

Rights of Women and Children

UN CEDAW & Optional Protocol

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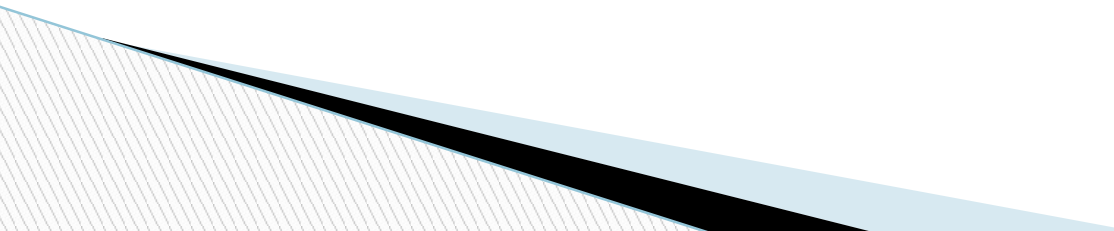
Gender Equality –UN’s landmark agreements

- ▶ Vienna Declaration
- ▶ the Beijing Declaration and Platform for Action
- ▶ the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979.

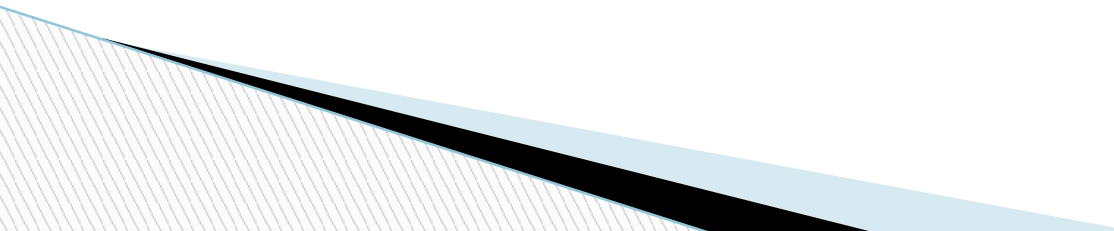
Women's Rts.– Constitution of India

- ▶ The preamble of the Indian Constitution declared India to be a 'Sovereign, Socialist, Secular, Democratic Republic.'
- ▶ The Constitution of India provides for equality before the law under Article 15(1), which observes that 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.' Article 15(3) gives scope for affirmative action for women and states, 'Nothing in this Article shall prevent the State from making any special provision for women and children.'


Setting the Context for Understanding Women's Rights

- ▶ **Mapping Challenges**
 - ▶ **The Ideology of Gender**
 - ▶ **Institutions and Inequality**
 - ▶ **Journey to CEDAW**
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CEDAW

- ▶ **Convention on the Elimination of All Forms of Discrimination against Women**
 - ▶ THE first international treaty that addresses discrimination against women comprehensively in all areas.
 - ▶ Also referred to as the international bill of rights for women.
 - ▶ Ratified by all South Asian countries.
 - ▶ Consisting of a preamble and 30 articles
 - ▶ Defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.
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Core Concepts CEDAW

- ▶ **Substantive Equality:** Gender equality is not only a basic human right, but its achievement has enormous socio-economic ramifications. Empowering women fuels thriving economies, spurring productivity and growth
 - ▶ Non Discrimination
 - ▶ State Obligation
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Mechanisms and Procedures for Implementation and Monitoring of CEDAW

- ▶ monitoring body known as the **CEDAW Committee**. This monitoring treaty body has been established under Article 17 of the CEDAW Convention. The CEDAW Committee has **23 experts** who serve in their personal capacity, rather than as government officials. They are **elected by State Parties** to the treaty for a **four year term** every two years, and must be nominated by a State Party to be eligible for election. Once elected, however they serve in their personal capacity and have a right and duty to be **independent experts** as envisaged by the treaty. Members of the Committee are not required or expected to articulate the views of the government that nominated them.

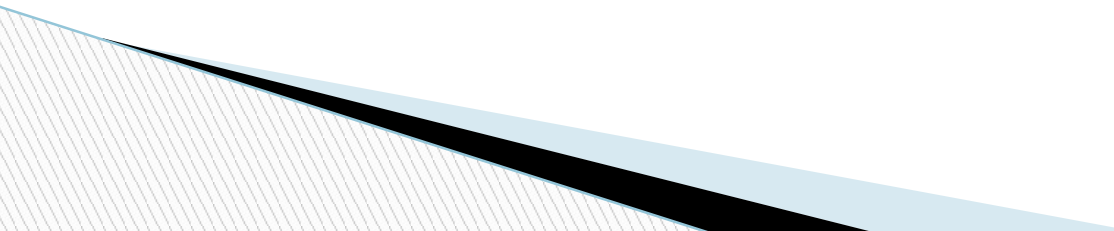
Ratification of convention

- ▶ States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:
- ▶ to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- ▶ to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- ▶ to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.
- ▶

Optional protocol–CEDAW

- ▶ RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY .
- ▶ Reaffirming the Vienna Declaration and Programme of Action1 Beijing Declaration
- ▶ Recalling that the Beijing Platform for Action, supported the process initiated by the Commission on the Status of Women with a view to elaborating a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that could enter into force as soon as possible on a **right-to-petition procedure**,

Optional Protocol

- ▶ The Optional Protocol (OP) to CEDAW was adopted by the UN in 1999. It entered into force in December 2000. This instrument now provides a stronger mechanism to enforce the rights guaranteed to women by CEDAW. It gives the CEDAW Treaty Body (the CEDAW Committee) the authority to: (i) entertain individual complaints of violations where local remedies have been exhausted, and there has been no relief and redress; and (ii) inquire on its own into systematic and grave violations of women's human rights under CEDAW, including where there are large scale perpetrations of acts of violence against women.
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Declarations–History

- ▶ India Declarations: : “i) With regard to Articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non–interference in the personal affairs of any Community without its initiative and consent. ii) With regard to Article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy.

▶ **Thank You**

