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Claiming women's rights: the Optional Protocol to the UN Women's Convention

The Optional Protocol "...will act as an incentive for Governments to take a fresh look at the means of redress that are currently available to women at the domestic level. This is perhaps the most important contribution of the Optional Protocol. It is action at the national level which will create the environment in which women and girls are able to enjoy all their human rights fully and where their grievances will be addressed with the efficiency and speed they deserve." (Mary Robinson, High Commissioner for Human Rights, in a statement made on 22 December 2000 welcoming the entry into force of the Optional Protocol to the Women's Convention).

More than fifty years ago the Universal Declaration of Human Rights recognized fundamental rights and freedoms for all - without discrimination between men and women. The international community has since seen this guarantee reinforced many times in a range of international human rights instruments and in standards and mechanisms supporting their implementation. Fifty years later, however, women in too many countries remain targets of human rights violations for the very fact that they are women.

The entry into force on 22 December 2000 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention) is therefore a significant advancement in the promotion and protection of the human rights of women. The Optional Protocol offers women direct means to seek redress at international level for violations of their rights under the Women's Convention: it opens the door to the UN committee that monitors implementation of the Convention, enabling the Convention to be applied directly to actual situations that women in all parts of the world face in their daily lives, ensuring that it does not remain a distant and abstract set of rules and principles for them.

Amnesty International welcomes the 41 ratifications of the Optional Protocol to date and urges remaining states parties to the Women's Convention to sign and ratify this important mechanism without further delay.

Amnesty International has prepared this document to promote awareness of the Optional Protocol and describe its two main provisions: an **Individual Complaints Procedure** and an **Inquiry Procedure** into grave or systematic violations.¹

1. Background

¹ Annexed to this document the reader will find the text of the Optional Protocol, an up-to-date status of its ratification, the text of the Convention on the Elimination of All Forms of Discrimination against Women, the text of the General Recommendation No 19, and a resource list for further reading.

The Women's Convention, adopted by the General Assembly in 1979,² recognizes that discrimination prevents women from enjoying the whole range of human rights and freedoms: civil, cultural, economic, political and social. It sets out the obligations of governments to end such discrimination in public life, in family life and in customs and social life. This includes the obligation to engage in the reporting system mandated by the Convention, which binds states parties to reporting periodically to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW)³ on measures taken to implement the Convention.

During the drafting of the Women's Convention some thought was given to including an individual complaints procedure to supplement the reporting system. Three of the major international human rights treaties in force had complaints procedures - the First Optional Protocol of the International Covenant on Civil and Political Rights; Article 14 of the International Covenant on the Elimination of All Forms of Racial Discrimination; Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - mandating their monitoring committees to receive and consider individual petitions. However, no such mandate was provided for in the Convention, a situation that over time served to limit CEDAW's ability to respond to specific violations of the Convention.

In 1991, when an expert group was convened by the United Nations Division for the Advancement of Women on the issue of violence against women in all its forms, the prospect of considering an optional protocol or protocols to the Women's Convention began to gather force. *In 1993 the adoption of an optional protocol to provide a right to petition was one of the commitments made by states at the World Conference on Human Rights in Vienna.* At the Fourth World Conference on Women held in Beijing in September 1995 governments committed themselves to supporting "the elaboration (of) a draft optional protocol to the Women's Convention that could enter into force as soon as possible."⁴ Work on drafting the Optional Protocol began in 1996, when the United Nations Commission on the Status of Women (CSW) established an open-ended working group for this purpose. In March 1999 governments represented in the working group were able to agree on a draft text by consensus;⁵ this was subsequently passed to the UN General Assembly where it was adopted without a vote.

² General Assembly resolution 34/180 of 18 December 1979; as of 24 July 2002 there are 170 states parties to the Women's Convention.

³ Established under Article 17, CEDAW comprises 23 independent experts acting in their personal capacity who monitor implementation by states parties by jointly receiving, reviewing and offering concluding observations and recommendations on the periodic reports stipulated under Article 18.

⁴ Beijing Declaration and Platform for Action, UN. Doc. No. A/CONF.177/20, 17 October 1997, at page 97, para. 230(k).

⁵ For background information on the negotiations prior to the adoption of the Optional Protocol and the role played by Amnesty International, please see Amnesty International, "The Optional Protocol to the Women's Convention: enabling women to claim their rights at the international level", AI Index: IOR 51/04/97.

The Optional Protocol was opened for signature and ratification on 20 December 1999 and the 10th ratification needed for its entry into force was made on 22 September 2000.

Amnesty International, together with other non-governmental organizations (NGOs), supported the drafting of the Optional Protocol and lobbied governments throughout the process to adopt a strong text. Since its adoption Amnesty International has campaigned for governments to sign and ratify the Optional Protocol.

2. A summary of guarantees under the Women's Convention

When a government becomes a state party to the Women's Convention it is under an obligation to bring its laws and practices into compliance with the Convention's provisions. This means *de facto* as well as *de jure* compliance,⁶ and includes the whole range of civil, cultural, economic, political and social rights for women guaranteed by the Convention. For example, governments are bound to guarantee equality between men and women in the field of political participation, education, health care, family law and equality before the law.

Protection against all forms of discrimination on the basis of gender extends equally to gender-based violence, which, as set out in General Recommendation 19, CEDAW defines as "violence that is directed against a women because she is a women or that affects women disproportionately" and holds to be in breach of the protections afforded by the Women's Convention.⁷

The Convention protects women against discrimination by public authorities or agents of the state. In addition - and very significantly - it holds a state party responsible for discriminatory acts committed by private individuals or organizations. This is relevant in many aspects of women's lives, but no more so than when it applies to their physical and psychological integrity and well-being, especially when practices that threaten these are supported by long-standing traditions, customs and attitudes; for example, the practice of female genital mutilation, "honour" killings and dowry deaths; or rape, including rape in armed conflict or marital rape, and domestic violence. This means that if the state authorities fail to offer protection against such practices and abuses through, for example, legislation and public education, or to bring to justice those who commit such abuses and to compensate the victims, the state is in breach of its obligations under the Convention.⁸

⁶ It is not enough merely to abolish discriminatory laws and to guarantee equality between men and women by law. It also meant ensuring that these laws are respected in practice by all.

⁷ General Recommendation No. 19 (11th session, 1992), "Violence against women."

⁸ See Amnesty International, "Respect, protect, fulfil - Women's human rights: State responsibility for abuses by 'non-state actors'", AI Index: IOR 50/01/00 and "Broken bodies, shattered minds - Torture and ill treatment of women", AI Index: ACT 40/001/2001.

The Women's Convention has been ratified (or acceded to) by 170 states to date. Despite this high figure, Amnesty International notes with concern that more reservations have been entered by states parties than to any of the other international human rights treaties. Any reservations which limit the obligations of states parties risks impairing the full implementation of the Convention at national level.

3. What difference does the Optional Protocol make to women?

Since the Women's Convention's entry into force CEDAW has been limited to monitoring compliance by states parties by receiving, reviewing and issuing observations and recommendations on the periodic reports governments are obliged to submit. Now, under the Optional Protocol, CEDAW is mandated to act on individual complaints and also to initiate inquiries, bringing the Committee into line with other committees monitoring international human rights treaties.⁹ This serves most importantly to supplement CEDAW's monitoring strength and allows the Committee to focus on cases and situations that it cannot address through the standard reporting system.

The procedures mandated by this mechanism:

- provide an opportunity for redress when states parties violate women's human rights or fail to protect women against discrimination according to the terms of the Convention.
- fill an existing gap in the protection of women's human rights, in particular by providing international recourse to women who have been denied access to justice at the national level.
- allow CEDAW to highlight the need for more effective remedies at the national level as stipulated in the Women's Convention, making detailed recommendations on how these remedies can be achieved.
- enable CEDAW to elaborate recommendations into an existing body of jurisprudence on how women's human rights should be guaranteed and protected in real life situations. The jurisprudence contributed by CEDAW will benefit the work of other international and regional mechanisms set up to redress violations of women's human rights.

4. Procedures under the Optional Protocol

a) The individual complaints procedure

Under the Optional Protocol any individual woman or group of women whose rights under the Convention have been violated in a state that has ratified the Optional Protocol will be able to

⁹ The International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child do not provide for an individual complaints mechanism.

present a complaint to CEDAW, on condition that all *effective* means of domestic redress have been exhausted. In practical terms this can mean that if violations against women occur in countries where access to domestic remedies is denied or significantly restricted they may bring their cases immediately to the attention of CEDAW.

A further significant feature of the individual complaints procedure is that individuals other than victims themselves, and organizations including NGOs, can bring a complaint on behalf of victims.¹⁰ This feature is important because of the political, economic, social and cultural factors that so often restrict access by women to information and to practical opportunities to claim their rights. Women's organizations are well placed to make submissions on their behalf.

Outline of basic steps in the complaints procedure

- The complaint is submitted to CEDAW in writing and not anonymously (Article 3).
- CEDAW determines admissibility of the complaint on grounds that all available domestic remedies have been exhausted (unless they are unreasonably prolonged or unlikely to bring effective relief); the matter has not been or is not being examined by another international procedure; the communication is compatible with the provisions of the Convention, is not ill-founded or insufficiently substantiated and is not an abuse of the right to submit a communication; the facts of the communication did not occur prior to the entry into force of the Optional Protocol for the state party concerned, unless they continued after that date (Article 4).
- CEDAW confidentially submits the communication to the state party concerned and asks for a reply within six months (Article 6, paragraph 1).
- The state party replies with explanations, including clarification and details of any remedy provided by the state (Article 6, paragraph 2).
- CEDAW examines the reply of the state party in a closed (private) meeting and transmits its views and recommendations to all parties concerned (Article 7).
- CEDAW requests the state party to communicate 'any action taken in the light of the views and recommendations of the Committee' within six months; and may also request the government to include this follow-up information in its periodic report (Article 7, paragraphs 4 and 5). This follow-up mechanism is important - it causes the state party to remain under scrutiny until it has satisfactorily implemented the recommendations of CEDAW.
- CEDAW may also recommend that the state party take *interim measures* in urgent cases when a woman is at risk of suffering "irreparable damage" (Article 5).

¹⁰ Article 2 states: "where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent."

b) The inquiry procedure

The Optional Protocol provides also for an inquiry procedure, which allows CEDAW to undertake investigation of grave or systematic violations of women's human rights. The inquiry procedure allows CEDAW to focus attention on widespread practices affecting women such as lack of equal opportunities in education, politics or the work place; sexual exploitation; or abuses that cross borders and involve multiple governments such as in trafficking or violence against women in situations of armed conflict. It provides for an in-depth examination of the underlying causes of discrimination against women and can focus on abuses that would not normally be submitted to CEDAW by means of the individual complaints procedure.

With the inquiry procedure, CEDAW can act on its own initiative, on the basis of reliable information. Women's organizations and NGOs can provide CEDAW with information on grave or systematic violations of the Convention, requesting the committee to investigate, and are well-placed to do so on wide-scale practices that affect women's rights. While the conduct of such investigation is confidential, CEDAW may publish the findings once the inquiry is concluded. This can put effective pressure on governments to end the worst forms of discrimination against women.

Outline of basic steps in the inquiry procedure

- Information indicating grave or systematic violations of the Convention is submitted to CEDAW (Article 8, paragraph 1).
- CEDAW invites the state party concerned to submit its observations on this information (Article 8, paragraph 1).
- On the basis of the information available, CEDAW may decide to designate one or more members to conduct an inquiry (Article 8, paragraph 2).
- With the consent of the state party, the inquiry may include a visit to the country concerned (Article 8, paragraph 2).
- The findings of the inquiry together with CEDAW recommendations are transmitted to the state party concerned (Article 8 paragraph 3).
- The state party has six months to reply to CEDAW's inquiry and recommendations (Article 8, paragraph 4).
- CEDAW may request the state party to include in its periodic report details on the measures taken in response to the inquiry (Article 9); this follow-up requirement affords the same on-going scrutiny to ensure that recommendations made by the Committee are implemented as provided in the individual complaints procedure.

The Opt-out clause (Article 10)

The Optional Protocol does not permit states to enter reservations (Article 17). However, one of the compromises agreed during negotiations on the text of the Optional Protocol was to allow a state party to “opt-out” the inquiry procedure, simply by declaring that it does not recognize the competence of CEDAW to carry out such inquiry.

Amnesty International strongly opposed this compromise during the drafting process. The organization urges states parties ratifying the Optional Protocol not to make a declaration under Article 10.

Article 11

It is important to note that both the individual complaints and the inquiry procedures afford protection against possible reprisals against those bringing allegations against states parties.

5. Recommendations of Amnesty International regarding the Optional Protocol and the Women's Convention

- Amnesty International urges all governments that are states parties to the Women's Convention to sign and ratify the Optional Protocol without further delay.
- Amnesty International urges those states which have not yet ratified the Women's Convention to do so without further delay and to ratify the Optional Protocol at the same time.
- Amnesty International urges ratification of the Optional Protocol without opting out of the inquiry procedure (Article 10).
- Amnesty International urges governments which have ratified the Women's Convention with reservations, to re-examine these reservations with a view to withdrawing them.
- Amnesty International urges states parties to meet all their obligations under the Women's Convention. This includes the wide dissemination of the texts of the Women's Convention and the Optional Protocol with translations, if necessary and information about CEDAW's role and activities, as mandated in both instruments.

Annex i:

**Optional Protocol to the Convention on the Elimination of
All Forms of Discrimination against Women**

The States Parties to the present Protocol,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Also noting that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Recalling that the International Covenants on Human Rights and other international human rights instruments prohibit discrimination on the basis of sex,

Also recalling the Convention on the Elimination of All Forms of Discrimination against Women ("the Convention"), in which the States Parties thereto condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,

Reaffirming their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms,

Have agreed as follows:

Article 1

A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Elimination of Discrimination against Women ("the Committee") to receive and consider communications submitted in accordance with article 2.

Article 2

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 3

Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Article 4

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief.

2. The Committee shall declare a communication inadmissible where:

(a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

(b) It is incompatible with the provisions of the Convention;

(c) It is manifestly ill-founded or not sufficiently substantiated;

(d) It is an abuse of the right to submit a communication;

(e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Article 5

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 6

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.

2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

Article 7

1. The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.
2. The Committee shall hold closed meetings when examining communications under the present Protocol.
3. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.
4. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.
5. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.

Article 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

Article 9

1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 10

1. Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.
2. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

Article 11

A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Article 12

The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.

Article 13

Each State Party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.

Article 14

The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.

Article 15

1. The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.
2. The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 16

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 17

No reservations to the present Protocol shall be permitted.

Article 18

1. Any State Party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

Article 19

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.
2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.

Article 20

The Secretary-General of the United Nations shall inform all States of:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under article 18;

(c) Any denunciation under article 19.

Article 21

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 25 of the Convention.

Annex ii: Status of signature and ratification (accession) as of 24 July 2002

Participant	Signature	Ratification, Accession (a)
Andorra	9 July 2001	
Argentina	28 Feb 2000	
Austria	10 Dec 1999	6 Sep 2000
Azerbaijan	6 Jun 2000	1 June 2001
Bangladesh	6 Sep 2000	6 Sep 2000
Belarus	29 Apr 2002	
Belgium	10 Dec 1999	
Benin	25 May 2000	
Bolivia	10 Dec 1999	27 Sep 2000
Bosnia and Herzegovina	7 Sep 2000	
Brazil	13 Mar 2001	28 June 2002
Bulgaria	6 Jun 2000	
Burkina Faso	16 Nov 2001	
Burundi	13 Nov 2001	
Cambodia	11 Nov 2001	
Chile	10 Dec 1999	
Colombia	10 Dec 1999	
Costa Rica	10 Dec 1999	20 Sep 2001
Croatia	5 Jun 2000	7 Mar 2001
Cuba	17 Mar 2000	
Cyprus	8 Feb 2001	26 Apr 2002
Czech Republic	10 Dec 1999	26 Feb 2001
Denmark	10 Dec 1999	31 May 2000
Dominican Republic	14 Mar 2000	10 Aug 2001
Ecuador	10 Dec 1999	5 Feb 2002
El Salvador	4 Apr 2001	
Finland	10 Dec 1999	29 Dec 2000
France	10 Dec 1999	9 Jun 2000
Germany	10 Dec 1999	15 Jan 2002
Ghana	24 Feb 2000	
Greece	10 Dec 1999	24 Jan 2002
Guatemala	7 Sep 2000	9 May 2002
Guinea-Bissau	12 Sep 2000	
Hungary		22 Dec 2000 a
Iceland	10 Dec 1999	6 Mar 2001
Indonesia	28 Feb 2000	
Ireland	7 Sep 2000	7 Sep 2000
Italy	10 Dec 1999	22 Sep 2000
Kazakhstan	6 Sep 2000	24 Aug 2001
Lesotho	6 Sep 2000	
Liechtenstein	10 Dec 1999	24 Oct 2001
Lithuania	8 Sep 2000	
Luxembourg	10 Dec 1999	
Madagascar	7 Sep 2000	

Malawi	7 Sep 2000	
Mali		5 Dec 2000 a
Mauritius	11 Nov 2001	
Mexico	10 Dec 1999	14 Mar 2002
Mongolia	7 Sep 2000	28 Mar 2002
Namibia	19 May 2000	26 May 2000
Nepal	18 Dec 2001	
Netherlands	10 Dec 1999	22 May 2002
New Zealand	7 Sep 2000	7 Sep 2000
Nigeria	8 Sep 2000	
Norway	10 Dec 1999	5 Mar 2002
Panama	9 Jun 2000	9 May 2001
Paraguay	28 Dec 1999	14 May 2001
Peru	22 Dec 2000	9 Apr 2001
Philippines	21 Mar 2000	
Portugal	16 Feb 2000	26 Apr 2002
Romania	6 Sep 2000	
Russian Federation	8 May 2001	
Sao Tome and Principe	6 Sep 2000	
Senegal	10 Dec 1999	26 May 2000
Seychelles	22 Jul 2002	
Sierra Leone	8 Sep 2000	
Slovakia	5 Jun 2000	17 Nov 2000
Slovenia	10 Dec 1999	
Solomon Islands		6 May 2002a
Spain	14 Mar 2000	6 Jul 2001
Sweden	10 Dec 1999	
Tajikistan	7 Sep 2000	
Thailand	14 Jun 2000	14 Jun 2000
The Former Yugoslav Republic of Macedonia	3 Apr 2000	
Turkey	8 Sep 2000	
Ukraine	7 Sep 2000	
Uruguay	9 May 2000	26 Jul 2001
Venezuela	17 Mar 2000	13 May 2002

Annex iii:**Convention on the Elimination of All Forms of Discrimination against Women****The States Parties to the present Convention,**

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective

international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean 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 a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including

legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II*Article 7*

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III*Article 10*

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

-
- (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;

- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field

covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(a) In the legislation of a State Party; or

(b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider

itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Annex iv: General Recommendation No. 19 (Eleventh session, 1992): Violence against women

Background

1. Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.
2. In 1989, the Committee recommended that States should include in their reports information on violence and on measures introduced to deal with it (General recommendation 12, eighth session).
3. At its tenth session in 1991, it was decided to allocate part of the eleventh session to a discussion and study on article 6 and other articles of the Convention relating to violence towards women and the sexual harassment and exploitation of women. That subject was chosen in anticipation of the 1993 World Conference on Human Rights, convened by the General Assembly by its resolution 45/155 of 18 December 1990.
4. The Committee concluded that not all the reports of States parties adequately reflected the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms. The full implementation of the Convention required States to take positive measures to eliminate all forms of violence against women.
5. The Committee suggested to States parties that in reviewing their laws and policies, and in reporting under the Convention, they should have regard to the following comments of the Committee concerning gender-based violence.

General comments

6. The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts

that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.

7. Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include:

- (a) The right to life;
- (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- (d) The right to liberty and security of person;
- (e) The right to equal protection under the law;
- (f) The right to equality in the family;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favourable conditions of work.

8. The Convention applies to violence perpetrated by public authorities. Such acts of violence may breach that State's obligations under general international human rights law and under other conventions, in addition to breaching this Convention.

9. It is emphasized, however, that discrimination under the Convention is not restricted to action by or on behalf of Governments (see articles 2 (e), 2 (f) and 5). For example, under article 2 (e) the Convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.

Comments on specific articles of the Convention

Articles 2 and 3

10. Articles 2 and 3 establish a comprehensive obligation to eliminate discrimination in all its forms in addition to the specific obligations under articles 5-16.

Articles 2 (f), 5 and 10 (c)

11. Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education, skills and work opportunities.

12. These attitudes also contribute to the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals. This in turn contributes to gender-based violence.

Article 6

13. States parties are required by article 6 to take measures to suppress all forms of traffic in women and exploitation of the prostitution of women.

14. Poverty and unemployment increase opportunities for trafficking in women. In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries, and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse.

15. Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence.

16. Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures.

Article 11

17. Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.

18. Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

Article 12

19. States parties are required by article 12 to take measures to ensure equal access to health care. Violence against women puts their health and lives at risk.

20. In some States there are traditional practices perpetuated by culture and tradition that are harmful to the health of women and children. These practices include dietary restrictions for pregnant women, preference for male children and female circumcision or genital mutilation.

Article 14

21. Rural women are at risk of gender-based violence because traditional attitudes regarding the subordinate role of women that persist in many rural communities. Girls from rural communities are at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns.

Article 16 (and article 5)

22. Compulsory sterilization or abortion adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children.

23. Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.

Specific recommendations

24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends:

(a) States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act;

(b) States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention;

(c) States parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence;

(d) Effective measures should be taken to ensure that the media respect and promote respect for women;

- (e) States parties in their report should identify the nature and extent of attitudes, customs and practices that perpetuate violence against women, and the kinds of violence that result. They should report the measures that they have undertaken to overcome violence, and the effect of those measures;
- (f) Effective measures should be taken to overcome these attitudes and practices. States should introduce education and public information programmes to help eliminate prejudices which hinder women's equality (recommendation No. 3, 1987);
- (g) Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation;
- (h) States parties in their reports should describe the extent of all these problems and the measures, including penal provisions, preventive and rehabilitation measures, that have been taken to protect women engaged in prostitution or subject to trafficking and other forms of sexual exploitation. The effectiveness of these measures should also be described;
- (i) Effective complaints procedures and remedies, including compensation, should be provided;
- (j) States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace;
- (k) States parties should establish or support services for victims of family violence, rape, sex assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counselling;
- (l) States parties should take measures to overcome such practices and should take account of the Committee's recommendation on female circumcision (recommendation No. 14) in reporting on health issues;
- (m) States parties should ensure that measures are taken to prevent coercion in regard to fertility and reproduction, and to ensure that

women are not forced to seek unsafe medical procedures such as illegal abortion because of lack of appropriate services in regard to fertility control;

(n) States parties in their reports should state the extent of these problems and should indicate the measures that have been taken and their effect;

(o) States parties should ensure that services for victims of violence are accessible to rural women and that where necessary special services are provided to isolated communities;

(p) Measures to protect them from violence should include training and employment opportunities and the monitoring of the employment conditions of domestic workers;

(q) States parties should report on the risks to rural women, the extent and nature of violence and abuse to which they are subject, their need for and access to support and other services and the effectiveness of measures to overcome violence;

(r) Measures that are necessary to overcome family violence should include:

(i) Criminal penalties where necessary and civil remedies in case of domestic violence;

(ii) Legislation to remove the defence of honour in regard to the assault or murder of a female family member;

(iii) Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes;

(iv) Rehabilitation programmes for perpetrators of domestic violence;

(v) Support services for families where incest or sexual abuse has occurred;

(s) States parties should report on the extent of domestic violence and sexual abuse, and on the preventive, punitive and remedial measures that have been taken;

(t) That States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, *inter alia*:

(i) Effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including, *inter alia*, violence and abuse in the family, sexual assault and sexual harassment in the workplace;

(ii) Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women;

(iii) Protective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence;

(u) That States parties should report on all forms of gender-based violence, and that such reports should include all available data on the incidence of each form of violence, and on the effects of such violence on the women who are victims;

(v) That the reports of States parties should include information on the legal, preventive and protective measures that have been taken to overcome violence against women, and on the effectiveness of such measures.

Annex v: Further reading and resources

How to contact CEDAW

The Committee on the Elimination of Discrimination against Women is serviced by the Division for the Advancement of Women based in New York, USA. For any information, please write to:

Jane Connors, Secretary
CEDAW
Division for the Advancement of Women
2 UN Plaza, DC2-12th Floor
New York, NY, 10017
USA

Fax: +1 212 963-3463

Email: daw@un.org

Or visit the website: <http://www.un.org/womenwatch/daw>

IWRAW

You can also contact the International Women's Rights Action Watch (IWRAW), an NGO based in the USA which exists to promote knowledge and implementation of the Women's Convention with a particular focus on assisting NGOs in developing countries. For further information visit the IWRAW website: www.igc.org/iwraw

Publications by Amnesty International on women's human rights

These are available from Amnesty International's website: www.amnesty.org or by writing to:

Amnesty International
International Secretariat
1 Easton Street
London WC1X 0DW UK

- *Broken bodies, shattered minds - Torture and ill treatment of women* (AI Index: ACT 40/001/2001)
- *Respect, protect, fulfil - Women's human rights: State responsibility for abuses by 'non-state actors'* (AI Index: IOR 50/01/00)
- *1998: A wonderful year for women's human rights? The United Nations, Governments and the human rights of women* (AI Index: IOR 40/12/1997)