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# **The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

## **I. Introduction**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly and entered into force on 3 September 1981, following its ratification by 20 countries. There are currently 189 States Parties to the Convention.

Among international human rights treaties, the Convention occupies an important place in incorporating the female half of humanity into the sphere of human rights.

## **II. General aspects of the Convention**

The spirit of the Convention is inspired by the objectives of the United Nations: to reaffirm faith in fundamental human rights, in the dignity and worth of the human being and in the equal rights of men and women. In this sense, right from the preamble,

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the Convention expressly recognises the existence of “significant discrimination” against women. Such discrimination is a violation of the principles of equal rights and respect for human dignity which “hinders the participation of women, on equal terms with men” in all spheres of life (political, social, economic and cultural). Furthermore, the Convention notes that such inequalities are exacerbated in situations of poverty, which justifies its effectiveness.

To this end, the Convention gives a detailed description of the term “discrimination”. Thus, it indicates that 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.

### **III. Commitments of the Parties**

As commitments of the Parties, Article 2 states that:

“The States Parties condemn discrimination against women in all its forms and agree to pursue a policy aimed at the following commitments:



(a) To enshrine in their national constitutions and other appropriate legislation the principle of the equality of men and women and to ensure by law or other appropriate means the practical realization of that principle;

(b) Adopt appropriate legislative and other measures, with appropriate penalties, prohibiting any discrimination against women;

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

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

(e) Take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;

(f) Take all appropriate measures, including legislation, to modify or abolish laws, regulations, customs and practices that constitute discrimination against women;

(g) Repeal all national penal provisions that constitute discrimination against women".



It should also be noted that Article 6 expressly prohibits trafficking in women and sexual exploitation.

#### **IV. Other obligations of the Parties**

In accordance with Article 7 of the Convention:

“States Parties shall guarantee to women the right to vote and to stand as candidates, as well as to participate in non-governmental organisations and associations”.

Furthermore, according to Art. 8, Parties shall take all appropriate measures to ensure that women have the opportunity to represent their government at the international level and to participate in the work of IOs.

Moreover, Article 9 of the Convention expressly recognises the right of women to retain their nationality, regardless of their marital status, in view of the conflicts that have arisen in this area and the influence of the Convention on the Nationality of Married Women of 29 January 1957.

In this way, the Convention on the Elimination of Discrimination against Women guarantees the right of women to retain their nationality in order to avoid making their nationality dependent on that of their husband.

The Convention also recognises equal opportunities in access to education, employment



and economic and social activities in Articles 10, 11 and 13.

## **V. The CEDAW Committee**

Special mention should be made of the Committee on the Elimination of Discrimination against Women (CEDAW), an expert body, currently composed of 23 independent members, whose main function is to monitor the implementation of the Convention.

These experts shall be of “high moral standing and competence in the field covered by the Convention” and shall serve in their personal capacity. The members of the Committee will also be elected for four years. However, the term of office of nine of the members elected at the first election will expire after two years; immediately after the first election, the names of these nine members will be drawn by lot by the Chairman of the Committee.

The Committee shall normally meet annually for a period not exceeding two weeks to consider periodic reports submitted to it by parties on the implementation of their commitments under the Convention. In addition, under the Optional Protocol to the Convention, the Committee has the duty to receive communications from individuals or groups of individuals who submit complaints of violations of rights protected under the Convention; as well as



the task of initiating consultations in situations of grave or systematic violations of women's rights.



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