

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

CEDAW's full form is the Convention on the Elimination of All Forms of Discrimination Against Women. It is an international treaty that was adopted in 1979 by the United Nations General Assembly. It is also known as the “International Bill of Rights for Women.” The convention is split into six sections and 30 Articles. It came into effect on 3 September 1981 after ratification by 189 states. It comprises a preamble and 30 articles. It establishes a national action plan to combat discrimination against women and defines what constitutes such discrimination.

CEDAW is one of the most important topics for the [UPSC IAS](#) exam. It covers a significant part of the International convention subject in the [General Studies Paper-2 Syllabus](#). In this article, we shall study in detail the overview, importance, and relevance of the UPSC exam.

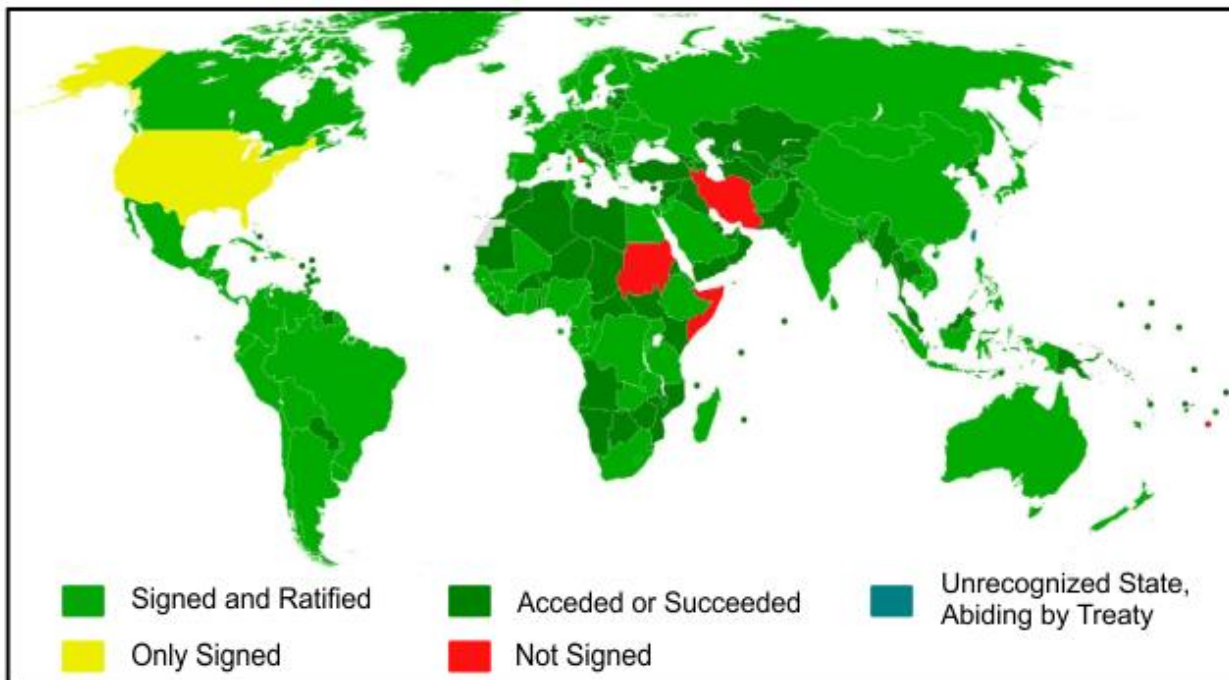
CEDAW - Overview

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including

1. To incorporate the principle of equality of men and women in their legal system by abolishing all discriminatory laws and adopting appropriate ones prohibiting discrimination against women
2. To establish tribunals and other public institutions to ensure the effective protection of women against discrimination
3. To ensure the elimination of all acts of discrimination against women by persons, organizations, or enterprises.

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Brief History of CEDAW

Women's political rights and the legal minimum age for marriage have previously been addressed by the United Nations Commission on the Status of Women (CSW). Despite the notion that the United Nations Charter of 1945 supports universal human rights, Some claim that previous U.N. agreements on sex and gender equality were a holistic approach that fell short of eliminating all forms of discrimination against women.

- The committee was constituted in accordance with Article 17 of the CEDAW to oversee compliance with the CEDAW's provisions by the nations that had signed and agreed to be bound by it.
- In terms of the scope of its substantive duties and its international monitoring procedures, the agreement is structured similarly to the Convention on the Elimination of All Forms of Racial Discrimination.
- The convention is divided into six parts, with a total of 30 articles.

Part	Article	Subject Matter
Part I	Articles 1-6	Focuses on non-discrimination, sex stereotypes, and sex trafficking.
Part II	Articles 7-9	Outlines women's rights in the public sphere with an emphasis on political life, representation, and rights to nationality.

Part III	Articles 10–14	Describes the economic and social rights of women, particularly focusing on education, employment, and health. Part III also includes special protections for rural women and the problems they face.
Part IV	Article 15 and 16	Outlines women's right to equality in marriage and family life along with the right to equality before the law.
Part V	Articles 17–22	Establishes the Committee on the Elimination of Discrimination against Women as well as the state parties' reporting procedure.
Part VI	Articles 23–30	Describes the effects of the convention on other treaties, the commitment of the state's parties, and the administration of the convention

Actions and Measures of CEDAW

- It's also important to point out that this convention is the only one to uphold women's rights to abortion, to choose, change, and maintain their nationality, and to bear children.
- The states pledge to take the necessary steps and measures to end discrimination against women in any and all forms by ratifying the CEDAW agreement. The states must: -
 - a. Incorporate the idea of gender equality into their legislative framework. The discriminatory laws must be repealed and replaced with ones that are more appropriate and will help prevent prejudice against women.
 - b. They must establish a court and government agencies to ensure that women are protected from all forms of discrimination.
 - c. To emphasize the fact that no one, no organization, and no business discriminates against women in any way.
- All essential steps must be taken by the nations that have ratified the agreement in order to guarantee complete equality for women and girls in all spheres of life.
- They are required to implement its requirements and submit national reports every four years outlining their compliance.

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How does CEDAW define 'Discrimination Against Women'?

The Convention defines discrimination against women as "...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."

Importance and Need of CEDAW

- CEDAW are also termed as the 'bill of rights for women. The nations that have ratified the convention are required to incorporate it into national legislation and take other necessary measures to give women and girls the chance to live lives of equality throughout the country.
- Even though there are other international treaties, such as the International Covenant on Civil and Political Rights, which aims to reduce sex-based discrimination, the CEDAW stands out because it places a special emphasis on women and establishes a set of guidelines on various aspects of women's human rights that may lead to discrimination of any kind.
- CEDAW requires all countries to end discrimination against women in order to achieve equality in the public and private spheres. Consider gender stereotypes and established gender roles as examples.
- Additionally, this convention places a strong emphasis on achieving "substantive equality" by giving women and girls the same access, opportunities, and outcomes.

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Article 1 of CEDAW

Article 1 proclaims that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to, inter alia, sex.

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Optional Protocol of CEDAW

In accordance with the Optional Protocol to the Convention, the Committee is mandated to

- Receive communications from individuals or groups of individuals submitting claims of violations of rights protected under the Convention to the Committee
- Initiate inquiries into situations of grave or systematic violations of women's rights. These procedures are optional and are only available where the State concerned has accepted them.
- The Committee also holds days for general discussion and writes general recommendations, which are explanations and proposals for States regarding specific articles or Conventions themes.

Communications Procedure of CEDAW

Communication Procedure is the procedure in which groups and individuals of women have the right to protest about violations of the Convention to the Committee on the Elimination of Discrimination against Women. The United Nations' communications procedures enable petitioning or filing a complaint regarding human rights violations. In all cases, the complaint must be filed in writing.

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Inquiry Procedure of CEDAW

The inquiry procedure also known as the inquiry mechanism is enshrined in Article 8 of the Optional Protocol. The committee can investigate grave and persistent abuses of women's human rights in nations that become the Optional Protocol States. It is based on Article 20 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Important Facts Against Crimes of Women

- Women experience discrimination and violence of many kinds, including rape, sexual assault, unemployment, and a lack of leadership chances, all across the world.
- The Women, Peace, and Security (WPS) Index 2022 places Yemen places lowest with a score of just 0.351, while Norway is ranked first with a score of 0.904.
- According to the Index, Yemen is the nation where women are most at risk, followed by Afghanistan and Syria.
- The patriarchal society in the Middle Eastern Country subjected women to all kinds of prejudice, including unfavourable economic conditions and discriminatory legislative frameworks.

India & Convention on the Elimination of all Forms of Discrimination Against Women

The steps taken by India on the Elimination of all Forms of Discrimination against Women is listed in the table below:

SNo.	Step Taken/Scheme	Subject Matter
1	Article 14 of the Indian Constitution	Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India

		Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
2	Article 15 of the Indian Constitution	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
3	Prenatal Diagnostic Techniques Act (PNDT) 1994	To control Female Foeticide in India.
4	Immoral Trafficking Prevention Act (ITPA)	To prevent immoral trafficking and the punishment is seven years to life imprisonment.
5	National Commission for Women, 1992	To protect and safeguard the right of women.
6	Sexual Harassment at Workplace	To prevent Sexual harassment at the workplace and establishment Vishaka guidelines.
7	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	India ratified the CEDAW convention on 9th July 1993.

CEDAW's Importance to the Youth

Women of all ages, including teenagers, young adults, and young girls, are covered under CEDAW. Both young men and women are essential to the implementation of CEDAW in the modern world. They are in charge of overseeing the rights and making sure that both men and women uphold them. They are also in charge of determining whether or not rights have been violated.

Goals and General Agendas of CEDAW

- The agreement attempts to recognize all types of discrimination against women in civil, political, social, economic, legal, and cultural forms.
- The goal of CEDAW is to promote equality for men and women by bringing about the required adjustments. Every area of a woman's life is covered by the Convention.

Inscribing Gender and Sexual Minority's Rights

The link between sex and gender, as well as other aspects of identification like sexual orientation, are not discussed in CEDAW. In addition to failing to acknowledge the "complexity of discriminatory practices directed at crossing identities," CEDAW has been criticized for failing to "represent the diversity of women and the multiplicity of their experiences."

Others claim that this is an incorrect interpretation of CEDAW, which is dynamic and sensitive to the various lived experiences of all women.

Conclusion

CEDAW is the only human rights treaty that acknowledges women's right to choose whether or not to have children and that culture and tradition have a significant impact on gender roles and family relationships. It speaks to women of all ages, including girls. They are in charge of overseeing the rights and making sure that both men and women uphold them.

UPSC Mains Previous Year Question

Q 1. Discuss the desirability of greater representation for women in the higher judiciary to ensure diversity, equity, and inclusiveness. **(UPSC 2021)**

Q 2. "Though women in post-Independent India have excelled in various fields, the social attitude towards women and the feminist movement has been patriarchal." Apart from women's education and women empowerment schemes, what interventions can help change this milieu? **(UPSC 2021)**

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