

# Convention on Elimination of All Forms of Discrimination Against Women

By  
Dr. Sripathi Dwarakanath  
Professor of Law  
Department of Law  
Osmania University



- CEDAW is the first International Law instrument which aims at eliminating all forms of discrimination against women.
- It was adopted by the UN on 18<sup>th</sup> December 1979. It entered into force on 3<sup>rd</sup> Sept 1981.
- India ratified the Convention in 1993.
- It is described as an “ International Bill of Rights of Women.
- It is an important tool used by national and international lawyers while upholding equality of women.

- According to Article 1 of the Convention the term ‘Discrimination against women’ means any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women of human rights and fundamental freedoms to the political, economic, social, cultural, civil or any other field.

## **State parties agree to:**

- Embody the principle of equality of men and women in their constitutions or other legislations.

Establish legal protection of the rights of women on an equal basis and ensure through competent tribunals effective protection of women.

- Refrain from engaging in any act or practice of discrimination against women and ensure that pub authorities act in conformity.
- Take all appropriate measures to eliminate discrimination by any person, organize or enterprise.
- Take measures to modify or abolish existing laws, regulations, customs and practices constituting discrimination.
- Repeal all national penal provisions constituting discrimination.

- Ensure full development and advancement of women in political, social, economic and cultural fields to guarantee them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality. (Art. 3)
- Any adoption of temporary measures for de facto equality between men and women shall not be discrimination, however these measures shall be discontinued once the objectives of equality of opportunity and treatment is achieved.
- Special measures aimed at protecting maternity shall not be considered discriminatory. (Art.4)

# State parties shall take all appropriate measures to:

- Modify social and cultural patterns of conduct of men and women for elimination of prejudices and customary practices which are based on the idea of inferiority or superiority of men or women.
- Ensure Family includes proper understanding of maternity as a social function and it is a social responsibility of men and women in bringing up and the development of children. (Art.5)
- Take all appropriate steps to suppress all forms of trafficking in women and exploitation of women for prostitution. (Art.6)

# Right to Vote and Participation

- Take appropriate measures to eliminate discrimination against women in political and public life and ensure to women on equal terms the right :
- To vote in all elections, public referenda and be eligible to all publicly elected bodies.
- Participate In the formulation and implementation of government policies, to hold public office and perform all public functions.
- Participate in NGOs and associations concerned with public and political life of the country. (Art.7)
- Take measures to ensure that women get the opportunity to represent governments at international level and participate in the work of international organizations. (Art8)

# Right to Nationality

- State parties shall confer on women equal rights to acquire, change and retain their nationality.
- Ensure that neither marriage to a foreigner nor change of nationality by the husband during marriage change the nationality of the wife, render her stateless or force upon her the nationality of her husband.
- Shall grant women equal rights with men with regard to the nationality of their children. (Art.9)



# Right to Education

- Take appropriate measures to eliminate discrimination and ensure equal rights in the field of education and ensure on equality:
- Same conditions for career and vocational courses for access to studies and achievement of diplomas in educational institutions, in pre-school, general, technical, professional, higher education and vocational training.
- Access to same curricula, examinations, teaching staff with same qualifications, school premises and equipment of same quality.
- Encouraging co-education, revision of text books, school programmes and adaptation of teaching methods.
- Same opportunities to benefit from scholarships and grants.

- Same opportunities for access to programmes of continuing education including adult and functional literacy programmes.
- Reduction of female student drop out rates.
- Same opportunities to participate actively in sports and physical education.
- Access to information relating to health and well being of families including family planning. (Art.10)

# Right to Employment

- On the basis of equality of men and women.
- Right to work as an inalienable right of all human beings.
- Right to same employment opportunities, application criteria and selection.
- Right to free choice of profession and employment, promotion, job security and benefits and conditions of service.
- Right to equal remuneration, equal treatment at work place.
- Right to social security in cases of retirement, unemployment, sickness, invalidity, old age and incapacity to work.
- Right to work and safety in working conditions.

- To prevent dismissal on grounds of marriage or maternity leave.
- Introduce maternity leave with pay or with sociable benefits without loss of employment, seniority and social allowance.
- To enable parents to link family obligations with work responsibilities and participation in public life establishment and development of child care facilities.
- Provide protection to pregnant women and also during work which is harmful to them.(Art. 11)

# Right to Health and Healthcare Services

- On the basis of equality of men and women healthcare, access to healthcare services including those related to family planning.
- Provide services relating to pregnancy, confinement and post natal period. Apart from the above services adequate nutrition during pregnancy and lactation be provided. ( Art.12)
- On the basis of equality of men and women same rights should be provided. Rights such as:
  - Right to family benefits.
  - Right to bank loans, mortgages and other financial credits
  - Right to participation in recreational activities, sports and cultural life. (Art.13)



# Rights of Rural Women

- Take into account the problems faced by rural women, their roles in economic survival of their families.
- To participate and benefit from rural development and ensure to women rights such as:
- Right to increase their technical proficiency, organize self help groups, participate in community activities, access to agricultural credit and loans, marketing facilities, appropriate technology.
- Right to adequate living conditions, housing, sanitation, electricity, water supply, transport and communications. (Art 14)

# Legal Status of Women

- State parties shall grant to women equality with men before law.
- Grant to women in civil matters a legal capacity similar to that of men, same opportunities to exercise that capacity, equal rights to conclude contracts and administer property and shall be treated equally in courts and tribunals.
- Any contract or private instrument directed at restricting the legal capacity of women shall be deemed null and void. Shall provide equal rights with men in respect of movement of persons, freedom to choose residence and domicile. (Art. 15)

# Right to Marry and have a Family

- On the basis of equality of men and women rights such as.
- Right to enter into marriage, right to freely choose a spouse, enter into marriage only with their free and full consent, same rights & responsibilities during marriage and its dissolution.
- Same rights and responsibilities as parents, on the number and spacing of their children
- Same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, to choose a family name, ownership, acquisition, management, admn, enjoyment & disposition of property either freely or for valuable consideration.
- The betrothal and marriage of a child shall have no legal effect, to specify a minimum age for marriage and to make registration of marriages compulsory. (Art. 16)



Thank You