

Basic Information on CEDAW - The Convention on the Elimination of Discrimination against Women

CEDAW was adopted by the General Assembly of the United Nations in 1979 and entered into force in 1981. 96 countries have ratified or acceded to CEDAW, including nations with significant Muslim populations and traditions such as Algeria, Egypt, Indonesia, Iraq, Jordan, Morocco and Yemen.

Signed by Afghanistan on 14 August 1980 – by *signing* this Convention Afghanistan made a preliminary and general endorsement of the Convention and agreed to undertake a careful examination of the treaty to determine its position towards it. Afghanistan also agreed to refrain from acts that would defeat the objectives of the Convention, or to take measures to undermine it.

Acceded to by Afghanistan on 5 March 2003 – countries can become a party to CEDAW by filing papers of *ratification* or *accession* with the UN Secretary-General. Both signify that the country agrees to be legally bound by the terms of the Convention. Since the Convention was already in force by 2003, Afghanistan was not eligible to join by ratification and had to join through accession. There is no further distinction between accession and ratification. A country may file reservations against the Convention when they file their papers of accession or ratification, but Afghanistan did not. This means that Afghanistan has agreed to be legally bound by all of the terms of the Convention.

In force for Afghanistan on 4 April 2003 – the Secretary-General acknowledged receiving Afghanistan's papers of accession and CEDAW is now legally in force in Afghanistan.

CEDAW outlines important aspects of the rights of women. These include:

- voting, being elected to political office
- participating in public life (Article 7c)
- equal access to quality education (Articles 10a & 10b)
- proper nutrition and healthcare including reproductive rights
- equal employment opportunities and fair pay

- economic rights including access to bank loans
- right to participate in cultural activities and sports
- equality in civil matters including contracts and property ownership
- freedom of movement and residence (Article 15.4)
- freedom in entering into marriage and choosing a spouse
- equal guardianship rights to children
- temporary special measures to achieve equality (Article 4.1)
- participation at the international level (Article 8)
- equal involvement in rural development (Articles 14.2a, 14.2b & 14.2f)

(Articles of significant importance are cited above and full text is included on attached sheet.)

The term “women” in CEDAW refers to all women of all ages including girl children, disabled women and older women.

By acceding to CEDAW Afghanistan has agreed to fulfill the following obligations:

- endorse the principle of the equality of men and women in the Constitution (Article 2a)
- abolish laws that discriminate against women
- pass laws to protect women against violence, especially family violence and trafficking and ensure that these laws are enforced
- ensure that other persons, organizations and businesses in the country do not discriminate
- maintain national records and statistics that track information on women
- modify cultural practices which perpetuate the inferiority of women (Article 5a)
- abolish child marriage (Article 16.2)

Required Reporting under CEDAW:

- Afghanistan is required to file its *initial report* with the Secretary-General by 4 April 2004. This report will outline the legislative, judicial, administrative or other measures Afghanistan has taken to fulfill the obligations as listed above.
- The Secretary-General will transmit this initial report to the Committee on the Elimination of Discrimination against Women (the *Committee*).
- The Committee has 23 expert representatives including women from Turkey, Indonesia, Algeria and Egypt.
- The committee will review Afghanistan’s initial report and provide recommendations to the General Assembly through the Economic and Social Council.
- Afghanistan is also required to provide a *further report* on CEDAW to the Secretary-General every 4 years. This may also outline factors and obstacles affecting Afghanistan’s fulfillment of CEDAW’s obligations.

Full text of CEDAW Articles of significant importance

Article 2a – Constitution

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: 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;

Article 4.1 – Positive discrimination

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.

Article 5a – Culture and tradition

States Parties shall take all appropriate measures: 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;

Article 7c – Women's participation in NGOs and in politics

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: To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8 – Women's participation in International political life

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.

Articles 10a & 10b – **Equal Education for men and women**

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: 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 preschool, general, technical, professional and higher technical education, as well as in all types of vocational training; 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;

Articles 14.2a, 14.2b & 14.2f – **Activities and services for women in rural areas**

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: To participate in the elaboration and implementation of development planning at all levels; To have access to adequate health care facilities, including information, counselling and services in family planning; To participate in all community activities;

Article 15.4 – **Freedom for woman to choose residence**

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 16.2 – **Outlawing of child marriage**

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.

More information on CEDAW and the full text of the Convention can be found at: <http://www.un.org/womenwatch/daw/>.

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