to guarantee payment, social security and social benefits for women who work without such benefits in enterprises owned by a family member.

In Paragraph 2(d) education is considered the most effective means of overcoming poverty and achieving income equality.<sup>343</sup> The education of girls is particularly important for securing the future socio-economic well being of a country and its people.<sup>344</sup> Studies have shown that education of girls improves household nutrition and reduces fertility and child mortality.<sup>345</sup> Educational extension sites and personnel in rural areas can play a crucial role in extending access to the rural poor, especially women, to education and training in new technologies.<sup>346</sup> However, agricultural extension programs in many developing countries tend to be gender biased. Extension personnel tend to be male, ill-paid, ill-trained, and ill-equipped to provide technical help in a gender-sensitive manner.<sup>347</sup>

Paragraph 2(e) guarantees women equal rights to organize self-help groups and cooperatives. Self-help groups are defined as “an arrangement of a co-operative kind which is not established as a formal co-operative.”<sup>348</sup> CEDAW recognizes that these informal groups are often a vital source of support and economic and social support.

The right “to participate in all community activities” [Paragraph 1 (f)] is fundamental to rural women’s livelihoods. Especially in rural areas where reliance on one’s neighbors and interaction helps a community survive, women’s participation in all community activities is essential. Any restrictions in this area would fundamentally undermine the concept of gender equality and justice within the community.

Paragraph 2(g) provides that States Parties should take all appropriate measures to ensure that rural women enjoy access to agricultural credit and loans. In agrarian economies, arable land is one of the most valued forms of property, for its economic, political and symbolic significances.<sup>349</sup> Not only does land ownership produce capital in the form of agriculture, but it also provides indirect benefits, such as increasing access to credit, helping agricultural labor maintain its reserve price and even push up the aggregate real wage rate.<sup>350</sup> Land also serves as a saleable asset or collateral during a crisis.<sup>351</sup> Promoting women’s property rights would enhance their access to economic resources independently of men and increase women’s ability to challenge male dominance in society.<sup>352</sup> Rights to control land include but are not limited to the ability to decide how the land is used, how its produce is disposed of, whether it can be leased out, mortgaged, and bequeathed.<sup>353</sup>

The term “appropriate technology” refers to “technology acquired for development programs in less developed countries, and takes into account human resources, currency available, impact on the labor market, labor-intensive versus capital-intensive technology, and the social consequences that the specific technology brings into a society.”<sup>354</sup> Technological advances in the agricultural sectors of developing countries have often been carried out without due consideration of local conditions or availability of resources and without consultation with the local people,

particularly rural women.<sup>355</sup> Furthermore, failures in the introduction of technologies have negatively affected the household food security in rural areas, thereby aggravating the poverty.<sup>356</sup>

Paragraph (h) guarantees women the right to enjoy “adequate living conditions...housing, sanitation, electricity and water supply, transportation and communications.” These basic rights to housing and health form the basis for all other human rights, without which life itself could be jeopardized.

#### *Gender-Based Violence and Rural Women*

General Recommendation No. 19 specifically comments on rural women’s susceptibility to gender-based violence:

*Rural women are at risk of gender-based violence because of traditional attitudes regarding the subordinate role of women that persist in many rural communities. Girls from rural communities are at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns.*<sup>357</sup>

Victims of gender-based violence in rural areas face unique challenges. First, rural women suffer from more severe isolation from their nearest neighbor, friend or family member than women in other geographical settings.<sup>358</sup> Rural women also face a lack of available childcare, few job opportunities, inadequate public transportation, distance from shelters and services, and poverty and economic dependence.<sup>359</sup> Moreover, a lack of anonymity and confidentiality in rural areas makes it more difficult for victims of violence to come forward and seek help.<sup>360</sup>

### *Examples of Compliance and Non-Compliance*

#### Paragraph 1: Recognition of rural women

- The political party known as the All-Russian Movement of Rural Women represents the interests of rural women whether they are farmers or rural intelligentsia.<sup>361</sup>
- In Egypt, Article 16 of the Constitution guarantees rural women cultural, social and health care services and requires the State to improve the quality of rural women’s lives.<sup>362</sup>

#### Paragraph 2(a): Participation in development planning

- In Nicaragua, Decree No. 57-97 established the Inter-institutional Committee for Women and Rural Development, a coordinating body for all the governmental and non-governmental organizations that implement programs to assist rural women.<sup>363</sup>

#### Paragraph 2(b): Access to health care

- In Myanmar, the only accessible health facilities for most rural communities are rural health centers with a female midwife who is sometimes assisted by a public health supervisor.<sup>364</sup> Midwives are multi-purpose health workers who perform 17 primary health care tasks, including controlling infectious diseases, providing health and nutrition education, and attending to women’s health care needs.<sup>365</sup>

## *CEDAW Commentary and Guidelines*

- Australia's New South Wales Women's Advisory Council undertook a twelve-month pilot program to identify barriers that prevent aboriginal women in rural and remote areas from receiving regular pap smears. The results showed that lack of knowledge of available services kept aboriginal women in rural areas from accessing mainstream health services in general. These survey results also explained higher levels of youth maternity, obesity, alcohol abuse and other chronic health problems in rural areas.<sup>366</sup>

### Paragraph 2(c): Social Security benefits

- In Greece, Law 1759/88 deals with insurance coverage of uninsured persons.<sup>367</sup> Furthermore, under Law 1541/85, the Agricultural Insurance Organization provides its insured female farmers with benefits for pregnancy and confinement, delivery assistance and child benefits for the third child.<sup>368</sup>
- In Chile the social security system is fully funded by individuals' private accounts. Individuals deposit their contributions into personal accounts that are administrated and invested by private companies.<sup>369</sup> They receive retirement benefits in accordance with the amount in their personal account.<sup>370</sup> Given that most rural women are independent workers and cannot afford to contribute, 51.4 percent of rural women do not have sufficient resources in their account by the time they reach retirement age.<sup>371</sup> Rural women are also more likely not to have access to the minimum pension provided by the state since they have more "blank" periods of employment (when they did not deposit in their personal account), or if waged, they lack the minimum 240 months of contribution required for access to retirement benefits.<sup>372</sup>

### Paragraph 2(d): Access to education and re-training

- In Bangladesh, the Department of Women's Affairs launched the Women's Vocational Training for Population Activists.<sup>373</sup> This project intends to develop income generation skills among rural women. Additional training is intended to encourage small family size and to help women develop leadership qualities for population planning activities.<sup>374</sup> Through the implementation of other projects, the Department of Women's Affairs has also provided rural women with credit to support income generation as well as training on operating vegetable cultivation, and small-scale fisheries and poultry farms.<sup>375</sup>
- In Algeria, the Ministry of Agriculture and Fisheries has provided support and technical assistance to enhance the role of rural women by "adding female staff to the national farm extension system to identify the needs and aspirations of female farm workers and the activities in which they generate incomes ... [and] to design and implement specific programmes for rural women."<sup>376</sup>

### Paragraph 2(e): Encouraging self-help entrepreneurship and cooperatives

- In Uzbekistan, the government provides economic benefits for self-employed rural women such as an exemption from value-added taxes and estate taxes.<sup>377</sup> It also provides rural women with a tax exemption on any profit for a period of two years from the establishment of self-employment.<sup>378</sup>

## *CEDAW Commentary and Guidelines*

- Six agencies<sup>379</sup> within the government of Bangladesh have created self-employment generating programs to help rural women get out of poverty, including programs that give women the opportunity to access credit with little or no collateral.<sup>380</sup>

### Paragraph 2(f): Participation in community activities

- According to Myanmar tradition, all members of the community can participate in community activities, including health, social and community development affairs. One example is the Ayardaw Township in Sagaing Division, which received an award in 1985 for helping the World Health Organization develop sanitation campaigns, natural disaster relief plans, and programs to control communicable diseases and immunization.<sup>381</sup>
- By 1992, Egypt's Rural Women Leaders program trained 1,572 leaders to help raise awareness about health matters and promote literacy.<sup>382</sup>

### Paragraph 2(g): Access to credit and loans

- In Cameroon, the Civil Code explicitly restricts women's right to own or administer their property, thereby undermining the ability of rural women to obtain credit or loans. Article 1421 of the Civil Code states, "The administration of the community property is entrusted to the husband who may sell, transfer or mortgage it without the consent of his wife."<sup>383</sup> Further, Article 1428 states, "The husband shall administer all the personal property of his wife. He may independently exercise any right of action to recover movable property or to protect or recover possessions vested in the wife. He shall be responsible for any physical depreciation of his wife's personal property due to failure to take protective action."<sup>384</sup>
- Although in Guinea women make up only 1% of the borrowers of traditional "mutual credit schemes", 41 percent of borrowers of from micro-level credit lenders, known as *tontines*, are female.<sup>385</sup>
- In Pakistan, where *Shari'a* law is followed, a daughter is only entitled to half the inheritance that a son gets when the parents die.<sup>386</sup>
- In 1997, Nicaragua passed Law No. 209 on stability of ownership. It allows a married couple to jointly own land and have both names on the title. This extends women's access to property title.<sup>387</sup> However, because men typically remain the sole administrators of the jointly owned property, women do not have de facto control over the land, and therefore, this law has little or no effect on empowering rural women.<sup>388</sup>

### Paragraph 2(h): Right to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications

- Australia launched five pilot projects to assist women and children living in rural areas to escape domestic violence.<sup>389</sup> These projects provide support and advice on housing, finances and legal matters. These services are available 24 hours a day by dialing a toll-free number.<sup>390</sup>

## Part IV

### Article 15

1. *States Parties shall accord to women equality with men before the law.*
2. *States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
3. *States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
4. *States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

Article 15 obligates States Parties to ensure women's legal autonomy by guaranteeing them equality with men before the law.<sup>391</sup> Although Article 16 of the International Covenant of Civil and Political Rights guarantees women's equality before the law,<sup>392</sup> it fails to explicitly guarantee women the right to perform legally binding acts on the same terms as men.<sup>393</sup> The scope of Articles 15 and 16 extend to traditional or customary laws that "have failed to accord recognition and dignity to the status of women."<sup>394</sup>

Paragraph 2 guarantees women equal legal capacity with men in civil matters and the same opportunities to exercise that capacity.<sup>395</sup> It gives specific attention to areas of legal capacity, relating to contracts, property and litigation, areas in which women traditionally have been discriminated against.<sup>396</sup> For example, traditional property laws in many countries stipulate that only male children are able to inherit the family land and that the husband has automatic ownership over all of the wife's property upon marriage.<sup>397</sup> Similarly, many countries have laws allowing only the male head of the family to administrate family property.<sup>398</sup> Many legal systems do not allow a woman to enter into contracts in her own right but require the signature of her husband before a contract is considered legally binding, even in cases relating to her own property or earnings.<sup>399</sup>

Therefore, States Parties must take positive steps to ensure women full equality in civil law matters and repeal or amend any laws that have the effect of restricting women's legal capacity.<sup>400</sup> In General Recommendation No. 21, the CEDAW Committee elaborates on the importance of the rights guaranteed in Article 15. The Committee finds a women's legal autonomy is denied when she "cannot enter into a contract at all, or have access to financial credit, or can do so only with her husband's or a male relative's concurrence or guarantee."<sup>401</sup> Such restrictions, in the Committee's view, "prevent a woman from holding property as the sole owner and precludes her from the legal management of her own business or from entering into any other form of contract."<sup>402</sup>

Furthermore, the Committee explains that restrictions relating to litigation, including lack of access to legal advice, lack of legal capacity or unequal testimonial and evidentiary status in the courtroom, limit the woman's right to effectively pursue or retain her share of property and diminishes her standing as an independent, responsible and valued member of her community.<sup>403</sup> Such restrictions also deny women the ability to provide for themselves and their dependents.<sup>404</sup>

In Paragraph 3, States Parties must not only amend legislation and take positive steps to ensure that women have full equality in civil law, but also to render null and void any private agreement that limits women's legal and civil capacity.<sup>405</sup> This provision, for example, protects women in cases where they might, under duress, agree to the limitation of their legal capacity.<sup>406</sup> It is

important to note that the scope of Article 15 is not limited to public laws, but it extends to private agreements that have legal effect.

Paragraph 4 requires States Parties to ensure equality in the law regarding movement of persons and freedom to choose one's own residence and domicile.<sup>407</sup> In General Recommendation No. 21, the CEDAW Committee notes that a woman is not always permitted at law to choose her own domicile.<sup>408</sup> It states: "Any restrictions on a woman's right to choose a domicile on the same basis as a man may limit her access to the courts in the country in which she lives or prevent her from entering and leaving a country freely and in her own right."<sup>409</sup> The Committee recommends that an adult woman should be able to change her domicile at her will regardless of her marital status.<sup>410</sup> Therefore, any law that makes a woman's domicile dependent on her husband restricts a woman's right to choose the place to live regardless of her marital status would constitute a violation of Article 15.<sup>411</sup>

According to General Recommendation No. 21, States Parties should also ensure that migrant women who live and work temporarily in a country have the same rights as men to have their spouses, parents and children join them.<sup>412</sup>

### *Examples of Compliance and Non-Compliance*

#### Paragraph 1: Equality before the law

- In Israel, women are treated equally in civil courts, but in religious courts, which are part of the national judicial system and have jurisdiction over marriage, divorce, and family law, certain provisions restrict a woman's ability to testify or to represent clients. Recently, these provisions were amended after women petitioned the High Court of Justice.<sup>413</sup>

#### Paragraph 2: Identical legal capacity as men, including the right to conclude civil contracts

- According to Israel's Initial CEDAW Report, national law grants women and men "complete formal equality" in public life, which includes owning and administering property in their own name, and concluding contracts relating to credit, real estate and other property. However, marriage and family life is governed by religious law.<sup>414</sup>

#### Paragraph 3: All discriminatory contracts are null and void

- In Israel, the Women's Equal Rights Law of 1951 nullified the religious law that designates husbands as administrators and proprietors of their wives' property. The 1951 law stated that women have the same rights as men, "as if they [the woman] were not married."<sup>415</sup>
- According to Luxembourg's report to CEDAW, since the adoption of the Act of 12 December 1972, "any contract that seeks to restrict the legal capacity of the wife would run counter to the public order and thus would be null and void; however, there is no express provision of the law to that effect."<sup>416</sup>

Paragraph 4 : Freedom of movement and to choose domicile

- Although Cameroon's Constitution states that "Every person shall have the right to settle in any place and to move about freely..." this is not enforced. Under customary law, the husband is the head of the household and therefore decides where the family shall live.<sup>417</sup>
- Article 2 of the Cypriot Constitution states, "A married woman shall belong to the community of which her husband belongs."<sup>418</sup> This denies a married woman the equal right to choose a domicile.

**Article 16**

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**

**(a) The same right to enter into marriage;**

**(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;**

**(c) The same rights and responsibilities during marriage and at its dissolution;**

**(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;**

**(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,**

**(f) The same rights and responsibilities with regard to guardianship, ward ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;**

**(g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;**

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

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

Article 16 encompasses rights in marriage or in “private “ life that are often overlooked. Married women’s domestic work is often undervalued. Additionally, family codes are rife with legal double standards that directly discriminate against married women. This inequality is based on traditional, customary and religious attitudes that prescribe particular roles for married women, which are particularly difficult to penetrate and change.<sup>419</sup> These gender roles prevent women from pursuing a public life, which might include involvement in politics and decision making for the community at all levels. Article 5 of CEDAW encourages States parties to undertake all appropriate measures, including educational and informational programs to eliminate these stereotypes from the media and cultural consciousness.

The CEDAW Committee recognizes that although family structures take various forms from state to state, the legal system or customs within the country should support women’s equal rights with men’s. CEDAW also states that the practice of polygamy contravenes women’s equality with men and has the potential to undermine their financial and emotional well-being. The Committee also noted in General Recommendation No. 21 that although many States have equality provisions in their constitutions, polygamy is permitted in practice and thus is inconsistent with the principles of CEDAW.<sup>420</sup>

In most countries, men and women are usually guaranteed by law the same right to enter into marriage, but because of custom and tradition and the application of common law instead of national or international law, this right is not always realized. Also, the right to freely choose a spouse [Paragraph 1 (b)] is denied by arranged, forced, or child marriages, for both men and women.

## *CEDAW Commentary and Guidelines*

When women are denied their rights during marriage and particularly at its dissolution, the risks of leaving a marriage are significantly increased for the woman. Property and inheritance laws that favor the husband or his (usually male) heirs over the wife put her at a significant economic and social disadvantage and should be abolished.

In Paragraph 1(d), CEDAW states that women and men must have equal rights and responsibilities as parents regardless of their marital status. Children born out of wedlock often do not enjoy the same rights as those children of a married couple. Unmarried fathers living apart from their children often do not share in the rights and responsibilities of providing for their children, emotionally or financially. Thus, CEDAW recommends that States Parties include the legal concepts of guardianship, ward ship, trusteeship and adoption in their codes to ensure that, "the best interests of the child are shall be paramount consideration,"<sup>421</sup> and that women and men are treated equally.

Paragraph 1 (e) relates to family planning and the rights of both parents to decide the number and spacing of their children and the right to access information, education and the means necessary to exercise these rights. Deciding the number and spacing of children is a significant factor in a woman's ability to freely make life choices. CEDAW's General Recommendation No. 24 states that "decisions to have children or not, while preferably made in consultation with spouse or partners, must not nevertheless be limited by spouse, parents, partners or Government." This recommendation refers to all family planning services, including emergency contraception and abortion, if legal.<sup>422</sup>

Forced pregnancies, forced abortion and forced sterilizations are grievous abuses frequently reported on in reports to the CEDAW Committee. CEDAW recognizes that in countries in which men and women have equal access to health care, the resulting health and well being of the entire family improves.<sup>423</sup> To this end, education and information on available family planning and comprehensive reproductive health services should be made accessible to men and women, equally.

Paragraph 1(g) states that men and women should have the same personal rights to choose their family name, profession and occupation. Additionally, a woman's right to choose her identity is fundamental, and any law that forces her to change her name should be repealed. In many countries a woman's right to work and to choose a career or profession is dependent on her father's or husband's approval. Under Article 2 of CEDAW, any laws or practices that restrict a woman's equal right with men must be eliminated from the legal framework. Furthermore, the State Party should develop educational and informational programs promoting the importance of a woman's right to choose her profession.

Because women are not allowed to own or inherit property in many countries, Paragraph 1(h) requires that women must have the same rights as men in all aspects of property ownership, including buying, selling, renting, leasing and in all other forms of property administration and management. As CEDAW states, "any law or custom that grants men a right to a greater share of property at the end of a marriage or de facto relationship...is discriminatory and will have a serious impact on a woman's practical ability to divorce her husband, and to support herself or her family and to live in dignity as an independent person."<sup>424</sup> CEDAW urges States parties to recognize the wife's non-monetary contributions, such as housework and child/elder care that enable the husband to earn an income outside the home. These non-monetary contributions should be considered when dividing marital property after the dissolution of the marriage.<sup>425</sup>

Paragraph 2 refers to the betrothal and marriage of a child. “Child” is defined in the Convention on the Rights of the Child as “every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.”<sup>426</sup> Though CEDAW does not set a minimum age for marriage, it requires States Parties to adopt the same minimum age standards for both men and women. This minimum age of consent also applies to sexual intercourse and could be used to prosecute persons who have had sexual intercourse with a minor. However, States Parties must also promote the reproductive health and rights of adolescents, by providing, among other things, reproductive health information and education and confidential reproductive health services and counseling.

CEDAW also recommends that States Parties establish an official registry for marriages, whether civil, religious or customary, in order to track and enforce this minimum age law.<sup>427</sup>

General Recommendation No. 19 cautions States Parties to take all appropriate measures to eliminate gender-based violence, especially in the home. According to *Assessing the Status of Women*, “CEDAW describes family violence as one of the most insidious forms of violence against women and noted that it takes many forms, including battering, rape, and mental violence.”<sup>428</sup> CEDAW’s recommendations include establishing laws to protect women from gender-based violence and to set up a system of adequately funded and trained social support services, and law enforcement personnel to protect victims and prosecute perpetrators of violence.

### *Examples of Compliance and Non-Compliance*

#### Paragraph 1(a): The same right to enter into marriage

- In Luxembourg, a woman whose husband has died cannot enter into marriage until 300 days has passed since her husband’s death, unless she gives birth after her husband’s death. No such restrictions exist for men who want to marry after the death of their wife.<sup>429</sup>
- The personal laws of the major religions in India, that is, those pertaining to “private” life and domestic relations, have traditionally governed marriage and family relations, with little interference on the part of the government. However, the recent passage of the Family Courts Act incorporates informal procedures and counseling services within the jurisdiction of the family courts.<sup>430</sup>

#### Paragraph 1(b): The same right to freely choose a spouse and enter into marriage with their free and full consent

- Under Article 34, Part II of the Azerbaijan Constitution, “Marriage is contracted on the basis of voluntary consent. No one may be forced to marry.” Additionally, the marriage code requires “mutual consent” by both parties, and they must be of marriageable age.<sup>431</sup>

#### Paragraph 1(c): The same rights and responsibilities during marriage and at its dissolution

- In Bangladesh, a man can divorce his wife without cause and without her consent. The wife can only divorce her husband on certain conditions, but only if the husband

allows an amendment to the marriage contract granting her this right. Furthermore, on the dissolution of marriage, the wife has no rights to property other than any in her own name.<sup>432</sup>

- In 1972, Luxembourg repealed the legal requirement that women must obey their husbands.<sup>433</sup>
- Although a draft law on divorce has been in the Chilean Parliament since 1993, it has not been adopted. The Catholic Church has threatened to excommunicate any lawmakers who support the bill.<sup>434</sup>

Paragraph 1(d): The same rights and responsibilities related to raising children

- In Cyprus, Law No. 216/90 gives men and women equal rights and responsibilities regarding parental care of children.<sup>435</sup>
- According to Colombian law, a man can take 12 weeks leave after adopting a child, but only if he has no wife. This provision does not support the equal rights and responsibilities of both parents in raising children.<sup>436</sup>

Paragraph 1(e): The same right to choose number and spacing of children and to have access family planning information

- Contraceptives are generally available to women without a prescription in Bangladesh with the exception of “Menstrual Regulation,” which, according to Section 312 of Bangladesh’s penal code, the husband’s consent is required for a woman to use this legal form of abortion. Generally, reproductive health and education is generally targeted at women and most of the “visitors” to the family welfare system are women.<sup>437</sup>

Paragraph 1(f): The same rights to custody of children

- In Bangladesh, under The Guardianship and Wards Act of 1890, a mother is not regarded as the guardian of her children. Instead, the law states, “The mother, in the case of divorce, is entitled to the care and custody of her male children until they are seven years old and of her daughters until they reach puberty. The father-in-law of the widow becomes the legal guardian of her children and the widow has to gain permission from the courts to dispose of her minor children’s property.”<sup>438</sup>

Paragraph 1(g): The same personal rights

- The Constitution of Bangladesh specifically guarantees women “equal rights with men in all spheres of the State and public life.” However, this guarantee does not apply in the private sphere, especially in marriage and family life where personal laws are observed, which vary depending on religious or ethnic group.<sup>439</sup>
- In Article 18 of Lithuania’s Marriage and Family Code, men and women have equal rights during the marriage and after its cancellation, including the right to choose and retain the surname before or after the marriage.<sup>440</sup>

Paragraph1 (h): Property inheritance and ownership

- The CEDAW Committee noted that in Myanmar women have the same rights as men to acquire, administer and dispose of property and that a wife has the right to transfer half of the marital property into her name upon divorce.<sup>441</sup>
- In Nepal, the *Muluki Ain* people only allow unmarried daughters over the age of thirty-five to inherit, on the condition that they (the women) will never marry.<sup>442</sup>
- Among the ethnic minority in northern Sri Lanka, the *Jaffina Tamils*, the *Thesawalami* legal code requires a married woman to obtain her husband's consent to sell or dispose of land that she legally owns.<sup>443</sup>
- In Burkina Faso, the land tenure system is primarily communal and women are not entitled to own land.<sup>444</sup>

Paragraph 2: Prohibition of child marriage; establishing a marriage registry

- Bangladesh's Muslim Family Laws Ordinance of 1961 sets the minimum marriage age for women at 18 and 21 for men.
- Bangladesh's Muslim Marriage and Divorce Registration Act of 1974 requires the documentation and registration of marriage contracts. However, because there is not always an accurate birth certificate for either bride or groom, age is difficult to prove.<sup>445</sup>

Gender-based violence: marital rape

- According to the Malaysian penal code, "sexual intercourse by a man with his own wife by a marriage which is valid under any written law for the time being in force, or is recognized in the Federation as valid, is not rape."<sup>446</sup>

III. DE JURE ASSESSMENT QUESTIONS

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
1	1. Do the laws of the State prohibiting discrimination against women incorporate the definition of “discrimination against women” contained in Article 1 of CEDAW? ♦ Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
2	2. Does the State’s constitution or other appropriate legislation affirmatively guarantee the equality of men and women? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
2	3. Do the laws of the State prohibit discrimination on the basis of sex by governmental authorities and institutions? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
2	4. Do the laws of the State prohibit discrimination on the basis of sex by private individuals and entities? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

♦ All remaining De Jure Assessment Questions should be answered using the definition of “discrimination” contained in Article 1 of CEDAW.

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
2	5. Do the laws of the State impose sanctions, where appropriate, in the event gender-based anti-discrimination laws are violated? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
2	6. Do the laws of the State prohibit discrimination on the basis of sex regardless of tradition, custom or religion? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
2	7. Has the State repealed all national penal provisions that discriminate against women? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
2	8. Do the laws of the State criminalize violence, including sexual assault, against women in the home by family members and impose penalties identical to those imposed on strangers who commit such acts of violence? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
3	9. Does a national machinery <sup>47</sup> exist on a statutory basis to enforce no-discrimination laws? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
4	10. Has the State, through legislation, instituted temporary special measures <sup>48</sup> aimed at accelerating de facto equality between men and women? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
5	<i>No de jure assessment need be conducted for Article 5</i>				
6	11. Do the laws of the State prohibit the exploitation of prostituted women? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
6	12. Do the laws of the State seek to suppress and criminalize all forms of trafficking of women? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
7	13. Do the laws of the State prohibit discrimination in political and public life on the basis of sex? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
7	14. Do the laws of the State ensure the equal right of women to vote in elections and public referenda? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
7	15. Do the laws of the State ensure the equal right of women to stand for election to all publicly elected bodies? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
7	16. Do the laws of the State ensure the equal right of women to participate in non-governmental organizations and associations concerned with the public and political life of the country? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
7	17. Do the laws of the State ensure the equal right of women to hold public office and perform all public functions at all governmental levels, including the formulation and implementation of government policy? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
8	18. Do the laws of the State ensure the equal right of women to represent their governments at the international level and participate in the work of international organizations? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
9	19. Do the laws of the State ensure the equal right of women and men to acquire, change, or retain their nationality? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
9	20. Do the laws of the State ensure that neither marriage to an alien nor change of nationality by her husband during marriage automatically changes the nationality of the wife, renders her stateless or forces upon her the nationality of the husband? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
9	21. Do the laws of the State ensure that women and men have equal rights in determining the nationality of their children? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
10	22. Does a law exist prohibiting discrimination in education on the basis of sex, pregnancy or marital status? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
10	23. Do the laws of the State ensure the rights of women and girls to equal conditions with regard to all aspects of education, including but not limited to: access to: career and vocational guidance; quality teaching staff and equipment; information on family health matters, including family planning, sexually transmitted diseases, and sexual violence and coercion; the same opportunities to participate in sports and physical education? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
10	<p>24. Do the laws of the State ensure the rights of women and girls to equal access to educational information on the health and well being of families, including information and advice on reproductive health, including family planning and prevention and treatment of sexually transmissible infections, and sexual violence and coercion?                      Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><input type="checkbox"/> 5 Excellent  <input type="checkbox"/> 4 Good  <input type="checkbox"/> 3 Fair  <input type="checkbox"/> 2 Poor  <input type="checkbox"/> 1 No compliance or no law</p>			
11	<p>25. Do the laws of the State prohibit discrimination in employment on the basis of sex?                      Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><input type="checkbox"/> 5 Excellent  <input type="checkbox"/> 4 Good  <input type="checkbox"/> 3 Fair  <input type="checkbox"/> 2 Poor  <input type="checkbox"/> 1 No compliance or no law</p>			
11	<p>26. Do the laws of the State ensure the equal right of women to the same employment opportunities, including the application of the same criteria in employment matters regardless of pregnancy or marital status?                      Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><input type="checkbox"/> 5 Excellent  <input type="checkbox"/> 4 Good  <input type="checkbox"/> 3 Fair  <input type="checkbox"/> 2 Poor  <input type="checkbox"/> 1 No compliance or no law</p>			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
11	27. Do the laws of the State ensure the equal right of women to equal pay, including benefits, and to equal treatment in respect to work of equal value, as well as equality of treatment in the evaluation of the quality of work? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
11	28. Do the laws of the State require equal pay for women and men? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
11	29. Do the laws of the State ensure the equal right of women to social security and paid leave? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
11	30. Do the laws of the State ensure the equal right of women to protection of health and to safety in working conditions, including providing women with the ability to make informed choices about working conditions that may affect reproductive health, and ensuring that employers provide appropriate measures to safeguard employee health? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
11	31. Do the laws of the State prohibit dismissal from employment on the grounds of marriage, pregnancy and maternity leave? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
11	32. Do the laws of the State impose sanctions in instances where women are discriminated against on the grounds of marriage or maternity? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
11	33. Do the laws of the State ensure the right to reasonable maternity leave, with pay or with comparable social benefits, without loss of seniority? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
11	34. Do the laws of the State provide for the establishment of necessary supporting social services, including child care networks and subsidies, parental leave, and special health protection during pregnancy that promote the balance of family and work life, equally for both women and men? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
11	35. Do the laws of the State provide special protection to pregnant women engaged in work proven to be harmful to them and do the laws ensure? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
11	36. Does the State periodically review protective legislation (relevant to Article 11) in light of scientific and technological knowledge and revise, repeal or extend such laws as necessary? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
12	37. Do the laws of the State prohibit discrimination against women in the field of health care? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
12	38. Do the laws of the State ensure, on a basis of equality of men and women, access to quality health care services? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
12	39. Do the laws of the State ensure to women voluntary, accessible, appropriate and affordable (including free, if necessary) services in connection with pregnancy, confinement and the post-natal period, as well as adequate nutrition during pregnancy and lactation? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
12	40. Do the laws of the State ensure to women and girls education and information about health, including sexual and reproductive health and health care options to enable them to make free and informed decisions? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
13	41. Do the laws of the State ensure the equal right of women to receive family benefits regardless of marital status? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
13	42. Do the laws of the State prohibit discrimination regarding contracts based on sex or marital status? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
13	43. Do the laws of the State ensure the equal right of women to receive bank loans, mortgages and other forms of financial credit regardless of marital status? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
13	44. Do the laws of the State ensure the equal rights of women to participate in recreational activities, sports and all aspects of cultural life? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
14	45. Do the laws of the State prohibit discrimination against rural women? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
14	46. Do the laws of the State ensure the equal application of all provisions of CEDAW to women in rural areas, including but not limited to access to adequate health care facilities and education and economic opportunities? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
14	47. Do the laws of the State ensure the right of rural women, rights that are of particular relevance and concern to rural women, such as the right to agricultural credit and loans, and land-related rights? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
15	48. Do the laws of the State prohibit discrimination in civil matters on the basis of sex? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
15	49. Do the laws of the State ensure that, in civil matters, women's legal capacity is identical to that of men? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
15	50. Do the laws of the State ensure the equal rights of women in all stages and procedures in courts and tribunals and in all relevant functions (e.g., as plaintiffs, defendants, witnesses, jurors, judges, attorneys, etc.)? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
15	51. Do the laws of the State ensure the rights of women to conclude contracts and to administer property, without restriction based on sex or marital status? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
15	52. Do the laws of the State declare null and void all contracts and other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
15	53. Do the laws of the State ensure the same rights to men and women relating to freedom of movement and the right to choose their residence and domicile? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
16	54. Do the laws of the State prohibit discrimination against women in all matters related to marriage? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	55. Do the laws of the State ensure the right to women and men to freely choose a spouse and to enter into marriage only with their free and full consent? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	56. Do the laws of the State ensure the same rights and responsibilities to women and men entering marriage, during marriage and at its dissolution, whether by divorce or death? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	57. Do the laws of the State ensure equal rights to women and men with respect to their rights and responsibilities as parents, irrespective of their marital status? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
16	58. Do the laws of the State ensure women's equal rights to the care, custody and control of their children? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	59. Do the laws of the State ensure the right of women to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and the means to exercise these rights? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	60. Do the laws of the State ensure equal rights to women and men with regard to guardianship, wardship, trusteeship and the adoption of children or similar institutions where these concepts exist in national legislation? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	61. Do the laws of the State ensure the same rights to women and men as husband and wife, including the right to choose a family name, a profession and an occupation? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
16	62. Do the laws of the State ensure the same rights to both spouses in respect of the ownership, acquisition, management, enjoyment and disposition of property? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	63. Do the laws of the State prohibit child marriage? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	64. Do the laws of the State establish a minimum age for marriage? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			
16	65. Do the laws of the State ensure that the betrothal and the marriage of a child shall have no legal effect? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

*De Jure Assessment Questions*

Art.	Question	Score	Analysis/Justification of Score	Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws	Citation to relevant laws
16	66. Do the laws of the State require the registration of marriages in an official registry? Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law			

#### **IV. Suggested Interview Questions for Assessing De Facto Compliance**

Only by interviewing numerous government officials, members of the legal community, ordinary women, NGO leaders, etc., can a proper de facto assessment of CEDAW compliance be conducted. To assist in conducting these interviews, the following questions have been included in this assessment tool. The answers to these questions, in the aggregate, should provide a detailed and accurate picture of the degree to which women enjoy the rights and protections guaranteed by CEDAW.

There is no expectation that the assessment team will ask or formally record the answers to each of the dozens of questions contained in this suggestion. Instead, these are representative questions that should be selectively asked depending on a variety of factors, including of course, the background and experience of the individual being interviewed by the assessment team. In short, there is no requirement that each of these questions is asked, but it follows that the assessor will have a stronger basis upon which to measure a country's de facto compliance with CEDAW if he or she is able to obtain answers to many or most of these questions. Finally, this is not an exhaustive list of questions; it is fully expected that assessors will formulate and ask many important questions not contained in this suggested list.

**Part I**

**Article 1**

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

1. Is "discrimination against women" defined in the State's constitution or national legislation?
  - a. If so, how does the definition compare with CEDAW's definition of discrimination against women?
  - b. If it does not coincide, what measures have been taken (and by whom) to harmonize CEDAW's definition of discrimination against women with the State's definition?

## Questions for Assessing De Facto Compliance

### **Article 2**

*States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

### **Sub-paragraph (a): Existence and enforcement of equality provisions**

1. If the principle of equality exists in the national constitution or other appropriate national legislation, have any cases been brought to court challenging violations of this principle?
2. Has this principle of equality been integrated into all legal codes relevant to CEDAW?
3. Is CEDAW directly applied and given effect in courts as part of national law?
  - a. What training programs exist to educate judges and other legal professionals about CEDAW's precedence over national law?

### **Sub-paragraph (b): Legislation prohibiting discrimination**

4. If national anti-discrimination legislation exists and has been enforced, what are the penalties for violating these laws?
  - a. How is enforcement in the private sector achieved?

### **Sub-paragraph (c): Legal protection of women's rights**

5. Does an aggrieved woman have a right and a reasonable expectation of finding affordable (or pro bono) legal representation in the event she wishes to pursue legal action?
6. Have equality provisions been the basis of suits in court?
  - a. If so, how were the case(s) decided?
7. What level of proof is necessary to begin a case involving claims of discrimination?
8. What level of proof is necessary to win such a case?
9. Is there an effective mechanism to enforce the courts' decisions?
10. Are judges trained to be sensitive to women's rights?
11. What percentage of judges are male/female?

## *Questions for Assessing De Facto Compliance*

12. Does a national ombudsperson's office exist to address discrimination cases?
  - a. Is it adequately staffed? Funded?
  - b. How many complaints has it received? How were they decided?

### **Sub-paragraph (d): Eliminating discrimination in the public sphere**

13. Are there policies/procedures in place to deal with gender discrimination cases brought by civil servants within the government and/or public institutions?
14. Is there a government agency (or other national machinery to implement CEDAW) that focuses on women's equality? (See Article 3 for activities of the national machinery.)
15. Is there an education and awareness campaign to educate public sector workers about non-discrimination laws and policies?
16. Has adequate funding been allocated from the national budget to promote equality and the enforcement of anti-discrimination laws through education and training programs for civil servants and law enforcement professionals?

### **Sub-paragraph (e): Eliminating discrimination in the private sphere**

17. Are there procedures in place to ensure compliance with anti-discrimination laws within the private sector?
18. If so, what recourse is available for resolving gender discrimination cases in the private sphere?

### **Sub-paragraphs (f) & (g): Discriminatory laws and reform**

19. Has the State conducted studies to assess the existence and effects of discriminatory laws and practices?
20. Do religious and/or cultural practices exist that discriminate against women?
21. Are these discriminatory practices based on cultural norms/beliefs?
  - a. If they are based on a belief that one gender is superior to, or fundamentally different from the other, are there any government-sponsored education campaigns used to change these views?
22. What other measures has the State undertaken to eliminate these discriminatory practices?
23. Are there any provisions in the penal code that treat women differently from men?
24. Are women and men found guilty of a crime sentenced similarly in comparable circumstances?
25. Is there an initiative under way to repeal discriminatory penal provisions?
  - a. If so, are women's NGOs involved in this process? How?

## Questions for Assessing De Facto Compliance

### **Article 3**

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

### **Activities of national machinery**

1. Has the State created a national machinery dedicated to the advancement of women through the promotion of more equitable gender roles?
  - a. If so, what is its mandate? Does it include the elimination of discriminatory laws, gender stereotyping, customs and other practices that discriminate against women?
  - b. How is it funded? Is funding adequate?<sup>449</sup>
  - c. How is it staffed? What is their level of expertise and commitment? Are they permanent government employees or consultants?<sup>450</sup>
2. Is there inter-agency coordination within the government to ensure compliance with CEDAW within all departments of the government?
3. To what level of government does the national machinery report (e.g., legislative, executive, etc.)?
4. Does the national machinery report to anyone outside the government (e.g., the public, the United Nations or other international organizations)?
5. Does the government coordinate with the NGO community when drafting policy recommendations to the legislature or within government agencies?
  - a. If so, what is the nature and quality of the coordination?
6. Does the national machinery or the State track national budget expenditures for programs that promote the advancement of women?
  - a. What are the results of this study (e.g., percentages of funds spent on social and family support programs, awareness campaigns, temporary special measures to promote women's advancement in all fields)?
  - b. Does the State and women's NGOs have a coordinated plan of action to challenge the effects of harmful cultural traditions on women?
7. Does the State publish and disseminate information on resources and programs benefiting women?

### **Long term plan**

8. Does the State have a long-term plan to promote the advancement of women?
  - a. If so, were NGOs involved in the drafting of this plan?
  - b. Is this long-term plan published and available to the public?
  - c. Does this plan comprehensively cover all areas addressed in CEDAW?
  - d. Does this plan include specific targets, such as timelines, specific actions, and delegated responsibilities?
  - e. Who implements this plan?
  - f. Who evaluates progress of the plan's implementation? How often?
  - g. Is the evaluation published and distributed?

## *Questions for Assessing De Facto Compliance*

### **CEDAW reporting obligations**

9. Does the State send reports to the CEDAW Committee on a timely basis? When was the last report submitted? Was it published? Is it widely and readily available to the public?
10. Is the national machinery tasked with overseeing or reporting on CEDAW compliance?
11. Has CEDAW been published in the native language and distributed to public and governmental libraries, universities and schools, women's NGOs, civic organizations, religious groups or other organizations?

## *Questions for Assessing De Facto Compliance*

### ***Article 4***

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

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

1. Is there is a national mechanism to promote de facto equality of women?
  - a. If so, does it promote the use of temporary special measures when developing policies, procedures and legislation within the government institutions?
2. Can the Ombudsperson or other legal professionals initiate suits for the lack or violation of temporary special measures?
3. Is there judicial or other recourse for someone attempting to establish or contest a temporary special measure?
  - a. If so, how many cases have been filed? What were the results?
4. Are safeguards in place to ensure that temporary special measures are not indirectly harmful to women?
5. Is there a periodic review of temporary special measures to determine if they are still needed or if they should be modified?
6. Are there awareness campaigns to educate women about the existence of programs that use temporary special measures?
7. Is the use of temporary special measures within government agencies being tracked? If so, what are the results?
8. Are there quotas, targets or specific goals regarding compliance with CEDAW?
  - a. If so, what are they?
  - b. Are these quotas, targets or goals being met?
9. Does the State award government contracts to private firms owned and/or managed by women? Is there a program to ensure women-owned and managed firms get a fair share of government contracts?

## Questions for Assessing De Facto Compliance

### **Article 5**

*States Parties shall take all appropriate measures:*

*(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of 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.*

### **Paragraph (a): National information campaign to eliminate gender stereotypes**

1. Does the national machinery work with the media to establish information campaigns to discourage cultural practices based on the idea of inferiority, superiority, or a fundamental difference of either of the sexes (e.g., son preference, domestic violence, bride price, FC/FGM, facial scarring, force-feeding of women, dry sex, early and forced marriage, sexual slavery, or dowry-related crimes)?
2. Does the State fund educational programs aimed at eliminating gender stereotypes?<sup>451</sup>
3. Are traditional stereotypes frequently seen in the media (e.g., male as head of household)?
4. What stereotyped portrayals exist of women and men in the media?
5. Has the national machinery worked with media professionals to improve the quantity and quality of coverage of women in the media, with the aim of eliminating stereotyped portrayals of women?
6. Does the media have a program or policy to identify and discourage the use of gender stereotypes by journalists and other media professionals?
7. Are women given equal access to attend journalism school?
  - a. What measures has the State undertaken to promote women in the media profession?

### **Paragraph (b): Common responsibility of both parents in child-rearing**

1. What measures has the State undertaken to ensure that family education includes the concept of shared responsibility of both parents in raising children?
2. What measures has the State undertaken to encourage shared parental responsibilities?
3. Does the State ensure to women the right to make free and informed decisions about their reproductive and sexual life and ensure access to relevant information, education and services, including high-quality and comprehensive reproductive health care services?
4. Are reproductive health care services confidential, affordable, accessible and comprehensive, including family planning, prevention and treatment of sexually transmissible infections including HIV/AIDS, and prevention of and treatment and counseling for sexual violence and coercion?

**Article 6**

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

**Trafficking in women and girls**

1. Is there is a law criminalizing the trafficking of women or girls?
  - a. If so, what enforcement measures has the State undertaken?
2. What educational and preventative measures, if any, have been undertaken by the State to protect women and girls, including rural women and girls, at risk of being trafficked?
3. What measures has the State initiated to prevent trafficking in women and girls and to prosecute those engaged in trafficking?
4. What programs, if any, has the State undertaken to offer protection and services for victims and to provide rehabilitative services to women and girls who have been trafficked?
  - a. How effective are they?
5. Has the State signed and ratified the Optional Protocol on Trafficking in Persons to the United Nations Convention on Transnational Crime and Corruption?

**Exploitation of prostitution**

6. Is there is law criminalizing the exploitation of prostitution?
  - a. If so, what are the sanctions and what measures has the State initiated to implement and enforce this law?
7. If laws exist that criminalize solicitation of prostitution, what are the sanctions against those who solicit prostitutes and how are they enforced?
8. If a law exists that criminalizes pimping or owning a brothel, what are the sanctions and how are they enforced?
9. What educational measures have been undertaken by the State to educate women and girls, including rural women and girls, about the health and safety risks of prostitution?
10. Are rape laws applied equally in cases where a prostitute has been raped or physically assaulted by a client?
11. Do laws exist that penalize or criminalize women engaged in prostitution?<sup>452</sup>
  - a. If so, what steps have been taken to repeal those laws?

## Part II

### **Article 7**

*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-governmental organizations and associations concerned with the public and political life of the country.*

### **Paragraph 1(a): Right to vote and to be eligible for election to all publicly elected bodies**

1. If legislation guaranteeing the right to vote and be eligible for election exists, how has it been implemented?
  - a. Does the right to a secret ballot exist? How is it implemented?
2. What barriers prevent women from exercising their right to vote (such as illiteracy or absence of political education programs)?
3. What barriers prevent women from being eligible for election?
  - a. What measures has the State undertaken to remove these barriers and promote women's right to vote and stand for election?
4. Has the State allocated funds to encourage female candidates to run for office?
5. How have gender quotas, if they exist, been implemented to increase the number of women running for public office?
6. Has the State Party expanded women's opportunities to vote by providing child-care facilities or transportation to conveniently located polling stations throughout the country?
7. Are there any public education campaigns to encourage voting?
  - a. If so, do they target women?
8. Does the national mechanism or any other entity report and accurately collect voting trends by gender?
  - a. If so, what are the results?

### **Paragraph 1(b): Political Participation**

1. Has the State reviewed all laws to eliminate any direct or indirect barriers to women's political participation, including restrictive personal laws that would make women activities and movement dependent on her husband or male relative's consent?
  - a. Do gender quotas exist for increasing the number of women elected or appointed to government bodies? If so, how have they been implemented?
2. Where applicable, what positions do women occupy on the party lists? <sup>453</sup>
  - a. Do gender quotas exist to include a certain number of women on party lists or as party candidates?
  - b. What percentage of party members are women?
  - c. What percentage of party leaders are women?
3. Does the State track how many women run for publicly elected bodies?
4. What offices do women hold in the government? Are they only administrative or do they have real decision-making power?
5. Do voting rates differ between women in urban and rural areas?

## *Questions for Assessing De Facto Compliance*

- a. If so, has the State introduced any special temporary measures to eliminate the gap?
6. Are female political party members involved in drafting political platforms?
7. Are female candidates guaranteed equal access to media outlets during their political campaigns as men?
8. Do they receive equal media attention? If so, what kind of media attention?
9. Does a negative perception about women's participation in politics exist?
10. If so, has the State undertaken a public information campaign to change people's negative perceptions about women's participation in politics?
11. Are women subject to human rights violations (such as harassment, interrogation, detention and torture) because of their political activities?
12. Do public education campaigns conducted by the State emphasize the importance of a balanced representation of men and women in elected bodies?
13. Have temporary special measures been undertaken by the State to promote women's advancement and participation in the civil service?

### **Paragraph 1(c): Women's participation in civil society**

1. Do national networks of women's NGOs exist?
  - a. How are they organized?
  - b. How are they funded?
  - c. Are they active and influential in policy making, either at local or national levels?
2. Has the State's political parties or other groups provided political training for local-level female leaders?
3. Do women's NGOs actively support the campaigns of female politicians (e.g., advocate and raise money for the candidate)?
4. Do women participate in trade/labor unions?
  - a. If so, what percentage of the members are women?
  - b. What percentage of the leadership are women?
  - c. Do the unions address issues specific to women?
5. Has the State conducted studies on the involvement of women in civil society, including NGO participation?
  - a. If so, what percentage of NGO membership are women?
  - b. If so, what percentage of the NGO leadership is women?
  - c. How has the State used the results?
6. Do the State's political parties or others offer training in political participation and NGO-organizing?
  - a. If so, are women from all ethnic groups, indigenous populations and socio-economic classes included in the training and assistance provided by the government?
  - b. How is participation decided? Are the trainings given without discriminating based on gender?
  - c. Who develops the training curricula?
7. What percentage of legal professionals as a whole are women?
8. What percentage of judges are women?
9. What percentage of prosecutors are women?
10. What percentage of jurors, if applicable, are women?

**Article 8**

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

**Ensuring representation of women at the international level**

1. What objective criteria and processes has the State established to appoint and promote women at the international level and in official international delegations?
2. What temporary special measures have been established to increase women's representation and participation at the international level and within regional conferences in all areas?<sup>454</sup>
3. Has women's participation in national delegations to international bodies increased over time?
4. Has this affected the work of the delegations?
  - a. If so, how?
5. What percentage of women are in decision-making positions at the international level?
6. Does the State track and publish statistics showing the percentage of women in the foreign service who regularly engage in international representation or work on behalf of the State?<sup>455</sup>

**Article 9**

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.**

**Paragraph 1: Equal rights to acquire, change or retain nationality**

1. Is a woman's nationality determined by the same criteria as a man's nationality?
2. Does marriage to a non-citizen, or a change in nationality by the husband, affect a woman's nationality in any way?<sup>456</sup>
3. 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?<sup>457</sup>

**Paragraph 2: Granting women equal rights with men with respect to the nationality of their children**

1. How is a child's nationality determined? Are women granted equal rights with men with respect to the nationality of their children?
2. Do minor children have their own passports? If not, can minor children travel on their mother's passport, their father's passport, or both?<sup>458</sup>
3. Is the father's consent required to include the minor children on the passport prior to leaving the country?
  - a. If so, whose consent is required and in what circumstances?<sup>459</sup>
4. In practice, can a woman obtain a passport or travel without the permission of her husband or male guardian?

### Part III

#### **Article 10**

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

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs 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 dropout rates and the organization of programmes for girls and women who have left school prematurely;*
- (g) The same opportunities to participate actively in sports and physical education;*
- (h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.*

#### **Paragraph 1(a): Equal access to career and vocational guidance**

1. Are girls allowed the same access to education and career and vocational guidance as boys in primary, secondary or higher education?
  - a. If so, what measures has the State undertaken to ensure this?
  - b. What measures, if any, have been undertaken to ensure equal access to disabled girls and women?
2. How do the rates of primary and secondary school enrollment compare between male and female students?
3. What social and cultural barriers exist that discourage girls' enrollment in school?
4. What measures, if any, has the State undertaken to ensure that migrant or indigenous girls and women have equal access to education?

#### **Paragraph 1(b): Access to same curricula, textbooks, examinations, teacher qualifications and training and facilities and equipment**

1. In practice, do boys and girls have access to the same curricula?
2. How does this compare in urban and rural areas and in public and private schools?
3. What measures have been taken to ensure that females and males have equal access to the same school curricula?
4. Are females encouraged to study certain subjects and males other subjects?
  - a. If so, what practical measures have been taken to encourage female students to study non-traditional subject areas? How effective are they?
5. Are there any educational institutions that are restricted for women (e.g., military academies)?

## *Questions for Assessing De Facto Compliance*

6. In schools that are not co-educational, are teacher qualifications and training the same for those who teach only boys and those who teach only girls?
  - a. How do student/teacher ratios compare?
  - b. How does funding per student compare?
  - c. Is the curriculum the same? If not, how is it different?<sup>460</sup>
7. What measures, if any, has the State undertaken to ensure equal representation of male and female teachers and administrators at all levels of education?
8. What measures, if any, has the State undertaken to ensure girls and boys equal access to the same quality equipment and facilities?

### **Paragraph 1(c): Co-education and elimination of gender stereotypes in materials**

1. Is co-education of boys and girls practiced in all areas of the State?
  - a. If not, what measures have been undertaken to encourage co-education throughout the State?
2. Has the State conducted a review of school curricula, textbooks and other materials at all educational levels to eliminate negative stereotyping of girls and women?
3. What measures has the State undertaken to review teacher training materials and curricula with the aim of eliminating gender stereotypes?
  - a. If so, has the State adequately staffed and funded these initiatives?
4. In secondary school curricula, does the teaching of the State's political history include the contributions of women political leaders and women's participation in historical events?
5. Are women's contributions included in all other fields, such as science, mathematics, literature, music and the arts included in textbooks?

### **Paragraph 1(d): Access to scholarships and grants**

1. Do girls have the same opportunities as boys to compete for scholarships and grants?
  - a. If not, what special measures has the State undertaken to encourage women and girls to apply for scholarships and grants?
2. Are girls awarded scholarships in the same percentages as boys?
  - a. If not, what special measures has the State undertaken to promote the award of scholarships and grants to women and girls?

### **Paragraph 1(e): Access to continuing education for adults**

1. Are there adult education classes available for persons who have not completed secondary school?
  - a. Are class schedules sufficiently flexible to accommodate persons who work during the day or have family responsibilities at night?
2. What economic, social, political and/or cultural barriers prevent women's participation in these courses?
  - a. What measures have been undertaken to eliminate these barriers?

### **Paragraph 1(f): Reduction of female student drop-out rates**

1. What percentage of students who drop out of primary and secondary school are women and/or girls? Has the State conducted studies to determine why girls drop out of school?
  - a. If so, what were the reasons?

## *Questions for Assessing De Facto Compliance*

2. What measures has the national mechanism undertaken to reduce female student drop-out rates and organize programs for girls and women who left school prematurely (e.g., tutoring programs, information programs to encourage parents to support girls' enrollment in school)?
3. What special measures have been undertaken by the State to help women attend night courses to finish high school education or re-training (by providing services, such as child care)?
4. Are there circumstances under which girls who become pregnant are suspended or expelled from school?
  - a. If so, has the State implemented laws or policies that would end these practices and ensure the availability of education for pregnant students and students with children (such as child-care assistance)?

### **Paragraph 1(g): Participation in sports and physical education in schools**

1. Do women and girls have the same opportunities as men and boys to participate in sports in society and sports and physical education in schools?
  - a. If not, what barriers prevent their participation and what measures has the State undertaken to remove these barriers?
2. What economic, political, social and cultural barriers (such as dress regulations) prevent women's participation in sports and physical education in schools?
  - a. What measures has the State undertaken to remove these barriers?

### **Paragraph 1(h): Health education and family planning**

1. Is information on health education and family planning taught in school and in community health programs?
2. Do social, cultural, geographic and/or economic barriers exist that restrict access to information for women and girls on health issues, including information and advice on family planning?
3. Are women provided with comprehensive reproductive health information and education, including information about family planning, sexually transmissible infections, sexual violence and coercion, and women's reproductive rights, such as the right to confidential reproductive health services and the right to make free and informed choices regarding their sexual and reproductive lives?

### ***Women with HIV/AIDS*<sup>461</sup>**

1. What measures has the State undertaken to raise public awareness about HIV infection and AIDS, especially in women and children, and its effects on them?
2. What measures has the State undertaken to increase the participation of women in primary health care and to enhance their role as care providers, health workers and educators in preventing HIV infection without placing an added burden on women?
3. Has the State reported on the effects of HIV/AIDS on women and girls including specific efforts to improve access to and quality of health care provided women and girls with HIV/AIDS?
  - a. Does this include a program to provide anti-AIDS drugs to pregnant women to prevent the spread of HIV/AIDS to the fetus?
4. Are measures in place to ensure that the human rights of women infected with HIV/AIDS are ensured, promoted and respected?

## Questions for Assessing De Facto Compliance

### Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
  - (a) The right to work as an inalienable right of all human beings;
  - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
  - (c) The right 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.

### **Paragraph 1(a): Right to work**

1. Is there a government agency that ensures compliance with all labor laws in both the public and private spheres?
  - a. What policies and procedures has the State established to ensure that employers comply with laws that aim to eliminate discrimination against women in the workplace?
2. What measures, if any, has the State taken to promote entrepreneurial activity by women?
3. Have any cases been taken to court to challenge laws or practices that restrict women's right to work?<sup>462</sup>
4. What recourse is available when a woman's right to work has been violated? Does this differ in the public and private sector?

## *Questions for Assessing De Facto Compliance*

### **Paragraph 1(b): Equal employment opportunities; same application criteria**

1. What measures has the State undertaken to ensure that women receive equal employment opportunities, including the use of the same selection criteria in employment matters?
  - a. What measures, if any, ensure that disabled women have equal employment opportunities?
2. What measures has the State undertaken to repeal legislation that restricts women's employment opportunities?
3. What measures has the State undertaken to discourage cultural practices that effectively restrict women's employment opportunities?
4. What recourse is available to a woman when she has been denied an equal opportunity in employment?
5. What political, economic, social and cultural barriers restrict migrant and indigenous women's enjoyment of these rights?<sup>463</sup>
  - a. What measures, if any, has the State undertaken to ensure that migrant and indigenous women have equal employment opportunities?

### **Paragraph 1(c): Free choice of employment; equal criteria for promotion and benefits, including re-training**

1. In practice, do women freely choose their employment and/or vocation?
2. What political, economic, social or cultural barriers prevent women from freely choosing their vocation?
  - a. What measures, if any, has the State undertaken to remove these barriers?
  - b. What measures, if any, has the State undertaken to encourage women's participation in non-traditional professions?
3. What measures, if any, has the State undertaken to ensure that all criteria for promotions, job security and all benefits and conditions of services are the same for men and women?
  - a. What enforcement mechanisms exist to ensure compliance with these measures in both the public and private spheres?

### **Paragraph 1(d): Equal pay, benefits and equal evaluation of work**

1. Do women enjoy the right to equal remuneration (including non-monetary benefits) for work of equal value?
2. What enforcement mechanisms exist to ensure compliance with equal pay and equal evaluation of work laws in both the public and private spheres?
3. Are there policies and procedures established to prohibit discrimination in the evaluation of work performance? Have gender-neutral evaluation criteria been established? <sup>464</sup>
4. Has the State undertaken any studies to calculate the value of work done by women in the non-monetized sector, including but not limited to agricultural work, domestic work, child and elder care, family education and health care?<sup>465</sup>
  - a. If so, has the value of unremunerated domestic activities of women been included in the gross national product?<sup>466</sup>

### **Paragraph 1(e): Social Security and other benefits**

1. In practice, do women receive the following benefits, on an equal basis with men?
  - a. Social security benefits

## *Questions for Assessing De Facto Compliance*

- b. Unemployment benefits
  - c. Sick leave
  - d. Disability benefits
  - e. Retirement benefits
  - f. Paid leave
5. What measures has the State undertaken to ensure women in family-owned businesses enjoy these rights?
  6. Has the State collected statistics on women who work without payment, social security and social benefits in family-owned enterprises?<sup>467</sup>
  7. What measures has the State undertaken to ensure that women in the non-monetized (including work in agriculture, elder or child care, and health care) sector enjoy these rights?
  8. What recourse is available for a woman who is denied these benefits?
    - a. How effective is it?

### **Paragraph 1(f): Health and safety in working conditions; safeguarding of the function of reproduction**

1. If national legislation exists to adequately protect the health and safety of women, with particular regard to their reproductive capacity, how is it implemented?
  - a. Does this legislation have any intended or unintended discriminatory impact on female workers?
  - b. If so, what measures has the State undertaken to repeal legislation that restricts women's equal employment opportunities?
  - c. Are general health and safety measures in place that protect the health and safety of all workers (including pregnant ones)?
2. Is sexual harassment considered a violation of the workers' right to "health and safety in the workplace"?
3. If so, what measures are in place to prevent and prosecute sexual harassment in the workplace?
4. Has the State undertaken educational campaigns to educate workers and managers about sexual harassment laws and policies?
5. What recourse is available to women and men with sexual harassment complaints?
6. Is there recourse available in both public and private sectors?

### **Paragraph 2(a): To prohibit discrimination or dismissal on the grounds of pregnancy, maternity leave or marital status**

1. If laws exist that prohibit discrimination or dismissal on the grounds of pregnancy, maternity leave or marital status, what measures are in place to ensure compliance with these laws?
  - a. How are these laws enforced?
  - b. Are training classes mandatory to educate managers and workers about these laws in the public and private sector?
2. What recourse is available for a woman wrongly dismissed from her work on these grounds?
  - a. Are unemployment benefits available to her?

## *Questions for Assessing De Facto Compliance*

### **Paragraph 2(b): Maternity leave with pay and benefits**

1. Do women use their maternity leave with pay or comparable social benefits?
2. Have there been cases of women whose use of maternity leave has affected their employment status, seniority or other benefits (e.g., loss of vacation benefits)?
3. Is there paternity leave for fathers?
  - a. If so, what percentage of eligible men use it?
  - b. What measures has the State undertaken to encourage men's use of paternity leave where it exists?

### **Paragraph 2(c): Balancing work and family life: provision of child care for working parents**

1. Is childcare accessible and of high quality?
  - a. If so, is it available to male and female employees equally?
  - b. How is it funded?
  - c. Is it affordable?
  - d. What is the quality of the childcare facilities?
2. Does the State support, financially or otherwise, social services that enable parents to balance family obligations with work responsibilities and participation in public life?
3. Is paternal leave available to men? If so, what is the State doing to encourage men to use their paternal leave?

### **Paragraph 2(d): Special protection from harmful work during pregnancy**

1. If national legislation protects pregnant women from certain types of work known or thought to be harmful to them, do pregnant women have the right to choose to retain their job or be switched to a job of equal pay within the organization?
2. What recourse is available for women whose rights are violated during pregnancy?
3. Is continuing research being done concerning the types of work harmful to pregnancy, so as to ensure that protective laws are based on science and not merely speculation?

### **Paragraph 3: Periodic legislative review of "protective" legislation**

1. Does the State periodically review "protective" legislation in light of scientific and technological knowledge?
2. Has any legislation, where appropriate, been revised, repealed or extended based on scientific findings?

## Questions for Assessing De Facto Compliance

### Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

### Paragraph 1: Access to health care

1. How does the State ensure women's access to quality health care services, including:
  - a. Access to the same equipment in health care centers that predominantly service women?
  - b. Training and continuing education for health care workers?
  - c. The establishment and enforcement of professional ethics for health care workers?
  - d. Access to comprehensive health care services and the ability to make free and informed choices regarding these services?
  - e. Timely access to health care services?
  - f. Affordable access to health care services
  - g. Informed choice of the patient?
  - h. Doctor-patient confidentiality?
2. Is there a national health care insurance system available to all people without restriction?
  - a. How are disabled women guaranteed access to health care?<sup>468</sup>
3. What measures has the State undertaken to ensure that laws governing the provision of health care are implemented on a non-discriminatory basis?
4. What studies has the State conducted and shared with the CEDAW Committee on how national health legislation, plans and policies affect women differently from men,<sup>469</sup> including, among others:
  - a. Biological factors: menstruation, menopause and susceptibility to sexually transmissible disease?<sup>470</sup>
  - b. Social-economic factors: physical and sexual abuse by a family member, FC/FGM?<sup>471</sup>
  - c. Psychosocial factors: post-partum depression, eating disorders?<sup>472</sup>
5. Has the State collected reliable statistics, disaggregated by sex, on the incidence and severity of disease and conditions hazardous for women's health?
  - a. If so, what were the results? Have effective curative measures been identified and implemented?
6. What measures has the State undertaken to ensure that women are included in the development and implementation of national health care policies?<sup>473</sup>
7. Are there any restrictions on women's access to health care (e.g., female patients may only see female doctors)?
  - a. If so, what measures has the State undertaken to ensure the quality of treatment? Are health care worker training programs, facilities and equipment the same for women and men?
8. What measures has the State undertaken to ensure quality health care for elderly women and disabled women?<sup>474</sup>

## *Questions for Assessing De Facto Compliance*

9. What measures has the State undertaken to ensure appropriate health care services for women from disadvantaged groups, such as migrant women, refugee and internally displaced women, women in prostitution and indigenous women and adolescents?<sup>475</sup>
10. What measures has the State undertaken to increase the number of female primary care givers?

### *Reproductive Health*

11. Are confidential and comprehensive reproductive health services available, accessible and affordable? Does this include:
  - a. The full range of services, information and counseling regarding family planning; prevention and treatment of sexually transmissible infections and prevention and treatment of sexual coercion and violence?
  - b. Are women's rights to full and informed decision-making regarding these services ensured?
12. Are there any economic, political, social or cultural barriers that restrict access to comprehensive reproductive health services?
  - a. What measures has the State undertaken to remove these barriers?
13. What measures has the State undertaken to educate people about comprehensive reproductive health and make such services accessible, acceptable and affordable?

### **Paragraph 2: Pre-natal health and pregnancy**

1. What measures has the State undertaken to ensure access to adequate health care during pregnancy, childbirth and in the post-natal period?<sup>476</sup> Is medical care provided for women during pregnancy, childbirth and in the post-natal period free of charge?
2. What measures, if any, has the State undertaken to ensure the provision of adequate nutrition for women during pregnancy, childbirth and the post-natal period?<sup>477</sup>

### *Gender-based violence*

3. Does the State provide mandatory trainings for health care workers that enable them to detect and manage health consequences of domestic violence?
  - a. Does the State collect statistical data on the number of victims of violence who come to health care facilities?<sup>478</sup>
  - b. Are the dynamics of gender-based violence included in the curricula at training schools or universities for health care workers?
4. Is there a complaints procedure to detect and prosecute health care workers guilty of sexually abusing patients?
5. What national policies and educational measures has the State undertaken to discourage and prohibit FC/FGM, sex-selective abortions (also known as son preference), dietary restrictions, forced feeding, facial scaring, dry sex, dowry-related crimes, honor crimes and other practices harmful to women's health and well being?
6. Has a study been conducted to determine what percentage of the population has undergone such practices?
  - a. What were the results?
7. What measures has the State undertaken to encourage universities, medical or nursing associations and national women's organizations to collect data on traditional practices harmful to women's health?<sup>479</sup>
8. What measures has the State undertaken to properly educate health care personnel (especially birth attendants) to explain the harmful effects of some traditional practices?

### *Questions for Assessing De Facto Compliance*

9. What measures has the State undertaken to support women's organizations at the national and local levels working to eliminate practices harmful to women?
10. What measures has the State undertaken to encourage politicians, professionals, religious and community leaders at all levels, including the media and the arts, to cooperate in influencing attitudes towards the eradication of practices harmful to women?
11. Has the State reported on their efforts to eliminate practices harmful to women in the official country report to the CEDAW Committee?<sup>480</sup>
12. What measures has the State undertaken to eradicate forced sterilization, forced pregnancy and forced abortion?

#### *Women with HIV/AIDS*

13. If national legislation prohibits discrimination against women who have AIDS or are HIV positive, what measures has the State undertaken to enforce it?
14. Do any measures exist to assist victims of trafficking who have AIDS or are HIV positive?
15. What measures has the State undertaken to provide sexual health information, education, and other medical services to women with HIV/AIDS, if they are not legal residents?

**Article 13**

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:**

**(a) The right to family benefits;**

**(b) The right to bank loans, mortgages and other forms of financial credit;**

**(c) The right to participate in recreational activities, sports and all aspects of cultural life.**

**Paragraph 1(a): Family benefits**

1. Are there any restrictions or practices that prevent female workers from receiving the same family benefits and insurance benefits as men (e.g., marital status, disability, age, health reasons)?<sup>481</sup>
  - a. Does the law provide family benefits for male and females equally as individuals, as the “primary beneficiary” or does it provide the benefits to the family unit?<sup>482</sup>
2. What measures, if any, has the State undertaken to ensure the receipt of family benefits to disabled women and women with HIV/AIDS?

**Paragraph 1(b): Bank loans, mortgages and other forms of financial credit**

1. What measures has the State undertaken to ensure that women enjoy on an equal basis with men, access to bank loans, mortgages and other forms of financial credit?
2. What economic, political, social or cultural barriers prevent women from applying or receiving financial credit?
3. Has the State undertaken any loan programs specifically for female entrepreneurs who may not qualify for traditional loans because they may be illiterate or do not own property or lack access to collateral?
4. Do women have equal access to foreign development assistance?
  - a. What measures have been taken to ensure this access?
5. Does national legislation require loan and mortgage companies to use identical standards and criteria for women and men seeking to obtain credit?
  - b. How are these standards enforced?
  - c. What recourse is available to women who have been denied their right to financial credit?

**Paragraph 1 (c): Participation in sports, recreational activities and all aspects of cultural life**

1. What measures, if any, does the State take to promote women’s participation in recreational activities, sports and cultural life?
2. What economic, political, social and cultural barriers prevent women’s participation in recreational activities, sports and other aspects of cultural life?<sup>483</sup>

**Article 14**

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

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

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

**Paragraph 1: Recognition of rural women's circumstances**

1. Has the State undertaken any research to identify any particular needs that rural women have?
  - a. If so, what were the results and how were they used?
  - b. Were the results published and made available in rural areas?
2. What measures has the State undertaken to inform women in rural areas of their rights under the Convention?<sup>484</sup>
3. In rural areas, are married, widowed, divorced, non-married, and childless women treated differently from each other or men?

**Paragraph 2(a): To participate in the elaboration and implementation of development planning at all levels**

1. Does the State have any development programs directly targeted at rural women?
2. Are the contributions of women, such as the production of food, crafts and childcare taken into account in computing the gross national product?<sup>485</sup>
3. Do rural women participate in national, regional or local government and in other bodies involved with development planning?<sup>486</sup>
4. If so, what mechanisms exist to facilitate the participation of rural women in the decision-making process?<sup>487</sup>

## *Questions for Assessing De Facto Compliance*

### **Paragraph 2(b): Access to health care in rural areas**

1. How does the State ensure quality health care services for rural women, including:
  - a. Training and continuing education for health care workers?
  - b. The establishment and enforcement of professional ethics for health care workers?
  - c. Access to the health care service of choice?
  - d. Access to the same equipment used in health care centers?
  - e. Timely access to health care services?
  - f. Affordable access to health care services?
  - g. Informed choice of the patient?
  - h. Strict doctor-patient confidentiality?
2. Do these facilities provide for women's particular health care needs, such as comprehensive, confidential reproductive health services?
  - a. What political, cultural, economic or social obstacles prevent women from receiving family planning services and counseling in rural areas?<sup>488</sup>
3. Are reproductive health services designed to reach both women and men in rural areas?<sup>489</sup>
4. What preventative health care or education programs are available to rural women?
5. Are mental health services, such as counseling, accessible and affordable to rural women?
6. If applicable, do rural women have access to alternative health care (midwives, etc.)?
7. What measures has the State undertaken to discourage practices harmful to women in rural areas?
8. What measures, if any, has the State taken to reduce the susceptibility of rural women to HIV/AIDS or other sexually transmissible diseases?

### **Paragraph 2(c): To benefit directly from social security programs**

1. Does the State have a law ensuring access to social security benefits by rural women regardless of their marital and/or family status?
2. What are some economic, political, social, and cultural barriers that prevent rural women from directly benefiting from social security programs?
3. Does the State have any social security programs specifically for rural women?
4. Are agricultural extension services designed to reach rural women directly?
  - a. If so, how?
5. What measures have been taken to ensure that extension services are not gender biased?

### **Paragraph 2(d): Access to education**

1. What measures does the State take to ensure that primary and secondary education is available for rural women locally?
2. What measures has the State undertaken to reduce the level of illiteracy among rural girls and women?
3. Does the State provide rural women with training programs (e.g., agriculture skills, entrepreneurship, marketing skills, home economics) to improve their opportunities for economic independence?<sup>490</sup>
  - a. If such training exists, do statistics exist that indicate how many rural women have participated?

## *Questions for Assessing De Facto Compliance*

### **Paragraph 2(e): Right to economic opportunities through employment or self employment**

1. What types of self-help groups or cooperatives, if any, exist for women in rural areas?
2. Are there any economic, political, social or cultural barriers that restrict rural women's ability to organize and participate in self-help groups, cooperatives and other economic or development programs?
3. If such groups exist, what are their goals?

### **Paragraph 2(f): Right to participate in all community activities**

1. What community activities do rural women participate in?<sup>491</sup>
2. Are there any economic, political, social or cultural barriers that restrict women's participation in community activities?<sup>492</sup>

### **Paragraph 2(g): Access to agricultural credit and loans; land reform**

1. What measures has the State undertaken to ensure access to agricultural credit and loans for rural women?
2. What measures has the State undertaken to ensure that rural women are able to participate in land, agrarian reform and land resettlement programs?
  - a. Are there any practices that limit women's land ownership, including prohibitions or restrictions on female inheritance of property?
  - b. Does a woman's title to land derive from her husband or father or brothers or uncles or nephews?<sup>493</sup>
3. What measures, if any, has the State undertaken to ensure the fair distribution of productive resources other than land, such as seeds, fertilizer and labor-saving technologies, to rural women?
4. What types of land or agrarian reforms has the State undertaken?<sup>494</sup>
  - a. Do rural women participate in the decision-making process of land or agrarian reform?
  - b. If so, what are some specific benefits received by rural women by land or agrarian reforms?
5. What mechanisms exist for land dispute resolutions?
6. If so, are women's equal rights to land ownership and control respected?

### **Paragraph 2(h): Adequate housing, sanitation, electricity and water supply, transport and communications.**

1. Is adequate housing available in rural areas?
  - a. If not, what measures, has the State undertaken to ensure adequate housing in rural areas?
  - b. Were rural women included in the planning and implementation process?
  - c. Did rural women benefit from these measures? If so, how?
2. Is adequate sanitation available in rural areas?
  - a. If not, what measures has the State undertaken to ensure adequate sanitation?
  - b. Were rural women included in the planning and implementation process?
  - c. Did rural women benefit from these measures? If so, how?

### *Questions for Assessing De Facto Compliance*

3. Is adequate electricity available in rural areas?
  - a. If not, what measures has the State undertaken to ensure adequate electricity supply in rural areas?
  - b. Were rural women included in the planning and implementation process?
  - c. Did rural women benefit from these measures? If so, how?
4. Is there an adequate supply of safe water in rural areas?
  - a. If not, what measures has the State undertaken to ensure adequate supply of safe water in rural areas?
  - b. Were rural women included in the planning and implementation process?
  - c. Did rural women benefit from these measures? If so, how?
5. Is there an adequate and affordable transportation system in rural areas?
  - a. If not, what measures has the State undertaken to provide an adequate transportation system in rural areas?
  - b. Were rural women included in the planning and implementation process?
  - c. Did rural women benefit from these measures? If so, how?
6. Does an adequate communications system exist in rural areas?<sup>495</sup>
  - a. If not, what measures has the State undertaken to ensure adequate communication in rural areas?
  - b. Were rural women included in the planning and implementation process?
  - c. Did rural women benefit from these measures? If so, how?

#### *Gender-based violence*

1. How is gender-based violence addressed in rural areas?
2. Is law enforcement personnel adequately trained to provide assistance to victims and to prosecute perpetrators?
3. What social services are available? How are they staffed and funded?

Part VI

**Article 15**

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women, shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

**Paragraph 1: Equality before the law**

1. Has the State established a mechanism to ensure that women and men are equal before the law?
  - a. Has the State Party conducted any studies to identify areas in the law in which women are not treated equally? If so, what were the results?
2. What measures have been undertaken to ensure this concept is adequately included in law school curricula and continuing legal education courses for legal professionals?
3. What measures has the State undertaken to educate the public on gender equality laws?

**Paragraph 2: Same legal capacity in civil matters**

1. Do women have the same legal capacity as men in civil matters, including the right to:
  - a. sue;
  - b. enter into a contract; and/or
  - c. own property in their own name?
2. Do women have the same rights as men to participate in all aspects of court proceedings (whether civil, criminal or religious), including as a juror, lawyer, judge and witness?
3. Does the testimony of a female witness in a trial have the same validity and weight as that of a male witness?
4. Do women have the same right to legal representation as men? If so, is it available and accessible and affordable to women, including rural women?
5. Has the State conducted research to determine if gender-based discrimination exists in civil law matters?
  - a. If so, what were the results?

**Paragraph 3: Contracts or instruments that restrict women's legal capacity are null and void**

1. Have any contracts or private instruments that have the legal effect of restricting the legal capacity of women been deemed null and void?
2. Has the State conducted any research to determine if any gender bias exists in judicial reasoning, judicial practices and judicial decisions?

## *Questions for Assessing De Facto Compliance*

- a. If so, what measures, if any, has the State taken to remedy such biases?
3. If compensation is awarded in civil disputes, do women receive similar compensation (monetarily or otherwise) as men in comparable civil disputes?
4. What recourse is available for women who claim they did not receive equal treatment in all stages of proceedings in courts and tribunals?

### **Paragraph 4: Freedom of movement; choice of domicile**

1. What measures has the State undertaken to ensure that all women (particularly married women) enjoy freedom of movement and can choose their own domicile?
2. In practice, are there any economic, social, cultural or other restrictions on women's freedom of movement?
3. In practice, are there any economic, social, cultural or other restrictions on women's choice of domicile?
4. Are there any public legal education programs that inform women and men about their equality before the law and specifically about women's right to freedom of movement and women's equal right to determine their residence and domicile?

## Questions for Assessing De Facto Compliance

### **Article 16**

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**

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

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

### **Paragraph 1(a): Same right to enter into marriage**

1. What measures has the State undertaken to ensure women the same right as men to enter into marriage?
2. Do laws allowing or prohibiting polygamy apply equally to men and women?
  - a. If so, how is it enforced and what measures has the State undertaken to discourage polygamy?

### **Paragraph 1(b): Same right to choose a spouse and to enter into marriage only with their free and full consent**

1. What measures has the State undertaken to ensure that women enjoy the right to freely choose a spouse and enter into marriage or remain single?
2. What recourse is available for women or girls who have been forced into marriage?
3. Does the State fund public education campaigns to discourage practices that restrict freedom of choice regarding marriage and the selection of a spouse?

### **Paragraph 1(c): Same rights and responsibilities during marriage and at its dissolution**

1. If equal distribution of assets exists by law, what procedures are in place to ensure compliance?
2. What factors determine if spousal support is to be awarded in cases of divorce or separation?
  - a. Do these factors foster or hinder women's equality?

## *Questions for Assessing De Facto Compliance*

3. Is women's unpaid domestic, agricultural or other work calculated into the marital assets to be divided after divorce?
4. What judicial recourse is available to women who, in practice, do not receive an equal distribution of assets?
5. Is divorce by renunciation available equally to both men and women?
6. Does divorce have to be officially registered with the government?<sup>496</sup>
7. Is there a law that guarantees widows and widowers the same rights and freedoms?
  - a. If so, how is it enforced?
8. Is marital rape a crime, and if so, what enforcement measures exist?
  - a. If marital rape is not a crime, what attempts are being taken to adopt such a law?

### **Paragraph 1(d): Parental rights and responsibilities relating to their children**

1. Does the law charge men and women with the same parental responsibilities?
  - a. If so, how is this enforced?
2. Are parental rights accorded even if the parents are not married?
3. Do legal professionals receive training about the equal rights of women and men as parents?
4. What measures has the State undertaken to ensure that parents are informed about their equal rights and responsibilities in matters relating to their children?
5. By law, can both women and men be found guilty of child neglect?
  - a. If so, are they subject to the same punishment?

### **Paragraph 1(e): Number and spacing of their children; access to family planning information**

1. What measures has the State undertaken to ensure that women have the right to decide freely and responsibly on the number and spacing of their children and to have the means and information to do so?
2. Do educational campaigns exist to educate the public about women's right to freely decide on the number and spacing of their children?
3. Is a full range of confidential, accessible, affordable and acceptable family planning services available for women? In rural areas?
4. If not, what are the economic, political, social and cultural barriers that prevent their use?
5. Does a woman need her husband's or father's approval to receive family planning and reproductive health care services?
6. What recourse is available for a woman who is raped by her husband or a man she knows?

### **Paragraph 1(f): Guardianship, wardship, trusteeship and adoption of children**

1. If the law guarantees women and men the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, how is it enforced?
2. Do women and men have the same rights to custody of children after divorce or separation?
3. Are both parents considered natural guardians of their children?
4. Do women have the same rights as men to decide on the adoption of children (either giving up or adopting children)?

## *Questions for Assessing De Facto Compliance*

5. Has the State undertaken educational campaigns to promote women and men's equal rights within the family to counter any subordinate role that women are supposed to play in family affairs?

### **Paragraph 1(g): Right to choose a family name, a profession, and an occupation**

1. If husband and wife have the same right to choose family name, profession, occupation, how is it enforced?
2. What measures has the State undertaken to ensure women and men are informed about their equal rights to choose a name, profession and occupation?
3. What recourse is available to women who are denied their rights?
4. Are legal professionals educated about the existence of these rights?

### **Paragraph 1(h): Property rights**

1. If the same rights exist for both spouses with respect to the ownership, acquisition, management, administration, enjoyment and disposition of property, how are they enforced?
2. Has the State conducted studies to determine if women enjoy these rights in practice?
  - a. What were the results?
3. Are legal professionals aware of women's rights with respect to property rights?

### **Paragraph 2: Marriage before the age of consent; establishing an official marriage registry**

1. Has the State ratified the Convention on Minority Age for Marriage and incorporated this legal age for marriage into national law?
2. Is the legal age for marriage the same for men and women?
  - a. If so, is it enforced?
3. Is there an official registration process for marriages to be legal?
4. Does the law prohibit sexual intercourse between an adult and a minor?
5. If so, how is it enforced?
6. Is there a law setting minimum age for consent to sexual intercourse?
  - a. If so, how is it enforced?
7. Has the State Party conducted educational campaigns to inform the public about these laws?
8. What recourse is available for young girls and women (and/or their parents) who have been betrothed or had sexual intercourse before the age of consent?
9. Does the State ensure the reproductive health and rights of adolescents, including providing information and education about their reproductive health and rights, and providing confidential, comprehensive reproductive health services and counseling?

## **V. DE FACTO REPORT TEMPLATE**

*Along with the De Jure Report Template, the following De Facto Report Template records the assessment team's analysis of a State Party's compliance with CEDAW. This Report Template should be filled out only after all interviews are conducted and all appropriate research or information gathering is completed. For each article and sub-paragraph, the assessment team must assess the degree to which the State Party has complied with CEDAW using the same rating system employed in the De Jure section of this assessment tool:*

- 5= Excellent Compliance**
- 4= Good**
- 3 = Fair**
- 2 = Poor**
- 1= No discernible compliance**

De Facto Report Template

Article 1

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

SCORE \_\_\_\_\_

ANALYSIS/JUSTIFICATION OF SCORE: Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.

SECONDARY SOURCES RELIED UPON IN ANALYSIS

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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PERSONS INTERVIEWED

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 2**  
*States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*  
 (a) *To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE:** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

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*De Facto Report Template*

**Article 2**  
**(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE:** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

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*De Facto Report Template*

**Article 2**

*(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;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE:** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**Article 2**  
*(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;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE:** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**Article 2**  
 (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE:** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
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**Article 2**  
 (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE:** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
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**Article 3**  
*States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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*De Facto Report Template*

**Article 4**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 4**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

De Facto Report Template

**Article 5**  
*States Parties shall take all appropriate measures:*  
 (a) *To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of 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;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 6**  
*States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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Article 7

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;

SCORE \_\_\_\_\_

ANALYSIS/JUSTIFICATION OF SCORE. Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u> Yes <input type="checkbox"/> No <input type="checkbox"/>
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PERSONS INTERVIEWED			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>

De Facto Report Template

Article 7

*(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;*

SCORE \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>	
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 7**

*(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 8**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u> Yes <input type="checkbox"/> No <input type="checkbox"/>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 9**  
**1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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Article 9

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

SCORE \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 10**  
*States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
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PERSONS INTERVIEWED			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>
			<u>Age</u>

*De Facto Report Template*

**Article 10**

*(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;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

Title of Article or Publication

Citation

Copy in English

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**PERSONS INTERVIEWED**

Name

Organization and Title

Education level

Sex

Age


De Facto Report Template

**Article 10**  
 (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 programs and the adaptation of teaching methods;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
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PERSONS INTERVIEWED			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>
			<u>Age</u>

De Facto Report Template

**Article 10**  
 (d) The same opportunities to benefit from scholarships and other study grants;

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
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PERSONS INTERVIEWED			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u> <u>Age</u>

*De Facto Report Template*

**Article 10**  
*(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;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<i>Name</i>	<i>Organization and Title</i>	<i>Education level</i>	<i>Sex</i>	<i>Age</i>

De Facto Report Template

**Article 10**  
 (f) *The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u> Yes <input type="checkbox"/> No <input type="checkbox"/>
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PERSONS INTERVIEWED			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>

De Facto Report Template

**Article 10**  
 (g) The same opportunities to participate actively in sports and physical education;

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u> Yes <input type="checkbox"/> No <input type="checkbox"/>
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PERSONS INTERVIEWED			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u> <u>Age</u>

*De Facto Report Template*

**Article 10**  
*(1) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
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<b>PERSONS INTERVIEWED</b>			
<i>Name</i>	<i>Organization and Title</i>	<i>Education level</i>	<i>Sex Age</i>

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**Article 11**  
**1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:**  
**(a) The right to work as an inalienable right of all human beings;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u> Yes <input type="checkbox"/> No <input type="checkbox"/>
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<b>PERSONS INTERVIEWED</b>				
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 11**  
**(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 11**  
 (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;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
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<b>PERSONS INTERVIEWED</b>			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>

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Article 11

(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;

SCORE \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE:** Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 11**  
*(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;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
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<b>PERSONS INTERVIEWED</b>			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u> <u>Age</u>

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**Article 11**  
*(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
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PERSONS INTERVIEWED			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>

*De Facto Report Template*

**Article 11**

*2. In order to prevent discrimination against women on the grounds of marriage and 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 dismissal on the basis of marital status;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 11**  
**2 (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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<b>PERSONS INTERVIEWED</b>				
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 11**  
 2 (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;

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 11**  
**2 (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<i>Name</i>	<i>Organization and Title</i>	<i>Education level</i>	<i>Sex</i>	<i>Age</i>

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Article 11

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.

SCORE \_\_\_\_\_

ANALYSIS/JUSTIFICATION OF SCORE. Where appropriate, include a description of available recourse to women whose rights have been violated and enforcement procedures.

SECONDARY SOURCES RELIED UPON IN ANALYSIS

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PERSONS INTERVIEWED

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 12**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 12**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 13**

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:**

**(a) The right to family benefits;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 13**  
**(b) The right to bank loans, mortgages and other forms of financial credit;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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<b>PERSONS INTERVIEWED</b>			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>

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Article 13  
 (c) The right to participate in recreational activities, sports and all aspects of cultural life.

SCORE \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

**Article 14**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 14**  
 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in benefit from rural development and, in particular, shall ensure to such women the right  
 a) To participate in the elaboration and implementation of development planning at all levels;

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** Where appropriate, include a description of available recourse women whose rights have been violated and relevant enforcement procedures.

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
<i>Title of Article or Publication</i>	<i>Citation</i>	<i>Copy in English</i>
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PERSONS INTERVIEWED			
<i>Name</i>	<i>Organization and Title</i>	<i>Education level</i>	<i>Sex</i>

*De Facto Report Template*

**Article 14**

*(b) To have access to adequate health care facilities, including information, counseling and services in family planning;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 14**  
**(c) To benefit directly from social security programmes;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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<b>PERSONS INTERVIEWED</b>			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>

*De Facto Report Template*

**Article 14**

*(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>	
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 14**  
 (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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<b>PERSONS INTERVIEWED</b>			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u> <u>Age</u>

*De Facto Report Template*

**Article 14**  
**(f) To participate in all community activities;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>	
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 14**

**(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>	
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 14**  
*(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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<b>PERSONS INTERVIEWED</b>			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u> <u>Age</u>

*De Facto Report Template*

**Article 15**  
**1. States Parties shall accord to women equality with men before the law.**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>	
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 15**  
 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

SECONDARY SOURCES RELIED UPON IN ANALYSIS		
<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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PERSONS INTERVIEWED			
<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>

*De Facto Report Template*

**Article 15**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 15**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>	
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 16**

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

*(a) The same right to enter into marriage;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<u>Title of Article or Publication</u>	<u>Citation</u>	<u>Copy in English</u>
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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 16**

*(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 16**

**(c) The same rights and responsibilities during marriage and at its dissolution;**

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

Title of Article or Publication

Citation

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Yes  No

Yes  No

Yes  No

Yes  No

**PERSONS INTERVIEWED**

Name

Organization and Title

Education level

Sex

Age

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**Article 16**

*(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

*De Facto Report Template*

**Article 16**

*(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 16**

*(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

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**Article 16**  
 (g) *The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;*

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

<b>SECONDARY SOURCES RELIED UPON IN ANALYSIS</b>		
<i>Title of Article or Publication</i>	<i>Citation</i>	<i>Copy in English</i>
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<i>Name</i>	<i>Organization and Title</i>	<i>Education level</i>	<i>Sex</i>
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*De Facto Report Template*

**Article 16**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

<i>Title of Article or Publication</i>	<i>Citation</i>	<i>Copy in English</i>
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**PERSONS INTERVIEWED**

<i>Name</i>	<i>Organization and Title</i>	<i>Education level</i>	<i>Sex</i>	<i>Age</i>

*De Facto Report Template*

**Article 16**

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

**SCORE** \_\_\_\_\_

**ANALYSIS/JUSTIFICATION OF SCORE.** *Where appropriate, include a description of available recourse to women whose rights have been violated and relevant enforcement procedures.*

**SECONDARY SOURCES RELIED UPON IN ANALYSIS**

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**PERSONS INTERVIEWED**

<u>Name</u>	<u>Organization and Title</u>	<u>Education level</u>	<u>Sex</u>	<u>Age</u>

## APPENDIX A

### GLOSSARY\*

**Awareness Campaign:** An informational program designed to educate the public. The CEDAW Committee recommends that States Parties employ the use of awareness campaigns to help eliminate harmful practices and prejudices that prevent women from attaining social equality.<sup>497</sup>

**Bride Price:** Refers to the amount paid by the groom to the bride's family. The "price" may consist of livestock, food, clothing, money, or other valuable objects. Bride price often provides compensation to the bride's family for the loss of their daughter, and gives the new husband all rights over his new bride, including rights to her sexuality, labor, and any future children.<sup>498</sup>

**Burden of Proof:** The necessity or duty of affirmatively proving a fact or facts in dispute on an issue raised between the parties in a lawsuit.<sup>499</sup>

**Cultural Barriers:** Traditional or customary practices and beliefs that hinder the full *de jure* and *de facto* implementation of the CEDAW Convention.

**De Jure:** Meaning, "in law". "*De jure*" describes a condition in which there has been compliance with all requirements of law. Legitimate; opposite of *de facto*.<sup>500</sup>

**De Facto:** Meaning, "in fact", "in deed", "actually" or that which is accepted for all practical purposes.<sup>501</sup>

**Domestic violence:** The use of force or threats of force by a spouse, intimate partner, or other family member for the purpose of coercing and intimidating a person into submission. The violence can take the form of pushing, hitting, choking, slapping, kicking, burning, stabbing or other violence.<sup>502</sup>

**Domicile:** A person's legal residence. "Residence" is the place where one actually lives or has a home. Residence signifies living in a particular locality, while "domicile" means living in that locality with the intent of making it a fixed and permanent home. Domicile and residence are usually the same place, but a person may have multiple places of residence (e.g., city and country homes) but only one domicile. Domicile is important because it often controls the jurisdiction of tax authorities and determines voting and other legal rights and privileges.<sup>503</sup>

**Dowry:** Refers to the property or wealth that the bride brings into her future family to help pay the living expenses of the wife and future children. Originally the payment of the dowry was a gift made in the hopes that it would guarantee the wife good treatment within her new family. Frequently, women are victims of "dowry death" in which women are killed over dowry disputes between the bride's and the groom's families.<sup>504</sup>

**Enforcement:** The act of putting something such as a law into effect; the carrying out of a mandate or command.<sup>505</sup>

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\* This glossary is designed to aid in the understanding of the CEDAW Assessment Tool and should not be viewed as providing definitive definitions, of the terms contained herein.

## Glossary

**Exploitation:** In the context of CEDAW, this term refers to “... the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs...”<sup>506</sup>

**Female circumcision/Female genital mutilation [FC/FGM]:** The practice of cutting away portions of the female genitals.<sup>507</sup>

**Female Infanticide:** The act of killing female infants resulting from a preference for raising sons. Infanticide often occurs because the cost of marrying off a girl may be prohibitive in cultures that practice dowry.<sup>508</sup>

**Gender Discrimination:** A 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.<sup>509</sup>

**Gender-based Violence:** “Acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”<sup>510</sup> Any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threat of such acts, coercion or arbitrary deprivation of *liberty*, whether occurring in public or private life.<sup>511</sup>

**Harmful “traditional” practices:** Practices that are harmful to women may be customary, traditional or otherwise, and they jeopardize the health, well being or dignity of women and girls. These practices may include female circumcision, female genital mutilation, dry sex, sex selective abortion or son preference, facial scarring, bride price, early and forced marriage, dowry-related crimes, honor crimes and sexual slavery.

**Nationality:** “That quality or character which arises from the fact of a person’s belonging to a nation or state. Nationality determines the political status of the individual especially with reference to allegiance, while domicile determines his civil status. Nationality arises either by birth or by naturalizations.”<sup>512</sup>

**National Machinery:** National machinery for the advancement of women mentioned in CEDAW General Recommendation No. 6 refers to a central policy coordinating unit inside the government. The main task of this machinery is to support government-wide mainstreaming and monitoring of a gender-equality perspective in all policy areas. This also includes dissemination of CEDAW, and all related reports from the CEDAW Committee and the government.<sup>513</sup>

**National Mechanism:** A public administrative system that is sound, efficient, and well-equipped with appropriate capacities and capabilities to promote the involvement of women in public administration and development of cross-sectoral gender sensitive and multidisciplinary capabilities.<sup>514</sup>

**Personal Laws:** In the civil or customary legal tradition, laws pertaining to domestic relations including among others, marriage, divorce and inheritance.

**Private Sector:** Private organizations, enterprises, and individuals who are not associated with public authorities or institutions.<sup>515</sup>

## *Glossary*

**Protective legislation:** Laws or parts of laws that restrict a woman's employment choices, allegedly on the basis of "safety", "health" or other subjective circumstances and/or presumed female qualities.<sup>516</sup>

**Reproductive Rights:** "A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes."<sup>517</sup>

**Sanctions:** Penalties or enforcement mechanism used to provide incentives for obedience with the law, or with rules and regulations.<sup>518</sup>

**Temporary Special Measures:** Measures aimed at accelerating *de facto* equality between women and men through the use of numerical goals, gender quotas, quantitative targets and timetables<sup>519</sup>. The use of temporary special measures is codified in CEDAW Article 4, which also states that temporary special measures should not be considered discriminatory.

## **APPENDIX B**

### **The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

#### **PART I**

##### **Article 1**

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

##### **Article 2**

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

##### **Article 3**

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

##### **Article 4**

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

##### **Article 5**

States Parties shall take all appropriate measures:

**(a)** To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of 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.

#### **Article 6**

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

### **PART II**

#### **Article 7**

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-governmental organizations and associations concerned with the public and political life of the country.

#### **Article 8**

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

#### **Article 9**

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

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

### **PART III**

#### **Article 10**

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

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

**(b)** Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

**(c)** The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help

to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;

- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.

#### **Article 11**

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

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right 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.

#### **Article 12**

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

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal

period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

**Article 13**

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

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

**Article 14**

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

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

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

**PART IV**

**Article 15**

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

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

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

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

**Article 16**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
  - (b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - (g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## **PART V**

### **Article 17**

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principle legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

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

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

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

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

#### **Article 18**

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

(a) Within a year after the entry into force for the State concerned; and

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

#### **Article 19**

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

#### **Article 20**

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

#### **Article 21**

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

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

#### **Article 22**

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

**PART VI**

**Article 23**

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

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State. <sup>520</sup>

**Article 24**

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

**Article 25**

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

**Article 26**

- 1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary General of the United Nations.
- 2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

**Article 27**

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

**Article 28**

- 1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
- 2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
- 3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

**Article 29**

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

*CEDAW Text*

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

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

**Article 30**

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

## Endnotes

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- <sup>1</sup> Outline of the Compendium on the Implementation of the CEDAW Report by Secretariat, CEDAW /C/1994/7 December 6, 1993.
- <sup>2</sup> See U.N. High Commissioner for Human Rights, U.N. Fact Sheet No. 22, Discrimination against Women: The Convention and the Committee, at <http://www.unhcr.ch/html.menu/2/fs22.htm> [hereinafter U.N. Fact Sheet No. 22]; Division for Advancement of Women, U.N. Department of Economic and Social Affairs, Assessing the Status of Women, A Guide to Reporting under the Convention on the Elimination of All Forms of Discrimination against Women (1999). [hereinafter Assessing the Status of Women]. See generally, Noreen Burrows, The 1979 Convention on the Elimination of All Forms of Discrimination against Women, *Netherlands International Law Rev.* 419, 424-426 (1985) (providing explanations of Article 1 of the Convention) [hereinafter Burrows].
- <sup>3</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>4</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>5</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>6</sup> Chen, Mai, "Protective Laws and the Convention on the Elimination of All Forms of Discrimination Against Women," *Women's Rights Law Reporter*, 15, no. 1 (Fall 1993), [hereinafter Chen].
- <sup>7</sup> U.N. CEDAW Committee on the Elimination of Discrimination against Women, General Recommendation No. 19, para. 1, 11th Session, U.N. Doc. CEDAW/C/1992/L.1/Add.15 (1992) [hereinafter GR 19]. See also U.N. Fact Sheet No. 22, note 2.
- <sup>8</sup> See GR 19, para. 6, note 7.
- <sup>9</sup> See GR 19, para. 6 note 7.
- <sup>10</sup> See GR 19, para. 17, note 7.
- <sup>11</sup> Cameroon Initial Report of States Parties to CEDAW, (U.N. Doc CEDAW/C/CMR/1 9 May 1999 Chapter I.2 [hereinafter Cameroon Initial CEDAW Report].
- <sup>12</sup> Initial Report of States Parties, Uzbekistan (CEDAW/C/UZB/1 25 January 2001, para. 21) [hereinafter Uzbekistan Initial CEDAW Report].
- <sup>13</sup> See generally, Implementation of Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, U.N. Comm. on the Elimination of Discrimination against Women, 14th Session, Provisional Agenda Item 7, (U.N. Doc. CEDAW/C/1995/1) for an in-depth analysis of Article 2 of the Convention.
- <sup>14</sup> See Assessing the Status of Women, page 14, note 2.
- <sup>15</sup> See Assessing the Status of Women, page 14, note 2 ; U.N. Fact Sheet No. 22, note 2.
- <sup>16</sup> See Assessing the Status of Women, page 14, note 2; see U.N. Fact Sheet No. 22, note 2.
- <sup>17</sup> Report of the U.N Committee on the Elimination of Discrimination against Women Twenty-second and Twenty-third Session Reports of the Committee on the Elimination of Discrimination Against Women, 2000 (UN Doc. A/55/38 Jordan, para. 167) [hereinafter CEDAW Committee Concluding Comments, Session 22, Jordan].
- <sup>18</sup> See Burrows, page 427, note 2.
- <sup>19</sup> See Assessing the Status of Women, page 14, note 2.
- <sup>20</sup> See Cameroon Initial CEDAW Report, Part II, Chapter I. 1, note 11
- <sup>21</sup> Algeria Initial Report of States Parties to CEDAW, (U.N. Doc. CEDAW/C/DZA/1, Part II, page 12, 13. 1 September 1998) [hereinafter Algeria Initial CEDAW Report].
- <sup>22</sup> Third and Fourth Periodic Reports of the States Parties to the CEDAW Committee, Bangladesh, CEDAW/C/BGD/3-4, April 1997, Section 2.8 [hereinafter Bangladesh 3rd & 4th CEDAW Reports].
- <sup>23</sup> See CEDAW Concluding Comments Session 22, Jordan, note 17.
- <sup>24</sup> United Nations Twentieth and Twenty-first Session Reports of the Committee on the Elimination of Discrimination Against Women, 1999, Concluding Comments, Colombia (A/54/38/Rev. 1 para. 340) [hereinafter, CEDAW Committee Concluding Comments Session 21/22, Colombia].
- <sup>25</sup> See Bangladesh 3rd & 4th CEDAW Report, Section 2.4, note 22.
- <sup>26</sup> Initial and Second Periodic Report of States Parties (U.N. Doc CEDAW/C/CYP/1-2, 4 May 1995, para. 113) [hereinafter, Cyprus 1st & 2nd CEDAW Report].
- <sup>27</sup> See CEDAW Committee Concluding Comments, Twenty-second and Twenty-third Session, 2000 (A/55/38) para. 34.
- <sup>28</sup> See Bangladesh 3rd & 4th CEDAW Report, note 22.
- <sup>29</sup> Third and Fourth Periodic Reports of States Parties to the CEDAW Committee, People's Republic of China, CEDAW/C/CH/3-4 Part II, article 2.A.3 [hereinafter China 3rd & 4th CEDAW Report].
- <sup>30</sup> Luxembourg Initial Report of States Parties (U.N. Doc CEDAW/C/LUX 18 December 1996) page 16 [hereinafter Luxembourg Initial Report].
- <sup>31</sup> See Cyprus 1st & 2nd CEDAW Report, section G 27 (f), note, 26.
- <sup>32</sup> See Bangladesh 3rd & 4th CEDAW Report, Section 2.1.2, note, 22.
- <sup>33</sup> See CEDAW Concluding Comments Session 22, Jordan, para. 142, note 17.
- <sup>34</sup> See Cameroon Initial Report to CEDAW, Section I. 3 1(f), page 23, note 11.
- <sup>35</sup> Zaire Initial Report of States Parties to CEDAW (U.N. Doc CEDAW/C/ZAR/1, 14 November 1994 para. 36. [hereinafter, Zaire 1st CEDAW Report].
- <sup>36</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>37</sup> See U.N. Fact Sheet No. 22, note 2.

- <sup>38</sup> U.N. Commission on the Elimination of Discrimination Against Women, General Recommendation No. 6 (Seventh Session, 1988 U.N. Doc A/43/38) [hereinafter GR 6]. Effective National Machinery and Publicity states, "The Committee on the Elimination of Discrimination against Women, Having considered the reports of States Parties to the Convention on the Elimination of all Forms of Discrimination against Women, Noting United Nations General Assembly resolution 42/60 of 30 November 1987, Recommends that States parties: 1. Establish and/or strengthen effective national machinery institutions and procedures; at a high level of Government, and with adequate resources, commitment and authority to (a) Advise on the impact on women of all government policies; (b) Monitor the situation of women comprehensively; (c) Help formulate new policies and effectively carry out strategies and measures to eliminate discrimination; 2. Take appropriate steps to ensure the dissemination of the Convention, the reports of the States parties under article 18 and the reports of the Committee in the language of the States concerned; 3. Seek the assistance of the Secretary-General and the Department of Public Information in providing translations of the Convention and the reports of the Committee; 4. Include in their initial and periodic reports the action taken in respect of this recommendation. "
- <sup>39</sup> Report of the Committee on the Elimination of Discrimination against Women Twentieth Session, 1999 (U.N. Doc. A/54/38/Rev. 1 para. 99) [hereinafter CEDAW Committee Concluding Comments Session 20, Kyrgyzstan].
- <sup>40</sup> See Cameroon Initial Report to CEDAW, page 25, Section II.2, note 11.
- <sup>41</sup> Third Periodic Reports of States Parties, Australia, CEDAW/C/AUL/3 (1995) page 7 [hereinafter Australia 3rd CEDAW Report].
- <sup>42</sup> Philippines Fourth Periodic Report to CEDAW Committee, 1996. para 28 (CEDAW/C/PHI/4 1996) [hereinafter Philippines 4th CEDAW Report].
- <sup>43</sup> Ibid. See Philippines 4th CEDAW Report, para 31, note 42.
- <sup>44</sup> See CEDAW Committee Concluding Comments, Session 22, Jordan, para. 187, note 17.
- <sup>45</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>46</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>47</sup> See Assessing the Status of Women, page 17, note 2.
- <sup>48</sup> See International Women's Rights Action Watch (IWRAP), "Achieving the Rights Result: Affirmative Action and Article 4 of the Women's Convention," at <http://www.igc.org/iwraw/publications/cr/1997.html> [hereinafter IWRAP Article 4].
- <sup>49</sup> See IWRAP Article 4, note 48.
- <sup>50</sup> See IWRAP Article 4, note 48.
- <sup>51</sup> See IWRAP Article 4, note 48.
- <sup>52</sup> General Recommendation No. 5., U.N. Committee on the Elimination of Discrimination against Women, 7th Session, 1988(U.N. Doc A/43/48) [hereinafter GR 5]; Assessing the Status of Women, page 17, note 2: "Recommends that States Parties 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."
- <sup>53</sup> See GR 5, note 52; Assessing the Status of Women, page 17, note 2.
- <sup>54</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>55</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>56</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>57</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>58</sup> United Nations Twentieth and Twenty-first Session Reports of the Committee on the Elimination of Discrimination Against Women, 1999 (U.N. Doc A/54/38/Rev. 1) [hereinafter 21st and 22nd CEDAW Session]
- <sup>59</sup> CEDAW Committee Concluding Comments, Session 22, Germany, para. 291, note 211.
- <sup>60</sup> "Key Issues Affecting Women's Enjoyment of Human Rights in Lithuania", by Liuda Mecajeva of the Social Innovation Fund, and Margarita Tereseviciene, Vice-President of the Lithuanian Association of Adult Education, prepared for the 23rd Session of CEDAW, June 2000 [hereinafter Human Rights in Lithuania].
- <sup>61</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>62</sup> See Burrows, page 428, note 2.
- <sup>63</sup> Celestine I. Nyamu, "How Should Human Rights and Development Respond to Cultural Legitimization of Gender Hierarchy in Developing Countries?" *Harvard International Law Journal*, 41 (2000).
- <sup>64</sup> Report of the Committee on the Elimination of Discrimination against Women Twentieth and Twenty-first Sessions, 1999/2000 (U.N Doc. A/54/38/Rev.1 Algeria, para. 71) [hereinafter CEDAW Committee Concluding Comments, Algeria].
- <sup>65</sup> Report of the Committee on the Elimination of Discrimination against Women Twentieth and Twenty-first Sessions 1999, 2000 (U.N Doc A/54/38/Rev.1, Georgia para. 99) [hereinafter CEDAW Committee Concluding Comments, Georgia].
- <sup>66</sup> International Conference on Population and Development (ICPD) Plan of Action, 2000, para. 7.2- 7.3 [hereinafter ICPD].
- <sup>67</sup> U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 21, 13th Session, 1994) U.N. Doc. A/44/38) [hereinafter GR 21].
- <sup>68</sup> See GR 21, note 67.
- <sup>69</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>70</sup> ICPD Plan of Action, para. 7.2-7.4, note 66.
- <sup>71</sup> ICPD Plan of Action, para. 7.2- 7.3, note 66.
- <sup>72</sup> ICPD Plan of Action, para. 7.2- 7.4, note 66.

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- <sup>73</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.4, note 22.
- <sup>74</sup> Report of the Committee on the Elimination of Discrimination against Women Twenty-second and Twenty-third Session Reports, 2000 (A/55/38, para. 50) [hereinafter, CEDAW Committee Concluding Comments, Session 22, India].
- <sup>75</sup> See Cameroon Initial CEDAW Report, section I.4.1, page 25, note 11.
- <sup>76</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.15.1, note 22.
- <sup>77</sup> See Assessing the Status of Women, page 20, note 2; U.N. Fact Sheet No. 22, note 2.
- <sup>78</sup> See GR 19, para. 14-16, note 7.
- <sup>79</sup> See Assessing the Status of Women, page 20, note 2; Lars Adam Rehof, *Guide to the Travaux Préparatoires of the United Nations Convention on the Elimination of All Forms of Women* (London: Martinus Nijhoff Publishers, 1993), [hereinafter *Travaux Préparatoires*].
- <sup>80</sup> Report of the Committee on the Elimination of Discrimination against Women Twentieth Session January 1999 A/54/38/Rev.1, para. 168 [hereinafter, CEDAW Committee Concluding Comments, Liechtenstein].
- <sup>81</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>82</sup> See GR 19, para. 15, note 7.
- <sup>83</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>84</sup> See GR 19, para. 14, note 7.
- <sup>85</sup> See Assessing the Status of Women, page 20, note 2.
- <sup>86</sup> See GR 19, para. 14, note 7.
- <sup>87</sup> See GR 19, para. 24(g)-(h), note 7.
- <sup>88</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime was adopted by the General Assembly, without a vote, in December 2000. See generally, G.A. Res. 25 U.N. GAOR, 55th Sess., U.N. Doc. A/55/25 (2001). [hereinafter, *Trafficking Protocol*].
- <sup>89</sup> See *Trafficking Protocol*, art. (a), note 88.
- <sup>90</sup> See *Trafficking Protocol*, art. (a), note 88.
- <sup>91</sup> See *Trafficking Protocol*, art. 3(b), note 88.
- <sup>92</sup> See *Trafficking Protocol*, art. 3(b) & (c), note 88.
- <sup>93</sup> David Weissbrodt and Anti-Slavery International, "Contemporary Forms of Slavery: Updated Review of the Implementation of and Follow-up to the Conventions on Slavery," U.N. Commission on Human Rights, 42nd Session, Agenda Item 6, para. 50 (U.N. Doc. E/CN.4/Sub.2/2000/3 26 May 2000) [hereinafter Weissbrodt].
- <sup>94</sup> See Weissbrodt, note 93.
- <sup>95</sup> Laura Lederer, *Human Rights Report of on Trafficking of Women and Children*, The Protection Project, Johns Hopkins University 2000, page 302 [hereinafter *Trafficking of Women and Children*].
- <sup>96</sup> *Women's Rights*, page 25, Georgian Young Lawyers Association, 1999.
- <sup>97</sup> See *Trafficking of Women and Children*, page 298, note 95.
- <sup>98</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.5.2, note 22.
- <sup>99</sup> See Cameroon Initial CEDAW Report, page 37, Chapter VI.2 (a), note 11.
- <sup>100</sup> U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 23, para. 5, 16th Session 1997, (U.N. Doc A/52/38/Rev. 1) [hereinafter GR 23].
- <sup>101</sup> See GR 23, para. 5, note 100.
- <sup>102</sup> See GR 23, para. 5, note 100.
- <sup>103</sup> See generally, GR 23, note 100.
- <sup>104</sup> See Universal Declaration of Human Rights, Dec. 10, 1948, art. 21, para. 3 ("The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."); International Covenant on Civil and Political Rights, Dec. 16, 1966, art. 25 ("Every citizen shall have the right and the opportunity, without any other distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot guaranteeing the free expression of the will of the electors...") [hereinafter *Universal Declaration on Human Rights*].
- <sup>105</sup> GR 23, para 6, note 100.
- <sup>106</sup> See Assessing the Status of Women, page 21, note 2; Articles I- III of the Convention on the Political Rights of Women are particularly important to Article 7 of the CEDAW. Article I states, "[w]omen shall be entitled to vote in all elections on equal terms with men, without any discrimination." Article II states, "[w]omen shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination." Finally, Article III states, "[w]omen shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination." Convention on the Political Rights of Women, entered into force, July 7, 1954, arts. I-III.
- <sup>107</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>108</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>109</sup> See Assessing the Status of Women, page 21, note 2.
- <sup>110</sup> See GR 23, note 100.
- <sup>111</sup> See GR 23, note 100.

- <sup>112</sup> See GR 23, note 100.
- <sup>113</sup> See GR 23, note 100.
- <sup>114</sup> See GR 23, note 100.
- <sup>115</sup> See GR 23, para. 45(c), note 100.
- <sup>116</sup> See GR 23, para. 45(d), note 100.
- <sup>117</sup> See GR 23, para. 45(d), note 100.
- <sup>118</sup> See GR 23, para 26, note 100.
- <sup>119</sup> See GR 23, para. 27, note 100.
- <sup>120</sup> See GR 23, para. 28, note 100.
- <sup>121</sup> See GR 23, paras. 15, 29, note 100.
- <sup>122</sup> See GR 23, para. 29, note 100.
- <sup>123</sup> See GR 23, para. 31, note 100.
- <sup>124</sup> See GR 23, para. 46, note 100.
- <sup>125</sup> See GR 23, para. 32, note 100.
- <sup>126</sup> See GR 23, para. 29, 33, note 100.
- <sup>127</sup> See GR 23, para. 34, note 100.
- <sup>128</sup> These international conventions include: The Convention on the Political Rights of Women, CEDAW, and the ILO Convention NO. 103 on Maternity Protection. From Initial Reports of States Parties to the CEDAW Committee, Moldova (U.N. Doc CEDAW/C/MDA/1 26 October 1998) paras. 88-89.
- <sup>129</sup> "A Commentary on Bangladesh's Combined 3rd and 4th report for the members of the United Nations Committee on the Elimination of Discrimination Against Women", by Bangladesh National Women Lawyers Association, Naripokkho, Bangladesh Mahila Parishad. from, International Women's Rights Action Watch website: [www.igc.org/iwraw/ngo/samples](http://www.igc.org/iwraw/ngo/samples).
- <sup>130</sup> See Luxembourg Initial CEDAW Report, article 7, page 22, note 30.
- <sup>131</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.6.2, note 22.
- <sup>132</sup> Fourth Periodic Reports of States Parties, Colombia (U.N. Doc. CEDAW/C/COL/4 28 August 1997) page 57 [hereinafter, Colombia 4th CEDAW Report].
- <sup>133</sup> See Philippines 4th CEDAW Report, para. 297, note 42.
- <sup>134</sup> See Human Rights in Lithuania, page 3, note 60.
- <sup>135</sup> See Cameroon Initial CEDAW Report, section V.2. table 6, page 45, note 11.
- <sup>136</sup> Third Periodic Report of States Parties, Luxembourg, (U.N. Doc. CEDAW/C/LUZ/3 8 April 1997) page 6 [hereinafter Luxembourg 2nd and 3rd CEDAW Report].
- <sup>137</sup> See GR 23, para. 39, note 100.
- <sup>138</sup> See GR 23, para. 40, note 100.
- <sup>139</sup> See GR 23, para. 36, note 100.
- <sup>140</sup> See GR 23, para. 35, note 100.
- <sup>141</sup> U.N. Committee on Elimination of the Discrimination against Women, General Recommendation No. 8, 7th Session, 1988 (U.N. Doc. A/43/38 para. 15) [hereinafter GR 8].
- <sup>142</sup> See GR 8, para. 38, 50 (b), note 141.
- <sup>143</sup> See GR 8, para. 44, note 141.
- <sup>144</sup> See Cameroon Initial CEDAW Report, Chapter V. Section I., page 46, note 11.
- <sup>145</sup> See Universal Declaration of Human Rights, Dec. 10, 1948, art. 15; Assessing the Status of Women, para. 24, note 2.
- <sup>146</sup> See GR 21, para. 6, note 67.
- <sup>147</sup> See GR 21, para. 6, note 67.
- <sup>148</sup> See GR 21, para. 6, note 67.
- <sup>149</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>150</sup> See Assessing the Status of Women, page 24, note 2.
- <sup>151</sup> See *id.* Cf. Burrows note 2, pages 433-34. The 1957 Convention intends to redress the balance of the laws in favor of women, but it fails to provide the principle that men and women should be treated exactly the same. Under Article 3 of the 1957 Convention, for example, Contracting Parties should establish a special naturalization procedure that would make it easier for alien wives to obtain their husbands' nationality. Such a provision is itself discriminatory and implicitly embodies the assumption that the nationality of the wife will follow that of her husband. The Article 9 of the Convention therefore goes beyond the standard set forth by the 1957 Convention. See generally, Convention on the Nationality of Married Women, Jun. 29, 1957, [hereinafter 1957 Convention].
- <sup>152</sup> See Burrows, page 434, note 2.
- <sup>153</sup> See Burrows, page 434, note 2.
- <sup>154</sup> See Burrows, page 434, note 2.
- <sup>155</sup> See Burrows, page 434, note 2.
- <sup>156</sup> Azerbaijan Initial CEDAW Report, para 101. (U.N. Doc CEDAW/C/AZE/1, 16 September 1996.) [hereinafter Azerbaijan Initial CEDAW Report].
- <sup>157</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.8, note 22.
- <sup>158</sup> *Sharifan v. Federation of Pakistan* (1998) 50, All Pakistan Legal Decisions 59 (Lahore), from <http://www.law-lib.utoronto.ca/diana/nation/documents.htm>

## Endnotes

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- <sup>159</sup> Michael P. Seng, "In a Conflict Between Equal Rights for Women and Customary Law, the Botswana Court of Appeal Chooses Equality," *University of Toledo Law Review*, 24 (1993), pp. 563-82, at <http://www.law-lib.utoronto.ca/diana/nation/documents.htm>.
- <sup>160</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>161</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>162</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>163</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>164</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>165</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>166</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>167</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>168</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>169</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>170</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>171</sup> See GR 19, para. 11-12, note 7.
- <sup>172</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>173</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>174</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>175</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>176</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>177</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>178</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>179</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>180</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>181</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>182</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>183</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>184</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>185</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>186</sup> See *Assessing the Status of Women*, page 26, note 2.
- <sup>187</sup> ICPD, para. 7.2, note 66.
- <sup>188</sup> ICPD, para. 7.2, note 66.
- <sup>189</sup> ICPD, para. 7.2, note 66.
- <sup>190</sup> U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 14, 9th Session, 1990 (U.N. Doc A/45/38 para. (a)(iv)(d) [hereinafter GR 14]).
- <sup>191</sup> U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 18, 10th Session, 1991. (U.N. Doc. A/46/38) [hereinafter GR 18].
- <sup>192</sup> China 3rd and 4th CEDAW Report, page 13, note 29.
- <sup>193</sup> International Helsinki Federation for Human Rights, *Women 2000: An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States, Hungary* (Helsinki: 2000), p. 193.
- <sup>194</sup> The President's Interagency Council on Women, *America's Commitment: Federal Programs Benefiting Women and New Initiatives: Follow-up to the UN Fourth World Conference on Women, June 2000*, page 18 [hereinafter, *America's Commitment*].
- <sup>195</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.94, note 22.
- <sup>196</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.94, note 22.
- <sup>197</sup> See Azerbaijan Initial CEDAW Report para. 103, note 156.
- <sup>198</sup> See Azerbaijan Initial CEDAW Report, para 107, note 156.
- <sup>199</sup> See *America's Commitment*, page 18, note 194.
- <sup>200</sup> See *Human Rights in Lithuania*, page 4, note 60.
- <sup>201</sup> See *America's Commitment*, pg. 25, note 194.
- <sup>202</sup> United States Code 20, Section 1681.
- <sup>203</sup> Luxembourg Third Reports of States Parties, CEDAW/C/LUZ/3 page 50, note 136.
- <sup>204</sup> Center for Reproductive Law and Policy, "Reproductive Rights in Cameroon: A Shadow Report" (Washington, DC: November 1999), page 15.
- <sup>205</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>206</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>207</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>208</sup> Douglass Cassel and Jim Guzman, "The Law and Reality of Discrimination against Women" in *Women's International Human Rights*, 1998, p. 289. Translational Publishers, Inc. 2000.
- <sup>209</sup> Report of the Committee on the Elimination of Discrimination against Women Twenty-second Session January 31, 2000 (U.N. Doc A/55/38 Belarus, para. 336) [hereinafter CEDAW Committee Concluding Comments, Session 22, Belarus].
- <sup>210</sup> See Chen, note 6.
- <sup>211</sup> Report of the Committee on the Elimination of Discrimination against Women Twenty-second Session January 31, 2000 (U.N. Doc A/55/38 Germany, para. 291 [hereinafter CEDAW Concluding Comments, Session 22, Germany]).

- <sup>212</sup> U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 13 (eight session, 1989 U.N. Doc A/44/38) [hereinafter GR 13] recommends that States Parties ratify the ILO Convention No. 100, on Equal Remuneration (1951), and implement national legislation that guarantees women the right of equal remuneration and equal evaluation criteria for work.
- <sup>213</sup> U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 16, 10th Session, 1991 (U.N. Doc. A/46/38/Rev. 1 [hereinafter GR 16].
- <sup>214</sup> See Assessing the Status of Women, para. 29, note 2.
- <sup>215</sup> See Assessing the Status of Women, para. 29, note 2.
- <sup>216</sup> See Chen, note 6.
- <sup>217</sup> Compa Lance, "International Labor Standards and Instruments of Recourse for Working Women" *Yale Journal of International Law* 17 (1992), pp. 151-152.
- <sup>218</sup> See GR 19, note 7.
- <sup>219</sup> Generally, "Violence in the Workplace: Sexual Harassment," *Women and International Human Rights Law*, Vol. 1, ed. Kelly Askin and Dorean Koenig. Transnational Publishing, 2000.
- <sup>220</sup> See U.N. Fact Sheet No. 22, note 2. Conventions addressing a woman's right to protection from dismissal from employment on the grounds of pregnancy, maternity leave or marital status include the International Labor Organization's Convention on Workers with Family Responsibilities adopted in 1981, and the Maternity Protection Convention No. 10 adopted in 1919 and revised in 1952. The objective of both texts [Agreement No. 103, and Recommendation No. 95] is to ensure that all female workers have basic security during pregnancy. Thirty-six (36) have ratified the Convention, but others do have some good national policies on the subject. See <http://www.ilo.org>.
- <sup>221</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>222</sup> Follow-up to the Fourth World Conference on Women: Implementation of Strategic Objectives and Action in the Critical Areas of Concern, Child and Dependant Care, Including the Sharing of Work and Family Responsibilities, U.N. Comm. on the Status of Women, 40th Session, Agenda Item 3(c), para. 69, 1996) [hereinafter Fourth World Conference on Women].
- <sup>223</sup> See Fourth World Conference on Women, note 222.
- <sup>224</sup> See Fourth World Conference on Women, note 222.
- <sup>225</sup> See Fourth World Conference on Women, note 222.
- <sup>226</sup> See U.N. Fact Sheet No. 22, note 2. Other International Conventions relating to this provision are: The International Labor Organization's Declaration on Equality of Opportunity and Treatment for Women Workers (1975), The International Labor Convention concerning Workers with Family Responsibilities, The International Labor Organization's Maternity Protection Convention 2000.
- <sup>227</sup> Adopted on June 15, 2000 in Geneva.
- <sup>228</sup> Adopted on June 15, 2000.
- <sup>229</sup> See ILO Maternity Protection Convention, 2000 (No. 183), art. 3. (This Convention has not yet come into force.)
- <sup>230</sup> See ILO, Maternity Protection Recommendation, 2000 (No. 191), 88th session, para.6 (3) [hereinafter ILO Convention No. 191].
- <sup>231</sup> See ILO Convention No. 191, para. 6(2), note 230.
- <sup>232</sup> See Travaux Préparatoires, page 142, note 79.
- <sup>233</sup> The right to work in favorable conditions and protection from unemployment was first set forth in Article 23 of the Universal Declaration of Human Rights. Expanding on this right, the ILO Employment Policy Convention, No. 122, states that the worker also has the right to "full, productive and freely chosen employment" – that is, gainful employment. Article 6 of International Covenant on Economic, Social and Cultural Rights (ICESCR) provides similarly, "...the right of everyone to the opportunity to gain his living by work which he freely chooses and accepts." For information on these conventions see <http://ilolex.ilo.ch:1567/public/english/docs/convdisp.htm>.
- <sup>234</sup> Report of the U.N. Committee on the Elimination of Discrimination against Women Twentieth and Twenty-first Sessions, 1999, 2000 (A/54/38/Reb.1, Greece, para. 182) [hereinafter CEDAW Committee Concluding Comments, Greece].
- <sup>235</sup> Report of the Committee on the Elimination of Discrimination against Women Twenty-second and Twenty-third Sessions, 2000. (U.N. Doc A/55/38/Reb.1 Austria, para. 227) [hereinafter CEDAW Committee Concluding Comments, Austria].
- <sup>236</sup> See Zaire 1st CEDAW Report, para. 59, note 35.
- <sup>237</sup> See Cameroon Initial CEDAW Report, Part II. para I.3, note 11.
- <sup>238</sup> Second Periodic Reports of States Parties, Luxembourg Section: article 11, 1(c) page 34 [hereinafter Luxembourg 2nd CEDAW Report].
- <sup>239</sup> See Azerbaijan Initial CEDAW Report, para. 109, note 156.
- <sup>240</sup> Initial Uzbekistan CEDAW Report, page 18, note 12.
- <sup>241</sup> See Cyprus 1st & 2nd CEDAW Report, section G 27 (a), note 26.
- <sup>242</sup> See Luxembourg Initial CEDAW Report, article 11 1(d) page 35, note 30.
- <sup>243</sup> Cyprus 1st & 2nd CEDAW Report, para. 284, note 26.
- <sup>244</sup> Cyprus 1st & 2nd CEDW Report, para. 280, note 26.
- <sup>245</sup> Second and Third Periodic Reports of States Parties to the CEDAW Committee, Republic of Bulgaria, para 91. 03/11/94 (CEDAW/C/BGR/2-3) [hereinafter Bulgaria 2nd and 3rd CEDAW Report].

## Endnotes

- <sup>246</sup> See Luxembourg Initial CEDAW Report, article 11 1(e) page 51, note 30.
- <sup>247</sup> Cyprus 1st & 2nd CEDAW Report, para. 316, note 26.
- <sup>248</sup> See Philippines 4th CEDAW Report, para. 31(a), note 42.
- <sup>249</sup> Second Periodic Reports of States Parties to CEDAW Committee, Argentina (U.N. Doc. CEDAW/C/ARG/2/Add. 2, 18 August 1994), Article 11 section 1(f).
- <sup>250</sup> Reports of States Parties to the CEDAW Committee, Lithuania Initial and Second Report, Twenty-third Session (U.N. Doc CEDAW/C/LTU/1 & 2) para. 14 [hereinafter Lithuania 1st and 2nd CEDAW Report].
- <sup>251</sup> See Algeria Initial CEDAW Report, page 26, note 21.
- <sup>252</sup> See Colombia 4th CEDAW Report, page 35, note 132.
- <sup>253</sup> Azerbaijan Initial CEDAW Report, para.11 (a) - (j), note 156.
- <sup>254</sup> Although this is written in the guise of “protecting” pregnant workers and female workers with children, it does not protect them from dismissal because of pregnancy or change in marital status. This overly broad “protective” law discriminates against women and assumes that women are the primary caregiver to children and at the same times denies rights to men who may be primary caregivers to children. As a result, these protective labor laws make it difficult for women to compete in the labor market.
- <sup>255</sup> See Luxembourg Initial CEDAW Report, page 38, note 30.
- <sup>256</sup> Bulgaria 2nd and 3rd CEDAW Report, para 90-94, note 245.
- <sup>257</sup> See Zaire Initial CEDAW Report, para. 37, note 35.
- <sup>258</sup> See Luxembourg Initial CEDAW Report, page 9, note 30.
- <sup>259</sup> Third Periodic Reports of States Parties to the CEDAW Committee, Japan (U.N. Doc CEDAW/C/JPN/3 2 November 1993) page 30.
- <sup>260</sup> Fourth Periodic Reports of States Parties to the CEDAW Committee, Norway (U.N. Doc CEDAW/C/NOR/4 22 September 1994), page 27.
- <sup>261</sup> See Bangladesh 3rd & 4th CEDAW Report, Section 2.10.3, note 22.
- <sup>262</sup> See Luxembourg Initial CEDAW Report, article 11 (2c) page 40, note 30.
- <sup>263</sup> Valerie Oosterveld, “Women and Employment,” *Women and International Human Rights Law*, Vol. 1., ed. Kelly Askin and Dorean Koenig, page 379. Transnational Publishing, 2000.
- <sup>264</sup> Second and Third Periodic Reports of States Parties to the CEDAW Committee, Panama, U.N. Doc. CEDAW/C/PAN/2-3, page 67.
- <sup>265</sup> National Report on Women in the Islamic Republic of Iran, The National Committee Secretariat, Bureau of Women’s Affairs Office of the President of the Republic, Tehran, May 1995, Section II. 2 at <http://www.telecom.net.et/~iranet/page31.htm>.
- <sup>266</sup> Initial Report of States Parties to the CEDAW Committee, Croatia (U.N. Doc CEDAW/C/CRO/1 15 February 1995) page 44.
- <sup>267</sup> Second Periodic Reports of States Parties to the CEDAW Committee, Finland, page 40 (U.N. Doc CEDAW/C/FIN/2, 8 April 1993.)
- <sup>268</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>269</sup> U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 24, 20th Session, 1999. (U.N. Doc. A/54/38/Rev. 1 para. 20-22) [hereinafter GR 24].
- <sup>270</sup> See GR 24, para. 12. For example, women’s health rights and interests involve their reproductive function. The Committee also points out that women have higher risks of exposure to sexually transmitted diseases. Furthermore, unequal power relationships between women and men in the home and workplace may negatively affect women’s nutrition and health. Women and girl children have risks of exposure to violence and abuse that can affect their health. Some practices such as female genital mutilation also carry a high risk of death and disability. Women may also have different psychological concerns from men including depression and other conditions that may lead to eating disorders. Finally, the lack of confidentiality between patient and doctor could affect women more adversely than men, deterring women from seeking advice or treatment.
- <sup>271</sup> See GR 24, para. 13, note 269.
- <sup>272</sup> See U.N. Fact Sheet No. 22 note 2; GR 24, para. 14. note 269.
- <sup>273</sup> See U.N. Fact Sheet No. 22, note 2; GR 24, para. 14. note 269.
- <sup>274</sup> See GR 24, note 269.
- <sup>275</sup> See Assessing the Status of Women, page 32, note 2.
- <sup>276</sup> See Assessing the Status of Women, page 32, note 2; see also GR 24, para. 18 and 23, note 269.
- <sup>277</sup> ICPD, para. 7.3, note 66.
- <sup>278</sup> ICPD, para. 7.3, note 66.
- <sup>279</sup> See GR 24, para.14, note 269.
- <sup>280</sup> See GR 24, para. 15; GR 19 para. 19, note 7.
- <sup>281</sup> See GR 24, para. 15, note 269.
- <sup>282</sup> See GR 24, para. 15, note 269.
- <sup>283</sup> See GR 24, para. 15, note 269.
- <sup>284</sup> See GR 24, para. 15, note 269; see also GR 19, para. 20, note 7; see generally, GR 14 regarding on female circumcision, note 190.
- <sup>285</sup> See GR 24, para. 16, note 269.

- <sup>286</sup> See GR 24, para.17, note 269.
- <sup>287</sup> See GR 24, para. 17, note 269.
- <sup>288</sup> See GR 24, para. 17, note 269.
- <sup>289</sup> See GR 24, para. 17, note 269.
- <sup>290</sup> See GR 24., para.12 (d), note 269.
- <sup>291</sup> See GR. 24, para. 18, note 269; U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 15, para. (b), 9th Session, U.N. Doc. A/45/38 (1990) [hereinafter GR 15].
- <sup>292</sup> See GR 15, para. (b), note 291.
- <sup>293</sup> See GR 15, para. (d), note 291.
- <sup>294</sup> See GR 24, para. 18, note 269.
- <sup>295</sup> See GR 24, para. 18, note 269.
- <sup>296</sup> See GR 24, para. 24-25, note 269; see generally GR 18 note 191.
- <sup>297</sup> See GR 24, para. 24, note 269.
- <sup>298</sup> See GR 24, para. 25, note 269.
- <sup>299</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>300</sup> See generally, GR 14, note 190.
- <sup>301</sup> See generally, GR 14, note 190.
- <sup>302</sup> See GR 14, para. (a)(iv), note 190.
- <sup>303</sup> See GR 14, para. (b), note 190.
- <sup>304</sup> See GR 14, para. (a)(ii), note 190.
- <sup>305</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>306</sup> See U.N. Fact Sheet No. 22, note 2; see also, GR 24 para. 26-27, note 269.
- <sup>307</sup> See U.N. Fact Sheet No. 22, note 2; see also, GR 24, para. 27, note 269.
- <sup>308</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.11.1, note 22.
- <sup>309</sup> Center for Reproductive Law and Policy and Women's Legal Aid Center, "Women's Reproductive Rights in Tanzania: A Shadow Report" (Tanzania: July 1998), p. 6.
- <sup>310</sup> See GR 24, note 269.
- <sup>311</sup> Center for Reproductive Law and Policy, "Women's Reproductive Rights in Mexico: A Shadow Report" (Washington, DC: December 1997), pp. 3, 7, prepared for the 18th Session of the Committee of the Elimination of All Forms of Discrimination against Women.
- <sup>312</sup> Third Period Report of States Parties, Belarus, U.N. Doc. CEDAW/C/BLR/3, page 15.
- <sup>313</sup> See Lithuania 1st and 2nd CEDAW Report, para. 6, note 250.
- <sup>314</sup> Lane Porter, "HIV/AIDS Legislation Score (HALS) Report" (Washington, DC: Futures Group International, 2001), p. 6.
- <sup>315</sup> Second and Third Periodic Reports of States Parties to the CEDAW Committee, Burkina Faso, U.N. Doc. CEDAW/C/BFA/2-3 1998, para 262, page 23 [hereinafter Burkina Faso 2nd & 3rd CEDAW Report].
- <sup>316</sup> CEDAW Committee Concluding Comments, Session 23, Lithuania, U.N. Doc.A/55/38 12-30 June, 2000, para. 34.
- <sup>317</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>318</sup> See GR 18, note 191.
- <sup>319</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>320</sup> See Assessing the Status of Women, page 35, note 2.
- <sup>321</sup> See Assessing the Status of Women, page 35, note 2.
- <sup>322</sup> See Assessing the Status of Women, page 35, note 2.
- <sup>323</sup> See Assessing the Status of Women, page 35, note 2.
- <sup>324</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>325</sup> See U.N. Fact Sheet No. 22, page 35, note 2.
- <sup>326</sup> See Cyprus 1st & 2nd CEDAW Report, para. 47 vi, note 26.
- <sup>327</sup> See Cyprus 1st & 2nd CEDAW Report, para. 47 v, note 26.
- <sup>328</sup> Cameroon 1st and 2nd Report Chapter XI. 1, page 77, note 11.
- <sup>329</sup> The Algerian Code of Physical Education and Sports, Act 89/03 of 14 February 1976 on the organization and development of the national system of physical culture and sports, revised and amended by Order 95.09 of 25 February 1995.
- <sup>330</sup> See Algeria Initial CEDAW Report, page 37, note 21.
- <sup>331</sup> United States Code 9, section 902.
- <sup>332</sup> General Assembly Resolution 3523 (Women in Rural Areas), and General Assembly Resolution 3522 (Improvement of the Economic Status of Women for their Effective Speedy Participation in Development of their Countries). Cited in, Travaux Préparatoires, page 154, note 79.
- <sup>333</sup> See Assessing the Status of Women, page 35, note 2.
- <sup>334</sup> See Assessing the Status of Women, page 35, note 2.
- <sup>335</sup> See Improvement of the Situation of Women in Rural Areas, U.N. ESCOR, para. 3, U.N. Doc. E/1999/66, A/54/123 (1999) [hereinafter, Improvement].
- <sup>336</sup> See Travaux Préparatoires, page 158-159, note 79.
- <sup>337</sup> See Improvement, para. 64, note 335.

## Endnotes

- <sup>338</sup> See Rene Loewenson and Alan Whiteside, HIV/AIDS Implications for Poverty Reduction, 11 (2001), available at <<http://www.undp.org/dpa/frontpagearchive/2001/june/22june01/hiv-aids.pdf>> (last visited on Jul. 23, 2001).
- <sup>339</sup> See Improvement, para. 65, note 335.
- <sup>340</sup> See Improvement, para. 65, note 335.
- <sup>341</sup> Swedish Ministry of Foreign Affairs, *A Handbook on CEDAW* (Stockholm: 1999), page 34 [hereinafter Swedish CEDAW Handbook].
- <sup>342</sup> See Swedish CEDAW Handbook, note 341.
- <sup>343</sup> See Improvement, para. 66, note 335.
- <sup>344</sup> See Improvement, para. 66, note 335.
- <sup>345</sup> See Improvement, para. 66, note 335.
- <sup>346</sup> See Improvement, para. 48, note 335.
- <sup>347</sup> See Improvement, para. 49, 335.
- <sup>348</sup> See Travaux Préparatoires, page 160, note 79.
- <sup>349</sup> See generally, Bina Agarwal, "Gender, Property, and Land Rights: Bridging a Critical Gap in Economic Analysis and Policy", in *Women and International Human Rights Law*, vol. 3, Kelly Askin and Dorean Koenig, eds. Transnational Publishing, Inc., 2001), pp. 845-72. The author argues that the gender gap in the ownership and control of property is the single most critical contributor to the gender gap existing in economic well being, social status, and empowerment [hereinafter Agarwal]; see also Improvement, para. 28-34.
- <sup>350</sup> See Agarwal, page 856, note 349.
- <sup>351</sup> See generally, Agarwal, note 349.
- <sup>352</sup> See generally, Agarwal, note 349.
- <sup>353</sup> See Agarwal, page 851, note 349.
- <sup>354</sup> See Travaux Préparatoires, page 160, note .
- <sup>355</sup> See Improvement, para. 41, note 335.
- <sup>356</sup> See Improvement, para. 44, note 335.
- <sup>357</sup> See generally, Improvement note 335.
- <sup>358</sup> See Rural Womyn Zone, "Violence Against Rural Women" at <<http://www.ruralwomyn.net/domvio.html>> (last visited Jul. 17, 2001), citing, Family Violence Prevention Fund, "Danger in a Small Town: The Impact of Domestic Violence in Rural Communities" [hereinafter Rural Womyn Zone].
- <sup>359</sup> See Rural Womyn Zone, note 358.
- <sup>360</sup> See Rural Womyn Zone, note 358.
- <sup>361</sup> Fifth Periodic Reports of States Parties to the CEDAW Committee, Russian Federation, U.N. Doc. CEDAW/C/USR/5/3 March 1999, page 33.
- <sup>362</sup> Combined Fourth and Fifth Periodic Reports of States Parties to the CEDAW Committee, Egypt, U.N. Doc. CEDAW/C/EGY/4-5 2000, page 82 [hereinafter Egypt 4<sup>th</sup> and 5<sup>th</sup> CEDAW Report].
- <sup>363</sup> Fifth Periodic Report of States Parties, Nicaragua, U.N. Doc. CEDAW/C/NIC/5 1999, page 64 [hereinafter Nicaragua 5<sup>th</sup> CEDAW Report].
- <sup>364</sup> Initial Report of States Parties, Myanmar, CEDAW/C/MMR/1 (1999), page 20 [hereinafter Myanmar Initial CEDAW Report].
- <sup>365</sup> See Myanmar Initial CEDAW Report, note 364.
- <sup>366</sup> See Australia 3rd CEDAW Report, note 41.
- <sup>367</sup> Second and Third Periodic Reports of States Parties to the CEDAW Committee, Greece, para. 573. CEDAW/C/GRC/2-3 (1996) [hereinafter Greece 2<sup>nd</sup> and 3rd CEDAW Report].
- <sup>368</sup> See Greece 3rd CEDAW Report, para. 570-571, note 367.
- <sup>369</sup> International Women's Rights Action Watch, IWRAW Country Report: Chile, see website: <http://www.igc.org/iwraw/publications/countries/chile.html> [hereinafter IWRAW Chile Report].
- <sup>370</sup> See IWRAW Chile Report, note 369.
- <sup>371</sup> See IWRAW Chile Report, note 369.
- <sup>372</sup> See IWRAW Chile Report, note 369.
- <sup>373</sup> See Bangladesh 3rd & 4th CEDAW Report, para. 2.13.2.1, note 22.
- <sup>374</sup> See Bangladesh 3rd & 4th CEDAW Report, note 22.
- <sup>375</sup> See Bangladesh 3rd & 4th CEDAW Report, note 22.
- <sup>376</sup> See Algeria Initial CEDAW Report, page 36-39, note 21.
- <sup>377</sup> See Uzbekistan Initial CEDAW Report, page 78, note 12.
- <sup>378</sup> See Uzbekistan Initial CEDAW Report, page 78, note 12.
- <sup>379</sup> Ministries of Women and Children Affairs; Youth; Social Welfare; Local Government, Rural Development and Cooperatives; Labour and Manpower; Livestock and Fisheries. From Bangladesh 3rd and 4th CEDAW Report, note 22
- <sup>380</sup> See Bangladesh 3rd & 4th CEDAW Report, section 2.10.5, note 22.
- <sup>381</sup> See Myanmar Initial CEDAW Report, article 14, page 21, note 364.
- <sup>382</sup> See Egypt 4th and 5th CEDAW Report, page 81, note 362.
- <sup>383</sup> See Cameroon Initial CEDAW Report, page 83, note 11.
- <sup>384</sup> See Cameroon Initial CEDAW Report, page 83, note 11.

## Endnotes

- <sup>385</sup> Initial, Second and Third Periodic Reports of States Parties to CEDAW, Guinea, U.N. Doc CEDAW/C/GIN/1-3 6 March 2001, page 108.
- <sup>386</sup> Brigitta Hedman et al., *Engendering Statistics: A Tool for Change*, p. 24, Statistics Sweden, 1996.
- <sup>387</sup> See Nicaragua 5th CEDAW Report, page 64-65, note 363.
- <sup>388</sup> See, Agarwal, note 349.
- <sup>389</sup> See Australia 3rd CEDAW Report, article 14, page 48, note 41.
- <sup>390</sup> See Australia 3rd CEDAW Report, article 14 page 48, note 41.
- <sup>391</sup> See Assessing the Status of Women, page 39, note 2.
- <sup>392</sup> See International Covenant on Civil and Political Rights, Dec. 16, 1966, art. 16, ("Everyone shall have a right to recognition everywhere as a person before the law.").
- <sup>393</sup> See Travaux Préparatoires, page 163, note 79.
- <sup>394</sup> See Travaux Préparatoires, page 164, note 79.
- <sup>395</sup> See Assessing the Status of Women, page 39, note 2; U.N. Fact Sheet No. 22, note 2.
- <sup>396</sup> See Assessing the Status of Women, page 39, note 2; U.N. Fact Sheet No. 22, note 2.
- <sup>397</sup> See U.N. Fact Sheet No. 22, note 2; Assessing the Status of Women, page 39, note 2.
- <sup>398</sup> See U.N. Fact Sheet No. 22, note 2; Assessing the Status of Women, page 39, note 2.
- <sup>399</sup> See U.N. Fact Sheet No. 22, note 2; Assessing the Status of Women, page 39, note 2.
- <sup>400</sup> See U.N. Fact Sheet No. 22, note 2; Assessing the Status of Women, page 39, note 2.
- <sup>401</sup> See GR 21, para. 7, note 67.
- <sup>402</sup> See GR 21, para. 7, note 67.
- <sup>403</sup> See GR 21, para. 8, note 67; Assessing the Status of Women, page 39, note 2.
- <sup>404</sup> See GR 21, para. 8, note 67.
- <sup>405</sup> See Assessing the Status of Women, note 2.
- <sup>406</sup> See Travaux Préparatoires, note 79.
- <sup>407</sup> See U.N. Fact Sheet No. 22, note 2. "Domicile" is a person's legal home. "Residence" is the place where one actually lives or has a home. Residence signifies living in a particular locality while domicile means living in that locality with intent to make it a fixed and permanent home. Domicile and residence are usually in the same place, but a person may have multiple places of residence (e.g. city and country homes) but only one domicile.
- <sup>408</sup> See GR 21, para. 9, note 67.
- <sup>409</sup> See GR 21, para. 9, note 67.
- <sup>410</sup> See GR 21, para. 9, note 67.
- <sup>411</sup> See U.N. Fact Sheet No. 22, note 2.
- <sup>412</sup> See GR 21, para. 10, note 67.
- <sup>413</sup> Initial Reports of States Parties to the CEDAW Committee, Israel (U.N. Doc CEDAW/C/ISR/1-2 8 April 1997, page 242 [hereinafter Israel 1st and 2nd CEDAW Report])
- <sup>414</sup> See Israel 1st and 2nd CEDAW report, page 242, article 15 para.1, note 413.
- <sup>415</sup> See Israel 1st and 2nd CEDAW report, page 242 article 15 para. 1, note 413.
- <sup>416</sup> See Luxembourg Initial CEDAW Report to CEDAW, page 48, note 30.
- <sup>417</sup> See Cameroon Initial CEDAW Report, section XIII. 4 and section I. 3, 1 (a), page 23, note 11.
- <sup>418</sup> See Cyprus 1st & 2nd CEDAW Report, para. 97, note 26.
- <sup>419</sup> See U.N. Fact Sheet No. 22, Article 16, note 2.
- <sup>420</sup> See GR 21, para. 14, note 67.
- <sup>421</sup> See GR 24, para. 19, note 269.
- <sup>422</sup> However, abortion remains an illegal procedure in many countries. CEDAW Committee indirectly addresses this issue in GR 24, para. 14, by recommending that States Parties remove all "...barriers to women's access to appropriate health care, includ[ing] laws that criminalize medical procedures only needed by women and that punish women who undergo those procedures."
- <sup>423</sup> See GR 24, para. 22, note 269.
- <sup>424</sup> See GR 24, para. 28, note 269.
- <sup>425</sup> See GR 24, para. 32, note 269.
- <sup>426</sup> The Convention on the Rights of the Child, 1989, entered into force September 2, 1990.
- <sup>427</sup> See GR 24 para. 39, note 269.
- <sup>428</sup> See Assessing the Status of Women, note 2.
- <sup>429</sup> See Luxembourg Initial CEDAW Report, para.208, note 30.
- <sup>430</sup> See CEDAW Committee Concluding Comments, Twenty-second and Twenty-third Session, 2000. (A/55/38) para. 34.
- <sup>431</sup> See Azerbaijan Initial CEDAW Report, para. 129, note 156.
- <sup>432</sup> Bangladesh 3rd and 4th CEDAW Report, Section 2.15.1, note 22.
- <sup>433</sup> See Luxembourg Initial CEDAW Report, para. 212, note 30.
- <sup>434</sup> See IWRAP Chile Report. Original citation from "Mayoría Aprueba el Divorcio," *Mujer/Fempres* (October 1998):204.
- <sup>435</sup> See Cyprus 1st and 2nd CEDAW Report, section G 27 (h), page 5, note 26.
- <sup>436</sup> Second and Third Revised Reports of States Parties to the CEDAW Committee, Colombia (U.N. Doc. CEDAW/C/COL/2-3, Rev. 1) page 45.
- <sup>437</sup> See Bangladesh 3rd & 4th CEDAW Report, section III.3.1, note 22.

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- <sup>438</sup> See Bangladesh 3rd & 4th CEDAW Report, section II.15.5, note 22.
- <sup>439</sup> See Bangladesh 3rd & 4th CEDAW Report, section II.15.5, note 22.
- <sup>440</sup> Third Report of State Parties, Lithuania, U.N. Doc CEDAW/C/LTU/1, page 24 [hereinafter Lithuania 3rd CEDAW Report].
- <sup>441</sup> CEDAW Committee Concluding Comments, Session 22, Myanmar, U.N. Doc A/55/38 para. 106 [hereinafter CEDAW Committee Concluding Comments, Session 22, Myanmar].
- <sup>442</sup> See CEDAW Committee Concluding Comments, Session 22, Myanmar, para. 106, note 441.
- <sup>443</sup> See Agarwal, page 852, note 349.
- <sup>444</sup> See Burkina Faso 2nd and 3rd CEDAW Report, page 23, note 315.
- <sup>445</sup> See Bangladesh 3rd & 4th CEDAW Report, section 1.2.6 page 13, note 22.
- <sup>446</sup> Equality Now, "Words and Deeds: Holding Governments Accountable in the Beijing + 5 Review Process," Malaysian Penal Code, page 27, at website: [http://www.equalitynow.org/action\\_eng\\_16\\_4.html](http://www.equalitynow.org/action_eng_16_4.html).
- <sup>447</sup> National Machinery to monitor CEDAW implementation and promote the advancement of women is mandated by CEDAW Committee's General Recommendation No. 6.
- <sup>448</sup> Temporary Special Measures are "aimed at accelerating de facto equality between women and men through the use of numerical goals, gender quotas, quantitative targets and timetables. The use of *Temporary Special Measures* is codified by CEDAW in Article 4, where it also states that non-discriminatory nature of these temporary special measures.
- <sup>449</sup> See GR 6, note 38.
- <sup>450</sup> By hiring permanent government employees to staff these agencies would add to the influence, effectiveness and institutional memory within the government structure, while the employment of temporary consultants may give result in a less effective and influential program with higher turnover and instability.
- <sup>451</sup> See Bangladesh 3rd & 4th CEDAW Report, page 32, note 22
- <sup>452</sup> Laws that punish women who are prostituted can cause the women to be victimized twice and make it much more difficult for them to seek assistance to escape prostitution.
- <sup>453</sup> Often political parties may boast having 20% female candidates, but they are all at the end of the list with virtually no hope of being elected.
- <sup>454</sup> GR 8, note 141.
- <sup>455</sup> See Assessing the Status of Women, note 2.
- <sup>456</sup> See Assessing the Status of Women, note 2.
- <sup>457</sup> See Assessing the Status of Women, note 2.
- <sup>458</sup> See Assessing the Status of Women, note 2.
- <sup>459</sup> See Assessing the Status of Women, note 2.
- <sup>460</sup> See Assessing the Status of Women, note 2.
- <sup>461</sup> See GR 15, note 291.
- <sup>462</sup> See generally, Chen, Mai, note 6.
- <sup>463</sup> See GR 21, note 67.
- <sup>464</sup> See GR 13, note 212.
- <sup>465</sup> U.N. Commission on the Elimination of Discrimination Against Women, General Recommendation No. 17 (10th session 1991 U.N. Doc A/46/38) [hereinafter GR 17].
- <sup>466</sup> See GR 17, note 465.
- <sup>467</sup> See GR 16, note 213.
- <sup>468</sup> See GR 18, note 191.
- <sup>469</sup> See GR 24 para. 9, note 269.
- <sup>470</sup> See GR 24, para 12 (a) v, note 269.
- <sup>471</sup> See GR 24, para 12 (b), note 269.
- <sup>472</sup> See GR 24, para 12 (c), note 269.
- <sup>473</sup> See GR 24, para. 31(a), note 269.
- <sup>474</sup> See GR 24, para. 24, note 269.
- <sup>475</sup> See GR 24 para. 25, note 269.
- <sup>476</sup> See Assessing the Status of Women, page 33, note 2.
- <sup>477</sup> See Assessing the Status of Women, page 33, note 2.
- <sup>478</sup> U.N. Committee on the Elimination of Discrimination against Women, General Recommendation No. 12, para. 1, 8th Session, 1989 (U.N. Doc. A/44/38) [hereinafter GR 12].
- <sup>479</sup> See GR 14, note 190.
- <sup>480</sup> See GR 12, note 478.
- <sup>481</sup> In many countries, family benefits are not awarded to married women because it is assumed that their husband will receive these benefits.
- <sup>482</sup> See Assessing the Status of Women, page 35, note 2.
- <sup>483</sup> See Assessing the Status of Women, page 35, note 2.
- <sup>484</sup> See Assessing the Status of Women, page 37, note 2.
- <sup>485</sup> See Assessing the Status of Women, page 37, note 2.
- <sup>486</sup> See Assessing the Status of Women, page 37, note 2.
- <sup>487</sup> See Assessing the Status of Women, page 37, note 2.

## Endnotes

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- <sup>488</sup> See Assessing the Status of Women, page 37, note 2.
- <sup>489</sup> See Assessing the Status of Women, page 37, note 2.
- <sup>490</sup> See Assessing the Status of Women, page 37, note 2.
- <sup>491</sup> See Assessing the Status of Women, page 37, note 2.
- <sup>492</sup> See Assessing the Status of Women, page 38, note 2.
- <sup>493</sup> See Assessing the Status of Women, page 38, note 2.
- <sup>494</sup> See Assessing the Status of Women, page 38, note 2.
- <sup>495</sup> See Assessing the Status of Women, page 38, note 2.
- <sup>496</sup> By establishing an official divorce registry, States Parties could track divorces and ensure non-discriminatory divorce laws and procedures.
- <sup>497</sup> See Travaux Préparatoires, page 308, note 79.
- <sup>498</sup> Christina M. Cerna and Jennifer C. Wallace, “Women and Culture” in *Women and International Human Rights Law*, vol. 1, pp. 632, 634 [hereinafter *Women and Culture*].
- <sup>499</sup> Black’s Law Dictionary, page 196, Sixth Edition, West Group St. Paul, MN.
- <sup>500</sup> Black’s Law Dictionary, page 425, note 499.
- <sup>501</sup> Black’s Law Dictionary, page, 416, note 499.
- <sup>502</sup> Cheryl Thomas, “Domestic Violence” in *Women and International Human Rights Law*, page 219, citing United Nations Center for Social Development and Humanitarian Affairs, *Strategies for Confronting Domestic Violence: A Resource Manual 7* (1993), U.N. Doc. ST/CSDHA/20 (1993).
- <sup>503</sup> Black’s Law Dictionary, page 484, note 499.
- <sup>504</sup> See *Women and Culture*, page 632, pg. 635, note 498.
- <sup>505</sup> Black’s Law Dictionary, page 528, note 499.
- <sup>506</sup> See Trafficking Protocol, note 88.
- <sup>507</sup> See *Women and Culture*, pages 632, 638, note 498.
- <sup>508</sup> See *Women and Culture*, page 632, note 498.
- <sup>509</sup> See Assessing the Status of Women, page 18, note 2.
- <sup>510</sup> See GR 19, note 7.
- <sup>511</sup> Definition taken from the United Nations Declaration of Violence Against Women, 1993.
- <sup>512</sup> Black’s Law Dictionary, page 1025, note 499.
- <sup>513</sup> National Mechanisms for Gender Equality, Expert Group Meeting, United Nations, Division for the Advancement of Women and Economic Commission for Latin American and the Caribbean, at <http://www.un.org/womenwatch/daw/news/natlmach.htm>.
- <sup>514</sup> Aide-Memoire Regional Meeting to Discuss a Needs Assessment on National Mechanisms for Gender Equality in African Countries, United Nations, Division for the Advancement of Women at <http://www.un.org/womenwatch/daw/news/april-am.htm>.
- <sup>515</sup> See Assessing the Status of Women, page 14, note 2.
- <sup>516</sup> See Chen, note 6.
- <sup>517</sup> See ICPD, para. 7.2, see note 66.
- <sup>518</sup> Black’s Law Dictionary, page 1341, note 499.
- <sup>519</sup> United Nations Economic and Social Council, “Progress in the Implementation of the Platform for Action Based on the Review of Reports to the Commission on the Status of Women of States Parties to the Convention on the Elimination of Discrimination Against Women” E/CN.6/1999/PC/4 (art. 3 folder).