

Women's Rights Fact Sheet

» 5 minutes is all it takes

To learn more about international women's rights

Why do we need to talk about rights for women?

The goal of achieving gender equality is incorporated into the Universal Declaration of Human Rights (UDHR) and the preamble to the Declaration states:

Whereas the people of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom (para 5).

Likewise, Article 2 of the Declaration sets forth that:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex or other status.

Despite the formal commitment laid out in the UDHR it failed to deal with the continuing evident discrimination against women, in all parts of the world, in a comprehensive way. The Declaration and other rights conventions did not adequately address the specific needs of women or identify the gender specific mechanisms used to deny women their human rights, such as sexual violence and exploitation and limits to reproductive rights.

Therefore, the United Nations (UN) and the broader international community recognised that due to some social structures, traditions, stereotypes and attitudes about women and their role in society that women continue to experience disproportionate levels of

discrimination and violence and do not always have the opportunity and ability to access and enforce their rights on the same basis as men.

As a result of strong lobbying from within the women's movement, as well as recognition from within the UN of the failure to achieve equal rights for both women and men, the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) was introduced on 18 December 1979 to advance the status of women.

Which conventions relate to women?

The International Bill of Human Rights is an informal name used to describe three human rights instruments which consist of: the *Universal Declaration of Human Rights* (UDHR), the *International Covenant on Civil and Political Rights* (ICCPR), and the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR). All of the articles in these documents apply equally to women and men.

The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) offers the most comprehensive coverage of women's rights. Other international documents important for women are: the *Vienna Declaration and Programme of Action* and the *Declaration on the Elimination of Violence Against Women* (DEVAW).

What is CEDAW?

The *Convention on the Elimination of All Forms of Discrimination Against Women* is a human rights treaty which was adopted by the United Nations in 1979 and entered into force in 1981 and is also referred to as the international bill of rights for women. There are now 187 countries across the international community who are signatories to this treaty. The United Nations Committee on the Elimination of Discrimination against Women is responsible for monitoring the implementation of this treaty.

CEDAW defines the right of women to be free from discrimination and sets the core principles to protect this right. It establishes an agenda for national action to end discrimination against women in public and

187 countries agree violence against women is preventable and is a global priority.



private life and provides the basis for achieving equality between men and women through ensuring women's equal access to, and equal opportunities in, political and public life as well as education, economic life, health and employment and other important areas of women's lives. CEDAW is the only human rights treaty that affirms the reproductive rights of women.

CEDAW requires governments of countries that sign the treaty to ensure that laws, policies, customs and practices do not discriminate against women, either directly or indirectly. Where women are discriminated against the government has an obligation to ensure that the person or organisation discriminating against women is held accountable.

What CEDAW **does not** contain is an explicit reference to violence against women; however the CEDAW committee has issued a general recommendation which states that violence directed against a woman because, she is a woman, or violence that affects women disproportionately is recognised and addressed as discrimination under CEDAW. It is recognised that when women experience violence, a range of their rights are violated.

The main purpose of CEDAW is to address the historical inaction of governments on issues important to women and establishes an agenda for action to end discrimination. Australia has signed the CEDAW which means Australia is legally bound to put the provisions of this treaty into practice and incorporate it into Australian law.

Implementation of CEDAW

States (a country's national government) are obligated to protect and fulfil the rights in CEDAW in three different domains: public, private and cultural.

1. In the **public** domain States must embody the principle of equality into national constitutions and domestic legislation ensuring legal protection of the rights of women on an equal basis with men (article 2 a, c).
2. In the **private** domain States must eliminate discrimination against women by any person, organisation or enterprise (article 2, e).
3. In the **cultural** domain States must work to modify the social and cultural patterns ... to achieving the elimination of prejudices and customary and all other practices, which are based on ... stereotyped roles for men and women (article 5, a).

What is DEVAW?

The human rights system was slow to recognise violence against women as a human rights issue but by the 1990's the human rights system finally

recognised the reality of women's lives. In recognition of the particular human rights violations that women continued to experience UN members negotiated and adopted the Declaration on the Elimination of All Forms of Violence Against Women (DEVAW). DEVAW is a human rights treaty which was adopted in 1993 and was the first international human rights instrument to exclusively and explicitly address the issue of violence against women. Although it does not have the binding legal authority of a convention, it is universal in coverage and makes a strong statement of principle to the international community. Around the same time the UN appointed an independent expert to examine the prevalence of violence against women: the Special Rapporteur on violence against women. The role of the Special Rapporteur is to investigate and review issues of violence against women and assess whether government legislation, programs and policies require additional analysis and attention. The Special Rapporteur also regularly conducts country visits to monitor and review progress on the implementation of DEVAW. DEVAW affirms that acts of violence violate, limit or nullify women's human rights and their ability to exercise their fundamental freedoms.

The Declaration provides a definition of gender-based abuse, calling it 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.' It also explicitly includes "sexual harassment and intimidation at work, in educational institutions or elsewhere."

DEVAW is seen as complementary to, and a strengthening of, the work of CEDAW. Australia has signed DEVAW which means Australia is morally (not legally) bound to put the provisions of this treaty into practice and incorporate it into Australian law.

The UN and inter-governmental bodies

Within the United Nations there are many specialised committees and groups singularly focussed on gender equality. Three of these organisations are: the CEDAW Committee, Commission on the Status of Women, and UN Women.

The CEDAW Committee

Countries that have committed to CEDAW are required to submit reports to the CEDAW Committee at least every four years. These reports detail the measures the national government has taken to comply with its obligations. The CEDAW Committee is made up of 23 members elected in their capacity as 'gender experts'.

Human rights abuses, like sexual assault and domestic violence, happen in Australia every day and the role of the United Nations is to hold the Australian government accountable for these breaches of women's rights.



The CEDAW Committee meets twice yearly to address specific topics in CEDAW and monitor individual countries progress. To aid the CEDAW Committee in its review, NGOs (non-government organisations) produce 'shadow reports', which provide an alternative source of information on domestic implementation of CEDAW. After considering a country's report the CEDAW Committee issues 'Concluding Comments' that outlines actions to improve implementation of CEDAW in that country.

Commission on the Status of Women (CSW)

The Commission on the Status of Women is a commission of the United Nations Economic and Social Council and is the principal technical body of the United Nations for the development of substantive policy guidance with regard to the advancement of women. Established in 1946, it is the principal global policy-making body dedicated to gender equality and advancement of women. The aim of the CSW is to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. Every year, representatives of Member States gather at United Nations Headquarters in New York to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and women's empowerment worldwide.

UN Women

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

and the empowerment of women.

The creation of UN Women came about as part of the UN reform agenda, bringing together resources and mandates for greater impact. It merged and built on the important work of four previously distinct parts of the UN system, which focused exclusively on gender equality and women's empowerment: Division for the Advancement of Women (DAW); International Research and Training Institute for the Advancement of Women (INSTRAW); Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI); and United Nations Development Fund for Women (UNIFEM). The main roles of UN Women are to support intergovernmental bodies such as CSW formulate policies, help Member States implement UN standards and hold the UN system accountable for its own commitments on gender equality.