"Equality of rights for women is a basic principle of the United Nations." (1)

(1) Respect for human rights is one of the United Nations' (UN) guiding principles. The Convention on the Elimination of all forms of Discrimination Against Women, or CEDAW, is one of several UN agreements that promote human rights internationally. CEDAW is a multilateral treaty that has often been called an International Bill of Rights for Women because of its comprehensive approach to gender equity. The purpose of this paper is to provide Indigenous women with information about the history, purpose, application, and enforcement of CEDAW.

(2) CEDAW addresses many discrimination issues within three broad areas: civil rights, legal status, and human reproduction. Discrimination occurs in overt and subtle ways that violate equality. Obstacles to full participation in society, impediments to prosperity, harm to families, diminished health, and obstacles that prevent women from achieving their full potential can be the result of gender inequity. For instance, women who live in poverty suffer disproportionately to their male counterparts, because often the women sacrifice necessities and opportunities so their family's essential needs are met. Economic systems that promote social equality can help women to achieve their full potential as well as benefiting their families and communities (2).

(3) The purpose of CEDAW is stated within the agreement: 1) to formally acknowledge and guarantee the rights of women by requiring States to incorporate the principles contained within CEDAW into domestic legislation; and 2) to adopt measures to eliminate all forms and manifestations of discrimination against women (2). CEDAW is a legally-binding contract between 184 UN-member nations, and becomes legally binding after several steps occur. The nation must agree to CEDAW's terms, a representative from the agreeing nation must sign the CEDAW treaty, and each nation's legislative body must ratify, or approve, its terms. Once ratified, the ratifying nation is obligated to abide by its terms. In some cases, nations have acceded the Convention, which is somewhat different than ratification, but under international law, accession carries the same obligation as ratification (3). Nations that have ratified or acceded CEDAW are known as "States parties," and are expected to abide by CEDAW's terms and incorporate its principles into their domestic laws (1). Becoming a party to CEDAW...
establishes government accountability, safeguards women's rights domestically, and provides stability for women in case political conditions within the nation change.

(4) To strengthen CEDAW, an Optional Protocol was adopted on November 6, 1999 by the UN General Assembly that establishes additional CEDAW complaint procedures (4). This is a separate agreement in which countries can choose to participate, in addition to CEDAW. The Optional Protocol contains provisions for individuals and groups to file complaints with the CEDAW Committee. The Committee may respond by conducting a special, country-specific inquiry into alleged violations (5).

**Background of CEDAW**

(5) Following World War II, the United Nations General Assembly adopted several human rights agreements that recognize every person is entitled to the same rights without distinction. The *International Covenant on Economic, Social, and Cultural Rights* and the *International Covenant on Civil and Political Rights* form a comprehensive human rights framework and comprise what is informally known as the International Bill of Human Rights. Despite this recognition of equity, the UN found that human rights guarantees were insufficient provide equal treatment for women. In 1946, a subcommission of the Commission on Human Rights was formed to address urgent problems faced by women, and to provide further protections for women's rights. On June 21, 1946, the subcommission was elevated to a full-fledged commission: the Commission on the Status of Women (CSW). As the first Chairperson of the Subcommission, Bodil Begtrup (Denmark) observed:

(6) “Women’s problems have now for the first time in history to be studied internationally as such and to be given the social importance they ought to have. And it would be, in the opinion of this Sub-Commission of experts in this field, a tragedy to spoil this unique opportunity by confusing the wish and the facts. Some situations can be changed by laws, education, and public opinion, and the time seems to have come for happy changes in conditions of women all over the world ...” (6)

(7) The Commission's mandate was to implement the principle of gender equality and develop proposals to remedy the immediate disparities between men's and women's rights (1).

(8) Between 1949 and 1959, several narrowly-focused women's rights conventions specific to political participation, national identity, and protection from abuses of marriage were adopted by the General Assembly. However, it became increasingly apparent that, much like human rights, gender equity required comprehensive protection. In 1963, the General Assembly invited CSW through ECOSOC (Economic and Social Council) to "prepare a draft declaration... articulating the equal rights of men and women" (1). The resulting "Declaration on the Elimination of Discrimination against Women" was adopted on November 7, 1967. This was a General Assembly declaration, and by 1974 the CSW began preparing a Convention that was envisioned to be "a single, comprehensive, internationally binding instrument to eliminate discrimination against women" (1).

**Legislative History and Domestic Application of CEDAW**

(9) The CSW's work was supported by Committee working groups and encouraged by the 1975 *World Plan of Action for the Implementation of the Objectives of the International*
Women's Year, which called for drafting both a Convention and implementation procedures. The General Assembly also voiced its support. In 1979, the General Assembly adopted the Convention on the Elimination of all Discrimination against Women in a 130-0 vote with ten nations abstaining. On July 17, 1980, 64 States signed the Convention, and on September 3, 1981 the Convention became international binding law (1).

Of the nations that have ratified CEDAW, some have amended their constitutions to include CEDAW provisions, while other nations have used legislation to incorporate the principles of gender equity into their institutions. Each nation chooses its own approach to implementing CEDAW, but as an international treaty, all ratifying/acceding nations are bound to enforce it. Only six nations have not signed CEDAW. These are Iran, Nauru, Palau, Somalia, Sudan, and Tonga. Although the United States of America signed in 1980, it has neither ratified nor acceded the treaty (7; 8).

International enforcement and the role of shadow reports

A United Nations committee, The Committee on the Elimination of All Discrimination Against Women (CEDAW Committee or the Committee) is responsible for monitoring and enforcing CEDAW. According to the terms of the agreement, States parties report to the CEDAW Committee every four years regarding their progress in implementing and enforcing CEDAW. The Committee consults with nations to suggest solutions to CEDAW implementation and enforcement difficulties (9). Although several UN documents reinforce and obligate member nations to ensure gender equity in the areas of economic, social, cultural, civil and political rights, women still continue to experience "extensive discrimination" (2), so there is still much work to be done in these countries to ensure the rights of women are reinforced.

In addition to reports from States Parties, the CEDAW Committee also encourages non-governmental organizations (NGO's) to submit independent reports, or shadow reports, containing country-specific information. These reports provide information on how a specific country is progressing with implementing CEDAW. Shadow reports assist the CEDAW Committee in evaluating progress reports submitted by States Parties (9).

Shadow reports are a means of communicating the challenges faced in implementing the principles of the Convention. If a government has failed to take corrective action, has acted in opposition to the Convention, or has omitted NGO input to their official report, shadow reports can provide the Committee with an alternate view of a government's performance. In instances where the political will of a government to implement CEDAW principles may be limited, the Committee can use shadow reports as tools to motivate inquiries and consultation with the government in question.

For a shadow report to be accepted by the CEDAW Committee, it must be properly constructed and present evidence for the Committee to review. If accepted, the Committee will review the shadow report along with government-submitted materials and adopt Concluding Observations in which they may instruct the State to respond, usually within two years (9). Information on organizing, formatting, and submitting shadow reports can be found at:
Social Considerations

(15) CEDAW is based on the principle that certain practices within a government make it impossible for women to be treated equally, and therefore must be eliminated for equality to be achieved. These practices include: apartheid; all forms of racism; racial discrimination; colonialism; neo-colonialism; aggression; and foreign occupation, domination and interference in internal affairs of nations (2).

(16) CEDAW also cites a number of social conditions that promote international peace and result in full equality between genders. These include:

- Resolving international conflicts
- Cooperation between nations
- Disarmament (nuclear and other types)
- Just, equal and mutually beneficial international agreements
- Self-determination and independence for peoples in colonial and occupied territories
- Respect for the sovereignty and territorial integrity of nations (2).

(17) CEDAW also acknowledges that women's contributions to society remain largely unrecognized, and that the full development of a nation, international welfare, and "the cause of peace" requires full recognition of women's rights and gender equality (2).

Case study: Political party reforms in Bulgaria

(18) Bulgaria is a democratic state, yet women's participation in political parties is not equal. Studies of the political system have found that it is easier to increase the number of female participants in government through appointments to office rather than elections, which suggests electoral gender bias. (10).

(19) To increase women's participation in Bulgarian politics, liberal political parties established women's political chapters to assist women with building political skills and visibility. Three solutions that have increased the number of women in government leadership positions are institutionalization of women's chapters within political parties, party quotas for women in leadership, and political party mandates for female candidate nominees (10).

(20) NGO's have been instrumental in offering training programs to expand the pool of women qualified for political office. Among the program strategies are specialized technical training for minority women in areas such as legislation drafting, gender budgeting, and gender impact assessment. Bulgaria's participation in the European Union was contingent on adopting legislation to guarantee women's rights; NGO's successfully advocated for drafting, adoption, and implementation of key legislation to address domestic violence, trafficking in human beings and anti-discrimination (the Law on the Prevention from Discrimination, the Anti-Trafficking
*Law, the Law on Domestic Violence*). These achievements in Bulgaria are a beginning, and there is still much work to be done (10).

**Case Study: Electoral quotas in Peru**

(21) Peru's "gender neutral" quota law established 30% minimum political representation for either gender. As a result, the number of women elected to office has increased. In order to cause positive change and increase party awareness of gender issues, members of Peruvian feminist groups have used a strategy to change political organizations from within. Other strategies that have been suggested to increase Peruvian women's participation are better management of communication and media, increased campaign funding, and offering technical support to increase the number of qualified female political candidates (11).

**Case Study: Improving equity globally**

(22) In addition to the case studies above, there are a variety of ways in which CEDAW has been successfully used to improve equity between women and men.

- In Uganda, state funds were used to finance policies and programs to stop violence against women;
- In India, to increase the participation of girls in the education system;
- In Argentina, Mexico, and Australia to establish health care programs for Indigenous and migrant women;
- In China to establish equal inheritance and marital property ownership;
- In many countries to improve maternity leave and child care benefits for working women.

(12)

**Case Study: Canadian legislative action and Aboriginal women's rights**

(23) Nations that are parties to CEDAW report to the CEDAW Committee every four years. The Committee provides feedback to reporting nations, and the interactions as nations respond to the Committee can potentially promote positive reforms in women's rights. (13).

(24) Canada is one nation that has ratified CEDAW, and has also acceded to the Optional Protocol. As a participating nation in the World Conference on Women in Beijing, Canada developed the Federal Plan for Gender Equality (FPGE) which linked it eight key objectives to the twelve critical areas identified in the Beijing Plan for Action (BPfA), and committed to a long-term goal of analyzing potentially different impacts of policy on women and men (14). Through a strong commitment to this long-term goal and its responsibility under CEDAW, Canadian women's rights, and especially those of Aboriginal women, have benefited.

(25) The CEDAW Committee's feedback has spurred positive changes in Canadian women's rights, particularly for Aboriginal women. For example, in the area of employment rights, parental leave was extended from 10 weeks to 35 weeks. In Aboriginal communities specifically, federal funding of over 17,500 early learning and childcare spaces improved access to child care. Numerous programs have been implemented to address women's issues such as reproductive health, diabetes, breast cancer, and tobacco control benefit entire Aboriginal communities. Specific initiatives have been enacted to reduce domestic violence, sexual exploitation of children, trafficking and smuggling of persons. Protections for immigrant and refugee women have been strengthened. Another initiative to reduce family violence is especially focused on
Aboriginal women and the Girl Child (14). Although reports to the Committee cannot be expected to solve all gender equity issues, reporting and consultation between Canada and the CEDAW Committee has resulted in gains for Canadian women in general, and Aboriginal Communities in particular (13).

Case Study: CEDAW in the courts
(26) In several nations, CEDAW has proven useful courts to protect women. In Chan v. Canada (Minister of Employment and Immigration), the Canadian Supreme Court upheld refugee status of a Chinese woman, because she feared forced sterilization if she returned to China. The Supreme Court's decision was based on the CEDAW right to "decide freely and responsibly the number, spacing, and timing of children" (15). In another example from Pakistan (Ms. Humaira v. Malik Moazzam Ghayas Khokhar & Ors), the High Court of Pakistan invalidated a coerced marriage and upheld a woman's free will to make a marriage contract (16).

Building political will
(27) Members of civil society and NGO's whose governments are States parties to CEDAW can work within their countries to encourage adherence to CEDAW. The Committee encourages governments to work with NGO's and consider their input (9). Citizens also may use the resources and case studies mentioned in this guide to promote the application of CEDAW to economic and social policy at all levels of government.

(28) In nations where CEDAW has not been ratified, citizens and NGO's can identify and encourage leaders and representatives, who may support the Convention to act for ratification. For instance, in the United States of America, Hillary Clinton is a strong advocate for CEDAW. In her Remarks at the UN Commission on the Status of Women on March 23, 2010, she addressed her political views on women's issues:

(29) "... [T]he evidence is irrefutable. When women are free to develop their talents, all people benefit: women and men, girls and boys. When women are free to vote and run for public office, governments are more effective and responsive to their people. When women are free to earn a living and start small businesses, the data is clear: they become key drivers of economic growth across regions and sectors. When women are given the opportunity of education and access to health care, their families and communities prosper. And when women have equal rights, nations are more stable, peaceful, and secure.

(30) In 1995, in one voice, the world declared human rights are women’s rights and women’s rights are human rights. And for many, those words have translated into concrete actions. But for others they remain a distant aspiration. Change on a global scale cannot and does not happen overnight. It takes time, patience, and persistence. And as hard as we have worked these past 15 years, we have more work to do.

(31) So today, let us renew our commitment to finishing the job. And let us intensify our efforts because it is both the right thing to do and it is the smart thing as well. We must declare with one voice that women’s progress is human progress, and human progress is women’s progress once and for all." (17)
Secretary Clinton can be expected to focus on the rights of women when she leaves her current post and will be an ally for women seeking U.S. ratification of CEDAW.

Conclusion: CEDAW and Indigenous Issues

Indigenous peoples of both genders struggle with issues of social equity. Compared to their non-Indigenous counterparts, Indigenous women experience significantly greater impact from discrimination and social inequity. In most cases, true gender equity for Indigenous women will result in sweeping changes in almost every aspect of their lives. Transformations for entire communities will need to occur for equity to be realized. For example, diabetes is at epidemic proportions for Indigenous women and men alike. Compared to the overall population, Indigenous peoples have a far greater incidence of diabetes than non-Indigenous people. Article 12 of the Convention, seeks to eliminate discrimination in health care, and Article 14 is concerned with access to rural health care facilities (2). Additionally, Article 24 of the Declaration on the Rights of Indigenous Peoples (DRIP) acknowledges Indigenous rights to traditional medicines, to maintain health practices, and to access health services (18).

Adding or upgrading health care facilities in communities results in so much more than improved health care accessibility for Indigenous women; the entire community benefits. When health care equity includes guaranteed access to traditional foods and medicines, then the fundamental expectations of the entire community change, as does the community's relationship with their traditional territories. Using CEDAW and DRIP together offers exciting possibilities for Indigenous women, their families, and their communities.

When viewed together, CEDAW and DRIP offer the promise of provide positive changes for Indigenous peoples. Realizing gender equity for Indigenous women means that all Indigenous peoples receive benefits. Government leaders need encouragement to implement the terms of CEDAW, however, communities can also begin to implement CEDAW principles locally to bring about improvements in the lives of the mothers, sisters, wives, daughters and children that are the Indigenous women of the world.

Moving forward

To locate more information on CEDAW, learn more about how CEDAW has been applied to women's issues, find technical assistance for assembling shadow reports, or review the Convention, Optional Protocol, or other documents mentioned in this article, visit the Women's Environment & Development Organization (WEDO) and Global Justice Center websites listed below, or consult the citations and resources that follow.

WEDO: http://www.wedo.org/

Global Justice Center: http://www.globaljusticecenter.net/
CITATIONS


<http://www.amnestyusa.org/women/cedaw/actionkit0307.pdf>

<http://www3.law.columbia.edu/hrlr/hrlr_journal/42.2/Riggin.pdf>


<http://www.state.gov/secretary/rm/2010/03/138320.htm>

RESOURCE LIST

Collections of Resources:
<http://stopvaw.org/Summary_of_Resources.html>


History and Background:

"About UN Women." UN Women, United Nations. 

"CEDAW Timeline." Citizens for Global Solutions. 

Social Issues:


<http://www.unrol.org/files/CEDAW_HRBA_guide_pt2_eng%5B1%5D.pdf>

<http://www.unifem.org/cedaw30/attachments/resources/WomensAndChildrensRightsInAHumanRightsBasedApproach.pdf>


Case Studies:
<http://www.unitetheunion.org/resources/equalities/equalities_resources/the_single_equality_act.aspx>


**Practical Tips for Use:**


**Shadow Reports:**


**Lobbying & Advocacy:**


**Ratification & Enforcement:**

Political and Legislative Support:
