



## THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) – AND ITS RELEVANCE FOR SDC



Tapestry at CEDAW's 30th Anniversary at UN, New York.  
Photo: Women's eNewswith

This Fact Sheet highlights the importance of CEDAW<sup>1</sup> for SDC's work on gender equality and for its human rights-based approach toward poverty reduction. It identifies concrete entry points for supporting the implementation of CEDAW obligations in SDC's partner countries.

### THE CEDAW

CEDAW is the most comprehensive international instrument dealing with discrimination against women and girls. Its objective is to end discrimination against women and girls in all areas of life. As a UN treaty-based convention, it is legally binding. With 189 State parties, it is one of the most highly ratified international human rights conventions.<sup>2</sup> In comparison with other human rights instruments, the convention goes beyond guarantees of equality and equal protection before the law in existing legal instruments (formal equality) and sets out measures for

the achievement of equality between men and women (substantive equality). State parties who have ratified or acceded to the convention have an obligation to eliminate discrimination against women through legal, policy and programmatic measures.<sup>3</sup> The 16 substantive articles of the convention cover a range of issues, such as discrimination, temporary special measures and stereotypes (articles 1-5), trafficking and exploitation (article 6); political participation and equal rights to nationality (articles 7 - 9); economic, social and cultural rights of women, and especially of rural women (articles 10-14); and equality before law, equal rights in marriage and family relations (articles 15-16).<sup>4</sup>

The Optional Protocol to the CEDAW includes a Communications Procedure that gives individuals and groups of women the right to complain about violations of the Convention. It further provides an Inquiry Procedure which enables the CEDAW Committee to conduct inquiries into grave or systematic abuse by a party to the Optional Protocol.<sup>5</sup>

### THE CEDAW COMMITTEE

The national implementation of the CEDAW is monitored by the CEDAW Committee. It consists of 23 independent experts which are elected by State parties on a four-year rotating basis. The Committee meets for 3 sessions per year in Geneva, with the Office of the High Commissioner on Human Rights (OHCHR) serving as its secretariat. The Committee prepares recommendations directed to Governments on how to better implement the Convention – the so-called **Concluding Observations**. In addition, the CEDAW Committee regularly publishes **General Recommendations**, which are interpretative comments serving as guidance on specific articles of the CEDAW or addressing issues which the Convention

1 For a general introduction into the UN Human Treaty Body and their relevance for SDC see FACTSHEET: UN HUMAN RIGHTS TREATY BODIES – AND THEIR RELEVANCE FOR SDC (2016).

2 Switzerland acceded to the Convention on 27 March 1997.

3 See full text of the convention <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>, accessed on 19 February 2017

4 See full text of the convention <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>, accessed on 19 February 2017

5 Switzerland ratified the Protocol in 2008.

does not expressly mention (for ex violence against women, harmful practices, rural women, or access to justice).<sup>6</sup>

#### THE CEDAW REPORTING CYCLE

- 1) A State party is obligated to present its **Country Report** to the CEDAW Committee one year after ratification, and every four years thereafter a **Periodic Report** on measures taken to implement the obligations under the treaty.
- 2) **Alternative reports (shadow reports)** from NGOs provide additional information to the CEDAW Committee on the implementation of the CEDAW Convention in a country.
- 3) On the basis of the submitted reports, the Committee draws up a **List of Issues** and questions in order to elicit clarifications and requests a written reply from the State party.
- 4) Each State sends a delegation to engage in a **Constructive Dialogue** with the Committee at the UN in Geneva. One Committee member is mandated to ask the delegation questions based on information submitted.
- 5) The CEDAW Committee adopts its **Concluding Observations** addressed to the government, which identify positive aspects, principal areas of concern and recommendations.
- 6) The Concluding Observations further identify a few priority issues which the State is directed to report on within two years (the so-called **follow-up procedure**).

#### WHY IS GENDER EQUALITY IMPORTANT FOR DEVELOPMENT?

*Gender equality is a matter of human rights and a core development objective in its own right. Greater gender equality can enhance productivity, improve development outcomes for the next generation, and make institutions more representative. The formulation of the Agenda 2030 and the Sustainable Development Goal 5 namely to achieve gender equality and empower all women and girls confirms the importance of gender equality for a country's and society's development.<sup>7</sup>*

Still, the gaps between women and men on economic participation and political empowerment remain wide whereas conditions for women in low-income countries have improved least.<sup>8</sup> The most pertinent obstacles for gender equality are the contradiction between legal provisions and practice in gender laws, harmful social norms, discriminatory institutional settings, and unequal distribution of resources, power and wealth as well as a lack of women's economic, social and political participation.

It is estimated, that gender inequality in sub-Saharan Africa causes an estimated economic loss of \$US95 billion a year since 2010.<sup>9</sup> There is a confirmed correlation between gender equality and a Gross Domestic Product (GDP) per capita, the level of competitiveness and the human development index (HDI) of a country – therefore, reducing gender inequality enhances productivity, economic growth and human development.<sup>10</sup>

#### WHY IS CEDAW IMPORTANT FOR SDC'S WORK ON GENDER EQUALITY?

- › **Instrumental reason:** More equality leads to more development. The effective implementation of CEDAW – the most important, legally binding instrument, with a robust monitoring mechanism and transparent process – enables the achievement of gender equality. Consequently, by supporting a SDC partner country to implement its CEDAW recommendations, SDC contributes to the country's development and also to the implementation of the Agenda 2030.
- › **Intrinsic reason:** Strengthening human rights is a priority of Switzerland's foreign policy and is high on SDC's agenda – in particular, the protection and realization of the human rights of all women and girls as an integral part of human rights.
- › **Strategic reason:** As a binding human rights treaty, the CEDAW provides a legal basis for SDC partnership and policy dialogue with its partner countries on bilateral and multilateral level.

<sup>6</sup> List of General Recommendations: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>

<sup>7</sup> Statement by Helen Clark, UNDP Administrator (2014) and World Development Report 2012

<sup>8</sup> See Global Gender Gap Report of the World Economic Forum (2016) and World Bank (2012): World Development Report: Gender Equality and Development

<sup>9</sup> see Africa Human Development Report 2016

<sup>10</sup> See World Economic Forum (2015): The Case for Gender Equality. In: The Global Gender Gap Index 2015. <http://reports.weforum.org/global-gender-gap-report-2015/the-case-for-gender-equality/>

## HOW CAN SDC CONTRIBUTE TO THE IMPLEMENTATION OF CEDAW IN ITS PARTNER COUNTRIES?

- › **Support for governments:** SDC, when developing a new country strategy, can consider supporting the partner country's government in meeting their obligations under the CEDAW, particularly in implementing recent CEDAW recommendations in sectors where SDC is already active. This can be addressed through **policy dialogue**, as well as through **financial and technical assistance**. In the policy dialogue, the Agenda 2030 and the SDG 5 can serve as an entry point. Also, reference can be made to Switzerland's own obligations and efforts made regarding its CEDAW recommendations in the view of a potential exchange of best practices and capacity building.
- › **Support for civil society:** For SDC, civil society is an important actor for development and social change. With regard to women's human rights and women's empowerment, SDC is seeking to **strengthen capacities of national and local non-governmental and civil society's organizations** as well as National Human Rights Institutions working on gender equality. In this spirit, SDC can support initiatives of local women's organizations through its small grants of cooperation offices, including when they seek to participate in the CEDAW reporting process.<sup>11</sup>

- › **Support for the CEDAW process:** SDC should consider supporting the work of CEDAW on the basis of respective needs and requests. This includes, amongst others, the development of thematic General Recommendations through financial and technical support. Further, the Constructive Dialogue in Geneva can be used by SDC staff to meet delegations from partner countries. SDC can further benefit from the contacts it has with the CEDAW Secretariat and the Gender Unit of the OHCHR.

## HOW CAN YOU USE THE CEDAW PROCESS AND DOCUMENTS IN OUR DAILY WORK?

- › **When developing or commenting a country strategy:** in addition to the mandatory gender mainstreaming, you can include a strategic goal on gender equality at a policy level. Such a goal can refer to both, the national implementation of the Agenda 2030 and the CEDAW obligations.
- › **Follow your country's reporting process** and be up to date on the Committee's recommendations (in particular the ones identified in the follow up procedure) and attend the constructive dialogue of your country held in Geneva. All information here: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>

## HOW CAN CEDAW STRENGTHEN THE WOMEN, PEACE AND SECURITY AGENDA?

With its General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict resolution, CEDAW implies responsibilities of states to safeguard women's rights in conflict-related contexts. **The GR No. 30 provides a complementary monitoring and accountability instrument to the Women Peace and Security (WPS) resolutions.** Further, CEDAW follow-up procedures are an important instrument to monitor cases of sexual violence in conflict. In country contexts where information is hard to collect, human rights violations are widespread, and the political environment is repressive, recommendations from the UN Special Representative of the Secretary-General on Sexual Violence in Conflict are taken into consideration during CEDAW briefings.



Members of Alif Laam Meem, a national Muslim fraternity based at the University of Texas at Dallas, stood up against domestic violence as Muslims and as men of Dallas. Photo: AliMMahmoud94

<sup>11</sup> In case there is no Swiss Cooperation Office in a country going through the CEDAW reporting process Swiss embassies covering the respective country are encouraged to support initiatives of local women's organizations through small grants.

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## Practical examples on using CEDAW in SDC's strategic work

### I. Support to the **women's** rights organization IRAW-AP

SDC is supporting International Women's Rights Action Watch - Asia-Pacific (IRAW-AP), an international non-governmental organization working towards the achievement of women's human rights on national, regional, and international level. IRAW is the only organization providing technical assistance to CEDAW national report writing for governments and giving assistance to national women's groups in writing shadow CEDAW reports, including by assisting national women's groups in advocating for women's rights.

Since 2004 IRAW has been recognized by the CEDAW Committee and the Office of the High Commissioner for Human Rights (OHCHR) as the key NGO to support communication and submission of alternative information to the CEDAW Committee.

### II. Guiding the development of a Cooperation Strategy with the example of Bangladesh

Bangladesh ratified the CEDAW in 1984 and had its 8th periodic review in November 2016. Documents related to this latest periodic review<sup>12</sup> give an overview of most pressing issues concerning gender equality and women's rights in Bangladesh and they can be used as orientation for gender mainstreaming as well as for defining gender-specific aspects in the new Cooperation Strategy: One recommendation in the Concluding Observations explicitly refers to the link between CEDAW and international cooperation, recommending the State party to link the implementation of the Convention to its development efforts and to avail itself of regional or international technical assistance in this respect.

### III. Linking CEDAW with the women, peace and security agenda

SDC, jointly with the Department of International Law of the FDFA is supporting the Global Network of Women Peacebuilders (GNWP) in building synergies between the Security Council Resolution on Women Peace and Security (UNSC Res. 1325) and CEDAW. The aim is to bridge the gap between Security Council and UN Human Rights Bodies and to generate support for a more integrative approach to the implementation and monitoring of women's rights in conflict.

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<sup>12</sup> The 8th periodic country report, the list of issues and related replies, the Concluding Observations as well as shadow reports submitted by civil society organizations.

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#### Imprint

Federal Department of Foreign Affairs FDFA  
Swiss Agency for Development and Cooperation SDC  
South Cooperation  
3003 Bern, Switzerland  
[www.sdc.admin.ch](http://www.sdc.admin.ch)