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# The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol

**Handbook for Parliamentarians No. 36**

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# Contents

<b>Foreword .....</b>	<b>11</b>
<b>Acknowledgements.....</b>	<b>13</b>
<b>Glossary.....</b>	<b>14</b>
<b>Abbreviations and acronyms.....</b>	<b>17</b>
<b>Executive summary.....</b>	<b>18</b>
What is the CEDAW Convention? .....	18
What are the rights and issues covered by the CEDAW Convention? .....	18
What is the role of parliaments in advancing the CEDAW Convention? .....	19
<b>Introduction .....</b>	<b>21</b>
Purpose of this handbook .....	24
Methodology .....	25
Focus of this handbook .....	26
<b>Part I: CEDAW – the Convention and the Committee.....</b>	<b>27</b>
I.1 Introduction .....	28
I.1.1 The CEDAW Convention and the UN human rights architecture .....	28
I.2 The CEDAW Convention .....	31
I.2.1 Background.....	31
I.2.2 Introduction to the CEDAW Convention.....	32
I.2.3 Reservations to the CEDAW Convention .....	35
I.2.4 Key features of the CEDAW Convention .....	38
I.2.5 Nature of States parties' obligations .....	39

I.3 The Optional Protocol .....	42
<b>I.4 The CEDAW Committee .....</b>	<b>44</b>
I.4.1 General background .....	44
I.4.2 Consideration of States parties' reports.....	45
I.4.3 General recommendations.....	46
<b>Part II: Thematic areas in focus .....</b>	<b>47</b>
II.1 Cross-cutting issues .....	48
II.1.1 Cross-cutting issues included in the CEDAW Convention .....	48
II.1.1.a Discrimination and equality.....	48
II.1.1.b Intersectionality .....	50
II.1.1.c Temporary special measures .....	54
II.1.1.d Gender stereotypes .....	58
II.1.1.e Gender mainstreaming .....	62
II.1.2 Thematic areas closely linked to the CEDAW Convention .....	64
II.1.2.a The CEDAW Convention and the Sustainable Development Goals .....	64
II.1.2.b Challenging contexts .....	68
Armed conflicts, political strife and occupation.....	69
National Action Plans on Women, Peace and Security (WPS).....	71
Disaster risk reduction and climate change .....	75
Health crises including the COVID-19 pandemic .....	78
II.2 Illustration of selected rights.....	81
II.2.1 The right to live free from gender-based violence against women and girls .....	82
II.2.1.a Understanding gender-based violence against women and girls .....	82
II.2.1.b Harmful practices .....	93
II.2.1.c Trafficking in women and exploitation of prostitution .....	99
II.2.2 Political and public participation.....	106
<b>Part III: The role of parliaments in advancing the CEDAW Convention .....</b>	<b>115</b>
III.1. The CEDAW Committee and the role of parliaments.....	116
III.2 The role of parliaments in ratifying the CEDAW Convention and the Optional Protocol, and in lifting reservations .....	117

III.3 The role of parliaments in the implementation of the CEDAW Convention .....	119
III.3.1 Legislative role .....	121
III.3.2 Budgetary role .....	124
III.3.3 Oversight role .....	127
III.4 The role of parliaments in the State reporting cycle to the CEDAW Committee.....	131
III.4.1 The reporting and review process .....	131
III.4.2 Concluding observations .....	134
III.4.3 Consultation with NHRIs and CSOs.....	135
III.4.4 The role of parliaments in the reporting cycle to the CEDAW Committee ....	136
<b>Part IV: Parliaments as agents of change .....</b>	<b>142</b>
IV.1 Parliaments as gender-sensitive institutions .....	143
IV.2. Parliaments and parliamentarians as drivers of public opinion .....	148
IV.3 Gender-responsive parliamentary diplomacy and foreign policy.....	150
IV.4 Relations with important stakeholders .....	151
IV.5 Challenges and opportunities for the role of parliaments .....	155
IV.5.1 External challenges .....	155
IV.5.2 Opportunities: The human rights-based approach .....	157
<b>Part V: The role of the IPU .....</b>	<b>160</b>
V.1 Background on the IPU.....	161
V.2 The CEDAW Committee, parliaments and the IPU .....	162
V.2.1 The IPU and the reporting process to the CEDAW Committee .....	163
V.2.2 Bringing CEDAW to the work of the IPU .....	164
<b>Annex: Most recent general recommendations of the CEDAW Committee .....</b>	<b>165</b>
<b>Bibliography .....</b>	<b>166</b>

# Boxes

<b>Box 1:</b> Why should parliamentarians care about the CEDAW Convention? .....	23
<b>Box 2:</b> The universal periodic review, the role of parliaments and the CEDAW Convention .....	30
<b>Box 3:</b> Articles of the CEDAW Convention .....	34
<b>Box 4:</b> Due diligence .....	40
<b>Box 5:</b> Example of due diligence – Women and girls with disabilities .....	40
<b>Box 6:</b> Additional international avenues for complaining about discrimination against women .....	43
<b>Box 7:</b> Joint call by the IPU and the CEDAW Committee for gender parity by 2030.....	56
<b>Box 8:</b> Gender mainstreaming .....	62
<b>Box 9:</b> SDG 5 – Achieve gender equality and empower all women and girls .....	65
<b>Box 10:</b> The UN Security Council and the Women, Peace and Security agenda .....	70
<b>Box 11:</b> The IPU Statement on Afghanistan – Mobilizing parliamentary solidarity and diplomacy.....	73
<b>Box 12:</b> Gender-based violence and sexual and reproductive health.....	85
<b>Box 13:</b> From violence against women to gender-based violence against women ...	87
<b>Box 14:</b> Examples of harmful practices – Child and/or forced marriage, and female genital mutilation .....	93
<b>Box 15:</b> Women in parliament – World and regional perspectives (1 January 2023)	107
<b>Box 16:</b> Examples of challenges for women in parliament .....	108
<b>Box 17:</b> Sexism, harassment and violence faced by women parliamentarians .....	109
<b>Box 18:</b> IPU resolution on the freedom of women to participate in political processes .....	112
<b>Box 19:</b> Status of ratification of the CEDAW Convention and its Optional Protocol....	117
<b>Box 20:</b> Signing, ratifying or acceding to a treaty .....	117
<b>Box 21:</b> Gender-responsive budgeting.....	124
<b>Box 22:</b> Gender-sensitive oversight .....	128
<b>Box 23:</b> National Mechanisms for Implementation, Reporting and Follow-up (NMIRFs) .....	133

<b>Box 24:</b> The role of NHRIs and CSOs in the review of State party reports .....	135
<b>Box 25:</b> How the IPU promotes parliament's role in implementing CEDAW Committee recommendations .....	141
<b>Box 26:</b> Key elements of gender-sensitive parliaments .....	144
<b>Box 27:</b> National Women's Machineries (NWMs) .....	153
<b>Box 28:</b> The five principles of the HRBA.....	158

## Case studies

<b>Case study 1:</b> Gender parity in parliamentary representation (Rwanda, Mexico and Nicaragua) .....	56
<b>Case study 2:</b> Gender stereotypes (Morocco and Mexico).....	60
<b>Case study 3:</b> Combating violence against women in politics in the United Kingdom .....	112
<b>Case study 4:</b> Country examples of parliament's legislative role in advancing the CEDAW Convention (Argentina, Lebanon and Thailand).....	122
<b>Case study 5:</b> Country examples of gender-responsive budgeting by parliaments (Bangladesh, Canada and Mexico) .....	126
<b>Case study 6:</b> Gender equality oversight by parliament (Spain and Wales).....	129
<b>Case study 7:</b> A digital coordination tool for increased engagement on the work of the CEDAW Committee and other UN bodies (Paraguay).....	133
<b>Case study 8:</b> Parliament oversees follow-up to CEDAW Committee recommendations (Brazil).....	134
<b>Case study 9:</b> The role of parliaments in reporting to the CEDAW Committee and following up on its concluding observations (Albania, Germany, Latvia, Lebanon, Maldives, Mexico, Namibia, New Zealand, Pakistan, Republic of Korea, Seychelles, Trinidad and Tobago, Uganda and United Kingdom).....	139
<b>Case study 10:</b> Gender equality bodies in parliaments (Chile, Colombia, Finland, Iraq, Jordan, Mauritania, Morocco, Philippines and Poland) .....	145
<b>Case study 11:</b> Parliamentary relations with CSOs (Lebanon, Nepal and United Kingdom).....	152

# Examples

<b>Examples of CEDAW Committee recommendations 1:</b>	Reservations.....	36
<b>Examples of CEDAW Committee recommendations 2:</b>	Due diligence.....	40
<b>Examples of CEDAW Committee recommendations 3:</b>	Discrimination and equality .....	49
<b>Examples of CEDAW Committee recommendations 4:</b>	Intersectionality .....	52
<b>Examples of CEDAW Committee recommendations 5:</b>	Temporary special measures .....	55
<b>Examples of CEDAW Committee recommendations 6:</b>	Gender stereotypes.....	60
<b>Examples of CEDAW Committee recommendations 7:</b>	Gender mainstreaming..	63
<b>Examples of CEDAW Committee recommendations 8:</b>	The Sustainable Development Goals .....	67
<b>Examples of CEDAW Committee recommendations 9:</b>	Gender-based violence ..	84
<b>Examples of CEDAW Committee recommendations 10:</b>	Gender-based violence and sexual and reproductive health.....	86
<b>Examples of CEDAW Committee recommendations 11:</b>	Harmful practices .....	96
<b>Examples of CEDAW Committee recommendations 12:</b>	Trafficking in women and girls .....	101
<b>Examples of CEDAW Committee recommendations 13:</b>	Public and political participation .....	111
<b>Examples of CEDAW Committee recommendations 14:</b>	The CEDAW Convention and National Women's Machineries .....	153

# Figures

<b>Figure 1:</b> The reporting cycle to treaty bodies.....	137
<b>Figure 2:</b> The role of parliaments in the State reporting cycle to the CEDAW Committee under the simplified reporting procedure .....	138

# The approach of the CEDAW Committee

<b>The approach of the CEDAW Committee 1:</b>	Differences between sex and gender.....	33
<b>The approach of the CEDAW Committee 2:</b>	Discrimination and equality .....	48
<b>The approach of the CEDAW Committee 3:</b>	Intersectionality.....	52
<b>The approach of the CEDAW Committee 4:</b>	Temporary special measures .....	54
<b>The approach of the CEDAW Committee 5:</b>	Gender stereotypes .....	59
<b>The approach of the CEDAW Committee 6:</b>	Gender mainstreaming.....	63
<b>The approach of the CEDAW Committee 7:</b>	The Sustainable Development Goals .....	66
<b>The approach of the CEDAW Committee 8:</b>	Women, Peace and Security .....	72
<b>The approach of the CEDAW Committee 9:</b>	Disaster risk reduction in the context of climate change .....	75
<b>The approach of the CEDAW Committee 10:</b>	COVID-19.....	79
<b>The approach of the CEDAW Committee 11:</b>	Gender-based violence .....	83
<b>The approach of the CEDAW Committee 12:</b>	Harmful practices .....	95
<b>The approach of the CEDAW Committee 13:</b>	Trafficking in women and girls .....	100
<b>The approach of the CEDAW Committee 14:</b>	Political and public participation.....	109
<b>The approach of the CEDAW Committee 15:</b>	Implementation of the CEDAW Convention – Parliament's legislative role .....	121
<b>The approach of the CEDAW Committee 16:</b>	Implementation of the CEDAW Convention – Parliament's budgetary role .....	125
<b>The approach of the CEDAW Committee 17:</b>	The role of parliaments in the State reporting cycle.....	136

# What parliaments can do

<b>What parliaments can do 1:</b>	Reservations to the CEDAW Convention .....	37
<b>What parliaments can do 2:</b>	Due diligence.....	41
<b>What parliaments can do 3:</b>	The Optional Protocol to the CEDAW Convention ....	43
<b>What parliaments can do 4:</b>	Discrimination and equality .....	50
<b>What parliaments can do 5:</b>	Intersectionality.....	53
<b>What parliaments can do 6:</b>	Temporary special measures.....	57
<b>What parliaments can do 7:</b>	Gender stereotypes .....	61
<b>What parliaments can do 8:</b>	Gender mainstreaming.....	64
<b>What parliaments can do 9:</b>	The Sustainable Development Goals .....	68
<b>What parliaments can do 10:</b>	Conflicts, political strife and occupation .....	73
<b>What parliaments can do 11:</b>	Disaster risks related to climate change.....	77
<b>What parliaments can do 12:</b>	Gender-based violence .....	88
<b>What parliaments can do 13:</b>	Harmful practices .....	97
<b>What parliaments can do 14:</b>	Trafficking in women and girls .....	102
<b>What parliaments can do 15:</b>	Political and public participation.....	113
<b>What parliaments can do 16:</b>	Ratifying the CEDAW Convention and its Optional Protocol and lifting reservations.....	118
<b>What parliaments can do 17:</b>	Parliaments and the implementation of the CEDAW Convention .....	120
<b>What parliaments can do 18:</b>	Implementation of the CEDAW Convention – Parliament's legislative role .....	123
<b>What parliaments can do 19:</b>	Parliament's budgetary role.....	127
<b>What parliaments can do 20:</b>	Parliament's oversight role .....	130
<b>What parliaments can do 21:</b>	Promoting gender-sensitive parliaments .....	146

# Foreword

More than four decades after its adoption, the Convention on the Elimination of All Forms of Discrimination against Women remains an essential and ambitious guide for achieving gender equality across the board – from the family and the classroom to executive boards and political leadership roles. Despite considerable progress since the Convention came into force, no country can yet claim to have fully achieved gender equality.

Gains in women's rights and gender equality are at serious risk of being reversed by multiple crises, from the COVID-19 pandemic and the triple planetary crisis of climate change, pollution and biodiversity loss, to armed conflict and displacement, and the rise of authoritarianism. Gender equality is a fundamental element of sustainable development and peace. Today's challenges cannot be overcome if women, who constitute half of the world's population, are excluded from full and equal participation and leadership in economic, political and social life. The Convention therefore continues to serve as a solid foundation for building a more resilient world and more inclusive societies.

As the main representatives of the people in any country, parliaments must ensure that the lived reality, needs and interests of all sectors of society are taken into account in decisions that affect them. They have both the power and the responsibility to build a solid basis for everyone to claim their rights and fulfil their potential without discrimination on any grounds, including intersecting forms of discrimination. Parliaments have a central role to play in ensuring respect for women's rights and in redressing historical inequalities between women and men, girls and boys. As a comprehensive framework to help advance women's rights and gender equality in law and in practice, the Convention can help parliaments to achieve that objective.

Over the past two decades, a very close relationship has emerged between the Committee on the Elimination of Discrimination against Women – the monitoring body for the Convention – and the Inter-Parliamentary Union (IPU). Thanks to this collaboration, parliamentarians from around the world have grown more aware of the Convention, and are increasingly engaged in the important stocktaking exercise of periodic reporting to the Committee on its domestic implementation. They have put questions to governments, introduced and/or revised legislation, raised awareness among their constituents and engaged with the United Nations to bridge the gap between the promises of the Convention and women's and girls' lived realities on the ground.

In 2003, the IPU and the United Nations published *The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol: Handbook for Parliamentarians*. That first handbook aimed to foster a better understanding among parliamentarians of the Convention, its Optional Protocol and the related reporting, implementation and monitoring processes. As parliamentarians became more aware of the relevance of the Convention to their work, and of the wealth of knowledge developed by the Committee, good practices emerged.

Twenty years on, thanks to the continued collaboration between the IPU and the Office of the United Nations High Commissioner for Human Rights (OHCHR), this second edition of the handbook taps into the important guidance developed by the Committee on translating the Convention into concrete action that addresses all forms of discrimination and gender-based violence against women and girls. It also builds on the essential work of parliaments to advance gender equality in a wide range of contexts, as well as on the perspectives of civil society and government as key allies in this work. This edition aims to build new momentum and serve as a reminder that the implementation of the Convention should be an everyday task. It stresses the relevance of the Convention to all dimensions of the work of parliaments – from law-making, budget allocation and parliamentary oversight of government to the leadership and model role of individual parliamentarians in shifting discriminatory perceptions, stereotypes and patriarchal attitudes.

We hope that this detailed and practical resource will become an essential guidebook for all parliamentarians – women, men and non-binary persons alike – who want to advance gender equality. We firmly believe that even a few very committed individuals can make quantum leaps in the implementation of the Convention. The IPU and OHCHR stand ready to support such efforts and to amplify their results.



*Martin Chungong*  
Secretary General  
Inter-Parliamentary Union



*Volker Türk*  
United Nations High Commissioner  
for Human Rights

# Acknowledgements

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The first edition of the handbook was co-published by the United Nations and the IPU in 2003. A substantial redraft, incorporating updates and significant contributions arising from consultations with a broad range of stakeholders – including those acknowledged below – was undertaken by the IPU and OHCHR for this revised edition.

The IPU gratefully acknowledges the substantive contributions of its lead contributor, Mervat Rishmawi, who was supported by Manar Zeiter.

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The revised edition was prepared under the supervision of Mariana Duarte Mutzenberg (IPU), in collaboration with the Women's Human Rights and Gender Section, the Committee on the Elimination of Discrimination Against Women – Groups in Focus Section and the Treaty Body Capacity-Building Programme (OHCHR).

# Glossary

**Gender:** Refers to “socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women”.<sup>1</sup> These identities, attributes, opportunities and relationships are learned through socialization processes. They are context-/time-specific and changeable. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors and can be changed by culture, society and community. In most societies, there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, and decision-making opportunities.<sup>2</sup> The CEDAW Committee has highlighted that “[a]lthough the Convention only refers to sex-based discrimination, interpreting article 1 together with articles 2 (f) and 5 (a) indicates that the Convention covers gender-based discrimination against women”.<sup>3</sup>

**Gender-based violence against women:** Refers to “violence directed towards, or disproportionately affecting, someone because of their gender or sex. Such violence takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering, threats of such acts, harassment, coercion and arbitrary deprivation of liberty”.<sup>4</sup> Examples include sexual violence, trafficking, domestic violence, forced sterilizations, forcing women to carry a pregnancy to full term, violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) women, online violence, femicide, certain forms of slavery and servitude, child and/or forced marriage, and other harmful practices such as female genital mutilation.

**Gender-based discrimination:** The CEDAW Convention defines discrimination against women as “[a]ny 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 the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”. (CEDAW Convention, article 1). Although article 1 of the CEDAW Convention only refers to sex-based discrimination, the CEDAW Committee has interpreted article 1 together with articles 2 (f) and 5 (a) of the Convention to cover gender-based discrimination against women.<sup>5</sup>

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1 Committee on the Elimination of Discrimination against Women (CEDAW Committee), [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 5.

2 See also UN Women, [“Concepts and Definitions: Gender”](#).

3 CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 5.

4 Office of the United Nations High Commissioner for Human Rights (OHCHR), [Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice](#), (New York and Geneva: United Nations, 2018). See also CEDAW Committee, [General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19](#), CEDAW/C/GC/35, 26 July 2017, paras 14 and 18–20.

5 CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 5..

**Gender equality:** Refers to the equal rights, responsibilities and opportunities for all people of all sexes and gender identities. Equality does not mean guaranteeing women treatment that is identical to that of men in all circumstances. Inherent to the principle of equality between men and women, or gender equality, is the concept that all human beings, regardless of sex, are free to develop their personal abilities, pursue their professional careers and make choices without the limitations set by stereotypes, rigid gender roles and prejudices<sup>6</sup>. Gender equality applies equally to people with diverse gender identities, including gender non-binary persons, who do not identify solely (or at all) as a man or a woman. These persons are also included under the umbrella term “LGBTI”<sup>7</sup>.

### **Gender integration/Gender mainstreaming/Mainstreaming a gender perspective:**

Refers to “the process of assessing the implications for women, men and people with diverse gender identities of any planned action – including legislation, policies or programmes – in all areas and at all levels. [Gender integration (or mainstreaming)] is a strategy for making the concerns and experiences of women, men and people with diverse gender identities an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes. This is done so that all individuals may benefit equally – to avoid perpetuating inequality. While focus is often placed on making sure that women’s perspectives are reflected in planned actions, proper gender integration requires that due consideration is given also to the perspectives of men and people with diverse gender identities. It requires an analysis of how gender impacts the human rights of everyone, including LGBTI persons.”<sup>8</sup>

**Gender-responsive law-making:** Refers to the act of amending or repealing laws that discriminate on the basis of sex or gender, either explicitly or implicitly. It also implies enacting laws that affirm the gender equality principle and guarantee gender equality in practice. This includes ensuring protection from gender-based discrimination, as well as from any form of gender-based violence or abuse that affects one sex or gender in a disproportionate manner. Women and girls are disproportionately affected by such discrimination and gender-based violence.<sup>9</sup>

**Gender-responsive budgeting:** Refers to government planning, programming and budgeting that contributes to the advancement of gender equality and the fulfilment of women’s human rights. It entails identifying and reflecting needed interventions to address gender gaps in sectoral and local government policies, plans and budgets. Gender-responsive budgeting also aims to analyse the gender-differentiated impact of revenue-raising policies and the allocation of domestic resources and official development assistance.<sup>10</sup>

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6 CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para 22.

7 See United Nations Human Rights Special Procedures, [Mandate of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity – IE SOGI: Report on Gender Identity](#), A/73/152, 12 July 2018. References to LGBTI persons in this document are intended to be inclusive of persons of diverse sexual orientations, gender identities and sex characteristics who identify with other terms, including non-binary persons.

8 OHCHR, [“Gender integration: OHCHR and women’s human rights and gender equality”](#).

9 IPU and UN Women, [Gender-responsive law-making](#) (Geneva: IPU and UN Women: 2021).

10 United Nations Educational, Scientific and Cultural Organization (UNESCO), [“Gender-responsive budgeting \(GRB\): Definition”](#).

**Gender-sensitive policy, programme, administrative and financial activities, and organizational procedures:** Refers to activities and procedures that “differentiate between the capacities, needs and priorities of women and men; ensure that the views and ideas of both women and men are taken seriously; consider the implications of decisions on the situation of women relative to men; and take actions to address inequalities or imbalance between women and men”<sup>11</sup> Often, the terms gender-responsive and gender-sensitive are used interchangeably.

**Intersectionality:** Refers to a basic concept for understanding discrimination against women based on sex and gender. Discrimination is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, sexual orientation, gender identity and sex characteristics. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. Such intersecting forms of discrimination have a compounded negative impact on the women concerned. For example, on various occasions, the CEDAW Committee has observed that ethnic minority women, older women, women with disabilities, migrant women, women in prisons, women and girls on the street, and lesbian, bisexual, transgender and intersex women<sup>12</sup> are particularly vulnerable to disadvantage, discrimination and gender-based violence. The discrimination these women face is not adequately described by simply adding two kinds of discrimination together. Rather, understanding this through the lens of intersectional discrimination reveals that the cumulative result is qualitatively different and requires specific recognition and prohibition.<sup>13</sup>

**Sex:** Refers to biological differences between women and men, girls and boys.<sup>14</sup>

#### For more related definitions, see:

- UN Women, “[Concepts and definitions](#)”
- United Nations Children’s Fund (UNICEF), [Gender Equality: Glossary of Terms and Concepts](#) (Kathmandu: UNICEF Regional Office for South Asia, 2017).
- IPU and UN Women, [Gender-responsive law-making: Handbook for Parliamentarians No. 33](#) (Geneva: IPU and UN Women, 2021).

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11 See UN-REDD, “[Gender sensitive](#)”. See generally CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010.

12 See United Nations Human Rights Special Procedures, [Mandate of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity – IE SOGI: Report on Gender Identity](#), A/73/152, 12 July 2018.

13 See Meghan Campbell, “[CEDAW and Women’s Intersecting Identities: A Pioneering Approach to Intersectional Discrimination](#)”, Oxford Human Rights Hub, *Oxford University Working Paper* Vol. 2, No. 3, February 2016. See also UN Women, “[Concepts and Definitions: Equality between women and men \(gender equality\)](#)”, and CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 18.

14 It is important to note that some people are born with sex characteristics that do not fit typical binary notions of male or female bodies (intersex people).

# Abbreviations and acronyms

APPG	All-Party Parliamentary Group
CEDAW or CEDAW Convention	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
CRC Committee	Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CRPD Committee	Committee on the Rights of Persons with Disabilities
CSO	Civil society organization
CSW	United Nations Commission on the Status of Women
ECOSOC	United Nations Economic and Social Council
FGM	Female genital mutilation
GBVAW	Gender-based violence against women
GBVAWP	Gender-based violence against women in politics
HRBA	Human rights-based approach
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPU	Inter-Parliamentary Union
ICT	Information and communication technology
LGBTI	Lesbian, gay, bisexual, transgender and intersex
LOI	List of Issues
LOIPR	List of Issues Prior to Reporting
NAP	National Action Plan
NHRI	National Human Rights Institution
NMIRF	National Mechanism for Reporting, Implementation and Follow-up
NWM	National Women's Machinery
OHCHR	Office of the United Nations High Commissioner for Human Rights
OP-CEDAW	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
PSWG	Pre-sessional Working Group
SDGs	Sustainable Development Goals
STEM	Science, technology, engineering and mathematics
SRP	Simplified reporting procedure
UPR	Universal periodic review
UN	United Nations
VAWP	Violence against women in politics
VNR	Voluntary National Review
WHO	World Health Organization
WPS	Women, Peace and Security

# Executive summary

## What is the CEDAW Convention?

The 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, the Convention or the CEDAW Convention) is known as the **international bill of women's human rights**, as it is the only near-universally ratified legally binding instrument that comprehensively protects women's civil, cultural, economic, political and social rights. Over the years, its monitoring body – the Committee on the Elimination of Discrimination against Women (the CEDAW Committee or the Committee) – has further clarified the normative content and scope of the 16 substantive articles of the Convention, and States parties have embedded many of these provisions and related Committee recommendations in their legislative and policy frameworks. However, more than 40 years after the adoption of the CEDAW Convention, no country can claim to be immune from discrimination against women and girls. In addition, the progress achieved is at risk of being reversed. The CEDAW Convention is also of paramount importance in achieving the Sustainable Development Goals.

This handbook aims to serve as a practical tool for parliamentarians so that they can better understand relevant standards under the CEDAW Convention and apply them in their work. It draws on the important guidance of the CEDAW Committee and other relevant mechanisms, as well as on national experiences in implementing the CEDAW Convention. It also builds on decades of collaboration between the CEDAW Committee and the Inter-Parliamentary Union (IPU) in engaging parliaments in translating the Convention into an everyday reality for women and girls.

## What are the rights and issues covered by the CEDAW Convention?

The handbook outlines how the CEDAW Convention and its Optional Protocol fit within the international human rights system, as well as the role of the CEDAW Committee. It also focuses on key features of the Convention and the State obligations that stem from it.

The Convention contains 16 articles defining the specific rights and corresponding obligations of a State, 6 articles defining the role of a monitoring body, i.e. the CEDAW Committee, and 8 articles defining how a State can become party to the Convention, the entry into force of the Convention, reservations and the settlement of disputes.

The handbook explores in depth several areas and concepts which are essential to understanding the Convention and how it should be implemented in practice. These are:

- **Discrimination and equality**
- **Intersectionality**
- **Temporary special measures**
- **Gender stereotyping**
- **The CEDAW Convention and the Sustainable Development Agenda**
- **Women and girls in challenging contexts including armed conflict, climate change and health crises**

The handbook also illustrates the CEDAW Committee's approach and possible action by parliamentarians in relation to two specific rights protected by the Convention:

- **The right to live free from gender-based violence against women, including harmful practices and trafficking**
- **The right to participate in political and public life**

## **What is the role of parliaments in advancing the CEDAW Convention?**

As they seek to represent and advance the rights of everyone, parliaments must understand the specific challenges and forms of discrimination and abuse that affect women and girls in all their diversity. As the only near-universal treaty (with 189 States parties) that comprehensively protects women's human rights, the CEDAW Convention should be at the core of the action of parliaments across the globe.

### **CEDAW Committee guidance on the role of parliaments**

Over the years, the CEDAW Committee has issued specific guidance on the role of parliaments in advancing national-level implementation of the Convention and in engaging in the work of the Committee. It promotes parliamentary engagement on the CEDAW Convention implementation in collaboration with the IPU.

In 2010, the CEDAW Committee issued [a statement on parliaments](#), highlighting their role in advancing CEDAW implementation. The handbook builds on this statement and outlines in particular parliaments' role in the following areas:

- **Encouraging their State to become party** to the CEDAW Convention and its Optional Protocol.
- **Lifting reservations** made by their State to the CEDAW Convention.
- **Ensuring respect** for the principles of the CEDAW Convention and the implementation of its provisions, including the incorporation into national legislation of the prohibition of discrimination against women, commitment to gender equality and the various rights in the Convention.
- **Overseeing government action on gender equality**, ensuring gender-responsive budgeting, shaping public opinion, and promoting equality through diplomacy and international cooperation.
- **Contributing to State reporting to the CEDAW Committee**, in terms of drafting of States parties' reports on the implementation of the Convention, dialogue with the Committee, and follow-up to the concluding observations of the Committee, in coordination with national mechanisms for implementation, reporting and follow-up (NMIRFs).<sup>15</sup>

### Parliaments as agents of change

To be able to carry out their role to promote, fulfil and protect the human rights of women and girls set forth in the CEDAW Convention, parliaments must be gender-sensitive institutions. This requires their internal rules and norms to not be gender-neutral. Gender-responsive parliaments are aware that their institutional culture, composition and capacity influence their deliberations, decisions and policy outcomes, including from a gender perspective. **The 2012 IPU Plan of action for gender-sensitive parliaments provides a solid framework and guidance on how to become a gender-sensitive parliament.**

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<sup>15</sup> These are Government structures in charge of reporting and following up on the State's international human rights obligations.



CEDAW is an important framework to guide parliamentarians in playing a key role in advancing gender equality. © IPU/Parliament of Bahrain

## Introduction

Parliament, as the legislative body of a State, has a key role to play in advancing gender equality. It can repeal discriminatory legislation and ensure that national law complies with international standards. It can also ensure that budgets are allocated to the implementation of laws, strategies, policies, programmes and plans to advance gender equality and the rights of women and girls. Parliamentarians can represent the claims and priorities of women and girls in their constituencies and place them high on the agenda of parliament. Parliaments can also promote the implementation of international human rights treaties through their diplomacy, as well as through their role in guiding and overseeing development assistance.

The rights of women and girls form an integral part of all human rights and are protected in all international and regional human rights treaties. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, the Convention or the CEDAW Convention) is the only near-universal international treaty that comprehensively protects women's human rights. It focuses specifically on their rights, reflecting the specific experiences of women and girls, as well as their needs in relation to their sex/gender and to social norms that impact them differently.<sup>16</sup>

The CEDAW Convention is an important framework to guide parliamentarians as they seek to represent everyone – women and men, girls and boys, and non-binary persons alike – without discrimination, exclusion or bias. It assists parliamentarians in identifying ways to advance the rights of women and girls and to eliminate all forms of discrimination that they face.

Compliance by States parties with the Convention is monitored by the UN Committee on the Elimination of Discrimination against Women (the CEDAW Committee or the Committee). The Committee regularly reviews reports of States parties and provides recommendations that help them implement the Convention through national measures, including recommendations on laws, policies and measures relevant to development, peace and democracy.

In addition to the CEDAW Committee, other international and regional human rights mechanisms also play an important role in advancing the rights of women and girls, including through building on the standards set by the CEDAW Convention and supporting the implementation of CEDAW Committee recommendations (see [section I.1.1 on CEDAW and the UN human rights architecture](#) for more details).

Recognizing the important role that parliaments play in advancing gender equality, the Inter-Parliamentary Union (IPU) has developed a special partnership with the CEDAW Committee. This partnership aims to contribute to increased parliamentary engagement in implementing the CEDAW Convention nationally. At the same time, the CEDAW Committee recognizes the importance of parliaments in advancing CEDAW implementation.

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<sup>16</sup> As of November 2022, only four UN Member States have neither signed nor ratified CEDAW. These are: the Islamic Republic of Iran, Somalia, Sudan and Tonga. Palau and the United States of America have signed CEDAW but have not ratified it. See OHCHR, "[Status of Ratification: Convention on the Elimination of All Forms of Discrimination against Women](#)".

## Box 1: Why should parliamentarians care about the CEDAW Convention?

No country is immune to discrimination against women and girls. Such discrimination spans all areas of their lives:

- Worldwide, women and girls only hold **77 per cent of the legal rights** of men and boys.<sup>17</sup> Despite progress in reforming laws, at the current rate of change, it could take up to 286 years to close gaps in legal protections and to remove discriminatory laws.<sup>18</sup>
- **One in three women faces violence** in their lifetime, be it intimate partner violence or sexual abuse,<sup>19</sup> and one in four women reports more frequent household conflicts since the outbreak of the COVID-19 pandemic.<sup>20</sup>
- The **gender pay gap is 37 per cent** worldwide. This means that women globally earn around 37 per cent less than men in similar roles. Progress on closing the gender gap is extremely slow. The current trajectory indicates that women are 267.6 years away from gender parity<sup>21</sup> in the area of economic participation and opportunity – which includes equal pay.<sup>22</sup>
- Only **one in four members of parliament** in the world is a woman. Women form approximately 34 per cent of members of parliaments in the Americas, 31 per cent in Europe, 26 per cent in sub-Saharan Africa, 21 per cent in Asia, 23 per cent in the Pacific, and about 17 per cent in the Middle East and North Africa region.<sup>23</sup>

Discrimination against women and girls is both a human rights issue that affects them and a pattern that holds societies back. Research has revealed the following:

- **Gender equality is good for the economy.** In the long run, gross domestic product (GDP) per capita would be almost 20 per cent higher across developing countries if all gender employment gaps were closed.<sup>24</sup> Worldwide, by 2030, global GDP could increase by US\$ 764 per capita if discrimination in social institutions was removed.<sup>25</sup>

17 World Bank, “[Women, Business and the Law 2023](#)”, 2023. See also “[UN Women Data Hub](#)”, SDG indicator 5.1.1.

18 UN Women, [Progress on the Sustainable Development Goals: The gender snapshot 2022](#) (New York: UN Women, 2022), p.10.

19 World Health Organization (WHO), [Violence against women prevalence estimates, 2018](#) (Geneva: WHO, 2021).

20 UN Women, [Progress on the Sustainable Development Goals: The gender snapshot 2022](#) (New York: UN Women, 2022), p.10.

21 World Economic Forum (WEF), “[Pandemic Pushes Back Gender Parity by a Generation, Report Finds](#)”, 13 March 2021.

22 WEF, “[6 surprising facts about the global gender pay gap](#)”, 8 March 2022.

23 IPU, “[Global and regional averages of women in national parliaments](#)”, data as of 1 October 2022.

24 Steven Pennings, “[How much would GDP per capita increase if gender employment gaps were closed in developing countries?](#)”, World Bank Blogs, 4 March 2022. See also Jonathan Woetzel and others, “[How advancing women's equality can add \\$12 trillion to global growth](#)”, McKinsey Global Institute, 1 September 2015.

25 Gaëlle Ferrant and Alexandre Kolev, [The economic cost of gender-based discrimination in social institutions](#) (Paris: Organisation for Economic Co-operation and Development (OECD), 2016), p. 3.

- **Gender-based violence against women and girls is costly.** In 2016, the cost of violence against women was estimated to amount to about 2 per cent of global GDP, or US\$ 1.5 trillion – approximately the size of the economy of Canada.<sup>26</sup>
- **Gender parity in governance promotes sustainable development, peace and climate action.**<sup>27</sup>

As the most comprehensive global treaty on the elimination of discrimination against women and girls, CEDAW should be at the core of the action of parliaments across the globe.

Since the Convention was adopted in 1979, significant progress has been made in advancing gender equality and securing the rights of women and girls. But there is still a long way to go. Also, gains can easily be reversed unless constant efforts are made to safeguard them. It is therefore important to remain vigilant and ensure that gender equality and the rights of women and girls remain on the agenda of parliamentarians and parliaments at all times, and that they are at the core of all their endeavours.

## Purpose of this handbook

This handbook aims to mobilize political will, increase knowledge and sharing of good practices among parliaments, and provide concrete guidance for parliamentarians and parliamentary staff on advancing substantive equality between women and men, and girls and boys, through the implementation of the CEDAW Convention and through interaction with the CEDAW Committee.

This handbook updates the first handbook for parliamentarians on the CEDAW Convention and its Optional Protocol, which was co-published by the UN and the IPU in 2003.<sup>28</sup>

Since 2003, there has been considerable advancement in the work of the Committee, parliaments and the IPU on women's human rights and gender equality. The CEDAW Convention has attained almost universal ratification and some progress has been achieved across the globe. Significant developments include the establishment of other UN mechanisms for the advancement of women's human rights, such as the mandate of the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on discrimination against women and girls. Important milestones include the adoption of the 2030 Agenda for Sustainable Development and the accompanying Sustainable Development Goals (SDGs), the resolutions of the UN Security Council related

<sup>26</sup> UN Women, "[The economic costs of violence against women: Remarks by UN Assistant Secretary-General and Deputy Executive Director of UN Women, Lakshmi Puri at the high-level discussion on the 'Economic Cost of Violence against Women'](#)", 21 September 2016.

<sup>27</sup> One study shows that there is a correlation between higher percentages of women MPs and more ambitious climate policies – see Samantha Harrington, "[Countries with more female politicians pass more ambitious climate policies, study suggests](#)", Yale Climate Connections, 12 September 2019. IPU research also shows that women leaders prioritize issues such as social welfare. Having more women in parliament also increases the chances of resolving international disputes through peaceful means – see Mary Caprioli, "[Gendered conflict](#)", *History, Political Science & International Studies*, Vol. 37, Issue 1 (January 2000).

<sup>28</sup> IPU and United Nations Department of Economic and Social Affairs (UN-DESA), [The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol: Handbook for Parliamentarians](#), (Geneva: IPU and the United Nations, 2003).

to the Women, Peace and Security (WPS) agenda, and the Paris Agreement on climate change. There has been an increase in the number of CEDAW Committee general recommendations, while other treaty bodies have issued general comments focusing on gender equality. Despite these advancements, gender-based discrimination still persists in numerous national laws, policies and practices across the world. Therefore, supporting parliaments in implementing the Convention and the recommendations of the CEDAW Committee, as well as in engaging with the work of other relevant human rights expert mechanisms, remains a priority for the IPU and the CEDAW Committee.

## Methodology

This handbook relies on both desk research and consultations with relevant stakeholders.

### 1. Desk research

Desk research essentially focused on documentation pertaining to the work of the CEDAW Committee. This included analysing the guidance and recommendations contained in its general recommendations,<sup>29</sup> along with selected concluding observations for a number of countries from different regions of the world, chosen to represent diverse legal systems, religions, ethnicities, cultures, sociopolitical contexts and important gender equality issues. The research also included selected views adopted and inquiries conducted by the CEDAW Committee following the consideration of individual complaints. Other documents reviewed were reports of relevant UN bodies and agencies.

### 2. Consultations

Various consultations were held to enrich the handbook. These provided a wealth of information on experiences and practices, as well as analysis, examples and information on challenges and opportunities. Consultations were conducted in the form of focus groups with CEDAW Committee members, parliamentarians from different parts of the world, and civil society representatives.

### 3. Information from the IPU

Information was also provided by the IPU, including responses to a questionnaire sent to parliaments concerning engagement with the CEDAW Committee on State reporting and follow-up (see [section V.2.1 on the IPU and the reporting process to the CEDAW Committee](#)), outcomes of meetings and seminars, literature about parliamentary activities, and guidance materials and publications by the IPU on various thematic areas.

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<sup>29</sup> OHCHR, “[General recommendations: Committee on the Elimination of Discrimination against Women](#)”.

## Focus of this handbook

This handbook essentially focuses on how parliaments can use CEDAW as a framework for advancing gender equality, and the human rights of women and girls, through their work. More specifically, it:

- provides a background to the CEDAW Convention and its Optional Protocol, and to the work of the CEDAW Committee
- discusses various cross-cutting thematic areas which the CEDAW Committee has elaborated and focuses on in its work, and how they can be addressed by parliaments (the meaning of and approach to discrimination and gender equality; intersectionality; temporary special measures; stereotypes; CEDAW and the Sustainable Development Agenda; and CEDAW implementation in challenging contexts including conflict, disaster risk reduction and climate change, and public health crises)
- highlights two specific rights for illustrative purposes, and provides insights into the role of parliaments in advancing these rights (the right to live free from gender-based violence against women and girls, including trafficking and harmful practices such as child marriage; and women's right to political and public participation)
- covers other, related rights guaranteed in the Convention more generally (these are weaved throughout the handbook)
- contains a list of recent general recommendations by the CEDAW Committee on various aspects of rights in the Convention (in the Annex)
- discusses the role of parliaments in:
  - ↳ advancing CEDAW through ratification or accession and the lifting of reservations, participating in reporting to the CEDAW Committee on implementation, and following up on the concluding observations of the Committee and other recommendations adopted by the Committee under the Optional Protocol
  - ↳ law-making, oversight, budget allocation, awareness-raising, diplomacy and development assistance for gender equality, including by making the institution gender-sensitive, strengthening relations with key stakeholders and tapping into the role of the IPU

The handbook addresses the various issues from the perspective of the CEDAW Committee. It relies on the CEDAW Committee's general recommendations, through which the Committee interprets the Convention. The themes and rights of focus selected for this handbook are based on the areas of interest most commonly expressed by parliamentarians from across the globe engaged in IPU activities and in CEDAW follow-up. The handbook also provides specific country examples, which were either presented during the various consultation meetings, or taken from literature and from concluding observations issued by the CEDAW Committee following its consideration of State reports. Each relevant segment ends with a section entitled "What parliaments can do," which provides practical recommendations.

# Part I: CEDAW – the Convention and the Committee

This part of the handbook focuses on the CEDAW Convention, its Optional Protocol and the role of the CEDAW Committee. It shows how CEDAW fits within the international human rights system, presents the CEDAW Convention and its key features, and reviews the nature of States' obligations.



The CEDAW Convention, also known as the international bill of rights for women, requires States parties to take specific actions to guarantee women's rights. © Zahim Mohd / NurPhoto / NurPhoto via AFP

# I.1 Introduction

Prohibition of discrimination on the basis of sex is a legal obligation of States under international and regional human rights law. This obligation is binding for all bodies, organs and branches of a State at all levels, including parliaments.

Most human rights treaties contain a clause prohibiting discrimination on the basis of sex, among other grounds. Various international human rights treaties are also specifically relevant to the human rights of women and girls. Some even include specific provisions that relate to these rights. However, recognizing the realities facing women and girls across the world, including violations of their rights, the international community agreed on the need to adopt a treaty that deals specifically with the human rights of women and girls. On 18 December 1979, the UN General Assembly adopted the CEDAW Convention, which is often described as the international bill of rights for women. In addition to identifying different areas of rights, it also requires States parties to take specific actions to guarantee the enjoyment of these rights.

The Convention establishes the CEDAW Committee, which consists of 23 independent experts on women's human rights from around the world, tasked with monitoring the implementation of the Convention. The CEDAW Committee is considered an authoritative voice for interpreting the Convention and recommending specific measures to States parties to eliminate all forms of discrimination against women and to achieve gender equality. The Committee reviews reports submitted regularly by States parties on their implementation of the CEDAW Convention and issues concluding observations in that regard. It also adopts general recommendations on any issue affecting women to which it believes States parties should devote more attention, and provides detailed analysis and recommendations on the issue. Under the Optional Protocol to the Convention, the Committee considers communications from individuals or groups claiming violations of rights protected under the Convention. It is also mandated to initiate confidential inquiries into alleged grave or systematic violations of women's human rights, when the State party concerned has not opted out from this procedure.

## I.1.1 The CEDAW Convention and the UN human rights architecture

The standards contained in the CEDAW Convention and the work of the CEDAW Committee provide important guidance for various national, regional and international bodies. This is evident in the fact that the CEDAW Convention is used as a framework for advancing women's human rights and gender equality by many of the international human rights treaty bodies (the expert bodies tasked with overseeing the implementation of human rights treaties), as well as by other UN and regional human rights mechanisms.

The CEDAW Convention is one of nine core international human rights treaties.<sup>30</sup> Several of the other eight treaties make direct reference to women's human rights.<sup>31</sup> All treaty bodies cover and pay specific attention to the rights of women and girls under their respective mandates, including in their concluding observations and general comments, as well as in other aspects of their work. In doing so, they often refer to the CEDAW Convention and to the work of the CEDAW Committee.

Aside from the treaty bodies, other bodies such as the UN Human Rights Council and its mechanisms also deal with issues that arise under the CEDAW Convention.<sup>32</sup> For instance, in 1994, the UN Commission on Human Rights created the mandate of the Special Rapporteur on violence against women, its causes and consequences.<sup>33</sup> In 2004, the Commission established another important mechanism: the Special Rapporteur on trafficking in persons, especially women and children. In 2010, the Human Rights Council, the Commission's successor, established the mandate of the UN Working Group on discrimination against women and girls.

In addition to these mechanisms, all special procedures integrate a gender perspective throughout the implementation of their mandates.<sup>34</sup> They deepen the understanding of human rights through thematic reports, country visits and communications concerning allegations they receive from individuals. Their work is captured in reports submitted to the Human Rights Council and the UN General Assembly. During their country visits, they have a direct impact, interacting with relevant stakeholders on the ground and reaching out to remote communities and victims who otherwise would not have access to the UN human rights mechanisms. They meet and interact with parliamentarians regularly and help to advance parliamentary understanding of the issues that their mandates cover.

30 See OHCHR, "[Human Rights Instruments](#)".

31 For example, Article 3 of both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) places an obligation on States parties to ensure the equal right of men and women to the enjoyment of all rights. Article 7 (a)(i) of the ICESCR requires States to ensure "[f]air wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work". Article 3 of the Convention on the Rights of Persons with Disabilities (CRPD) identifies equality of women and men as one of the principles of the Convention. Article 6 focuses specifically on women with disabilities. Article 16 (5) requires States parties to "put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted".

32 The UN Human Rights Council is an inter-governmental body within the UN responsible for strengthening the promotion and protection of human rights around the world. It discusses thematic and country-specific human rights issues and situations. The Council is composed of 47 UN Member States elected by the UN General Assembly. The Human Rights Council replaced the former [United Nations Commission on Human Rights](#). Today, there are 45 thematic mandates (known as special procedures) under the Human Rights Council.

33 Procedures that were created by the UN Commission on Human Rights now fall under the Human Rights Council.

34 Human Rights Council resolution 6/30 (2007) *Integrating the human rights of women throughout the United Nations system* recognizes the importance of examining, from a gender perspective, the intersection of multiple forms of discrimination and conditions of disadvantage, their root causes and consequences, and their impact on the advancement of women and the enjoyment by women of all human rights; encourages States to promote gender balance by, inter alia, taking all the necessary measures, including budgetary and institutional measures, to guarantee the full participation of women; encourages the efforts of all the treaty bodies to integrate the human rights of women and a gender perspective into their work; and requests all special procedures and other human rights mechanisms of the Human Rights Council to regularly and systematically integrate a gender perspective into the implementation of their mandate.

Treaty bodies and special procedure mandate-holders have addressed specific recommendations to parliamentarians, with a particular focus on legislative processes. Some examples are given below:

- The Committee on Economic, Social and Cultural Rights (CESCR), which oversees the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), has adopted a definition of “discrimination” which is similar to the definition given in the CEDAW Convention and in the interpretation of the CEDAW Committee (see [section II.1.1.a on discrimination and equality](#)).<sup>35</sup>
- The 2018 report of the Independent Expert on foreign debt, other international financial obligations and human rights focused on the impact of economic reforms and austerity measures on women’s human rights, making several references to the CEDAW Convention and the work of the CEDAW Committee.<sup>36</sup>
- The 2012 report of the Special Rapporteur on the right to adequate housing focused on progress made and further efforts needed to ensure that women are able to enjoy the right to adequate housing in practice.<sup>37</sup> The report referred to the CEDAW Convention and several concluding observations by the CEDAW Committee. The Special Rapporteur has also addressed the issue of adequate housing for women in several other thematic reports.

#### **Box 2: The universal periodic review, the role of parliaments and the CEDAW Convention**

The universal periodic review (UPR) is a process under the Human Rights Council, which involves a review of the human rights records of all UN Member States by their peers, regardless of the human rights treaties they have or have not ratified.<sup>38</sup>

In its resolution 35/29 of 13 July 2017 on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review,<sup>39</sup> the Human Rights Council acknowledged the crucial role that parliaments play in the UPR process, through translating international commitments into national policies and laws. The resolution encourages States, in accordance with their national legal framework, to promote the involvement of parliaments at all stages of the UPR reporting process and welcomes the growing practice by States under review of including parliamentarians in their national delegations participating in the review.

<sup>35</sup> See UN Committee on Economic, Social and Cultural Rights (CESCR), [General comment No. 16 \(2005\): The equal right of men and women to the enjoyment of all economic, social and cultural rights \(art. 3 of the International Covenant on Economic, Social and Cultural Rights\)](#), E/C.12/2005/4, 11 August 2005; and CESCR, [General comment No. 20: Non-discrimination in economic, social and cultural rights \(art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights\)](#), E/C.12/GC/20, 2 July 2009, para. 7.

<sup>36</sup> UN General Assembly, [Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights](#), A/73/179, 18 July 2018.

<sup>37</sup> UN Human Rights Council, [Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#), Raquel Rolnik, A/HRC/19/53, 26 December 2011.

<sup>38</sup> UN Human Rights Council, “[Universal Periodic Review](#)”.

<sup>39</sup> UN Human Rights Council resolution 35/29, [Contribution of parliaments to the work of the Human Rights Council and its universal periodic review](#), A/HRC/RES/35/29, 13 July 2017.

The review of States under the UPR is based on three main sources:

- Information provided by the State under review (the national report)
- A summary of information contained in the reports of independent human rights experts and groups, including previous concluding observations of UN treaty bodies
- A summary of information from other stakeholders including National Human Rights Institutions (NHRIs) and civil society organizations (CSOs)

All these sources may include information submitted to the CEDAW Committee or recommendations by the Committee to the State party concerned.

## I.2 The CEDAW Convention

### I.2.1 Background

Equality of men and women is a basic principle of international human rights law. The Preamble to the Charter of the United Nations affirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women" as one of the aims of the UN.<sup>40</sup> The 1948 Universal Declaration of Human Rights (UDHR) proclaims the entitlement of everyone to equality before the law and to the enjoyment of human rights and fundamental freedoms without distinction of any kind, including on the basis of sex. The ICESCR and the International Covenant on Civil and Political Rights (ICCPR), both adopted in 1966, clearly state that the rights included in each of the two treaties are applicable to all persons without distinction of any kind, and article 3 of both treaties specifically prohibits discrimination against women.

*Previous international conventions addressed the issue of non-discrimination and equality, but they did not approach the issue of "substantive equality" or "equality of results", or the underlying social power structures that perpetuate inequality among men and women. This highlights the need for the new approach adopted by the CEDAW Convention.*

<sup>40</sup> UN, *Charter of the United Nations and Statute of the International Court of Justice* (San Francisco: UN, 1945).

Despite these instruments, women and girls continue to face discrimination and inequality of rights in practice. In reaction to this, between 1949 and 1959, the UN Commission on the Status of Women (CSW)<sup>41</sup> elaborated several standards aiming to define general guarantees of non-discrimination and equal rights of women.<sup>42</sup>

These instruments reflected the growing realization, within the UN system and among States, of the need for women's human rights to be protected and promoted. However, these instruments were fragmented, as they failed to address discrimination against women and girls in a comprehensive way. Another flaw of this approach was the failure to deal with abuses of rights of women and girls within the private sphere. The continued focus on the obligation of States to respect human rights by refraining from doing anything that could violate these rights did not address the duty of States to protect women from violations within the private sphere.<sup>43</sup> A new approach was therefore required.

Thus, on 5 December 1963, the UN General Assembly adopted a resolution in which it asked the UN Economic and Social Council (ECOSOC) to invite the CSW to prepare a draft declaration that would combine these various international standards in a single instrument, articulating the equal rights of men and women.<sup>44</sup> In 1967, the UN General Assembly adopted the Declaration on the Elimination of Discrimination against Women.<sup>45</sup> The text of the CEDAW Convention was then prepared by working groups within the CSW as a binding treaty.<sup>46</sup> The Convention was adopted by the UN General Assembly in 1979, with 130 votes in favour, none against and 10 abstentions. It entered into force on 3 September 1981.<sup>47</sup>

*Even though CEDAW mainly refers to "women" and not "girls", the Convention helps girls to claim their rights at all stages of their lives. The CEDAW Committee has repeatedly stressed that the provisions of the Convention apply to girls as appropriate.*

## I.2.2 Introduction to the CEDAW Convention

The CEDAW Convention is a treaty. As such, it is legally binding and requires explicit ratification or accession (without prior signature), by which a State expresses its willingness to be bound by the treaty. Once ratified or acceded to and published nationally, the CEDAW Convention becomes binding for all national and local branches of government: executive, legislative and judicial.

<sup>41</sup> The CSW is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. A functional commission of the Economic and Social Council (ECOSOC), it was established by [ECOSOC resolution 11\(III\)](#) of 21 June 1946.

<sup>42</sup> The Convention on the Political Rights of Women, adopted by the UN General Assembly on 20 December 1952; the Convention on the Nationality of Married Women, adopted by the UN General Assembly on 29 January 1957; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted on 7 November 1962; and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted on 1 November 1965.

<sup>43</sup> See OHCHR, [Women's Rights are Human Rights](#) (New York and Geneva: United Nations, 2014).

<sup>44</sup> UN General Assembly resolution 1921 of 5 December 1963.

<sup>45</sup> See OHCHR, ["Declaration on the Elimination of Violence against Women"](#).

<sup>46</sup> See UN Women, ["Convention on the Elimination of All Forms of Discrimination against Women: Short History of CEDAW Convention"](#).

<sup>47</sup> Other international and regional instruments have been developed for advancing gender equality and the rights of women and girls. For a list of international and regional standards, see OHCHR, ["International standards: Working Group on discrimination against women and girls"](#).

The aim of the Convention is to eliminate all forms of discrimination against women and girls, both *de jure* (in law) and *de facto* (in practice). Such discrimination may result from actions or omissions on the part of States parties, their agents, or any persons or organizations operating under their direction or with their consent.

The Convention guarantees the equal enjoyment and exercise by women of human rights in the civil, political, economic, social, cultural, domestic or any other field, irrespective of their marital status, and on a basis of equality with men.

## **The approach of the CEDAW Committee 1: Differences between sex and gender**

The CEDAW Committee has clarified that the term **sex** “refers to biological differences between men and women.”<sup>48</sup>

The term **gender**, meanwhile, “refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors and can be changed by culture, society and community.”<sup>49</sup>

Historically, biological differences have been used to justify gender-based discrimination against women.

The articles of the CEDAW Convention fall into three main groupings:

- The first set of articles defines discrimination against women and outlines specific measures that States parties must take to eliminate it (Part I of the Convention).
- The second set of articles relates to the rights of women and girls in various areas (Parts II to IV of the Convention).
- The third set of articles focuses on procedural matters, such as the State reporting procedure, and the role and functioning of the CEDAW Committee, and contains general provisions on the way the Convention operates (Parts V and VI of the Convention).

<sup>48</sup> CEDAW Committee, [General recommendation No. 25: article 4, para. 1, of the Convention \(temporary special measures\)](#), 2004, para. 5.

<sup>49</sup> CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 5.

### **Box 3: Articles of the CEDAW Convention**

- **Article 1:** The term “discrimination against women” is defined 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”.
- **Article 2:** States parties must prohibit discrimination, and must adopt laws, policies and other measures to protect women from any discrimination.
- **Article 3:** States parties must take measures in all fields – civil, political, social, economic and cultural – to ensure the advancement of women and equal rights of women and men.
- **Article 4:** States parties must adopt temporary special measures to achieve de facto equality between of women and men. Such measures are not considered discriminatory.
- **Article 5:** States parties must eliminate discriminatory stereotypes around the roles and responsibilities women and men in the family and in society. States parties must also eliminate harmful practices based on these stereotypes.
- **Article 6:** States parties must eliminate all forms of trafficking in women and girls and exploitation of prostitution of women.
- **Article 7:** Women have the same rights as men to participate in political and public life.
- **Article 8:** Women have the same rights as men to represent their governments at the international level and to participate in the work of international organizations.
- **Article 9:** Women have the same rights as men to nationality and to pass their nationality to their children or foreign spouses.
- **Article 10:** Women and girls have the same rights as men and boys to education at all levels. States parties must eliminate gender stereotypes in and through education.
- **Article 11:** Women have the same rights as men to work, equal remuneration, and just and favourable conditions of work, including maternity protection.
- **Article 12:** States parties must ensure that women are not discriminated against in the field of health care and that they have equal access to health-care services, including sexual and reproductive health services.

- **Article 13:** States parties must eliminate discrimination against women in economic and social life.
- **Article 14:** States parties must eliminate discrimination against rural women and ensure their specific rights and equal access to basic services and decision-making.
- **Article 15:** Women and men are equal before the law and women have identical legal capacity as men.
- **Article 16:** Women have the same rights as men in family relations, and in marriage and at its dissolution, including equal rights and responsibilities as parents. Child marriage of girls and boys under 18 years is prohibited without exception.
- **Articles 17–22:** These articles set up the CEDAW Committee to oversee the implementation of the Convention and review progress made by States parties. The articles detail how the Committee works.
- **Articles 23–30:** These articles deal with how States can become parties to the Convention, the entry into force of the Convention, reservations and the settlement of disputes.

### I.2.3 Reservations to the CEDAW Convention

A considerable number of States have ratified or acceded to the CEDAW Convention with reservations that limit the application of the Convention or of specific articles. However, not all reservations are permissible. Article 28(2) of the CEDAW Convention echoes Article 19(c) of the 1969 Vienna Convention on the Law of Treaties,<sup>50</sup> noting that a reservation that is incompatible with the object and purpose of the Convention shall not be permitted. The CEDAW Committee examines reservations entered by States parties when it considers their periodic reports. In addition, in two of its general recommendations, the Committee has explained how the formulation of reservations impacts on the enjoyment of rights.<sup>51</sup> The Committee has repeatedly expressed concern about the number and extent of reservations to the Convention.

In 1998, the CEDAW Committee issued a statement on reservations, noting that States enter either general reservations or reservations on specific articles. Many reservations focus on the incompatibility of national laws, or of religion, culture and tradition, with the Convention.

<sup>50</sup> Article 19 of the Vienna Convention on the Law of Treaties provides that “[a] State may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless … the reservation is incompatible with the object and purpose of the treaty”.

<sup>51</sup> See generally CEDAW Committee, [General recommendation No. 4: Reservations](#), 1987; and [General recommendation No. 20: Reservations to the Convention](#), 1992.

In its statement, the Committee observed that **article 2 (on States parties' obligations) and article 16 (on marriage and family life) are core provisions that are central to the object and purpose of the Convention**. The Committee emphasized that “[r]emoval or modification of reservations, particularly to articles 2 and 16, would indicate a State party's determination to remove all barriers to women's full equality.”<sup>52</sup> It considered that reservations to these two articles are impermissible and called on States parties to remove reservations to these and other articles of the Convention.

In addition, the Committee observed that **reservations of a general nature**, for example for a perceived conflict with Islamic Shari'a, “pose an acute problem for the implementation of the Convention and for the Committee's ability to monitor compliance with it.”<sup>53</sup> The Committee recalled that the 1993 Vienna Declaration and Programme of Action encouraged States to consider limiting the extent of any reservations they make to international human rights instruments, and to formulate reservations as precisely and narrowly as possible.<sup>54</sup>

The Committee also regularly calls on States parties to remove reservations to the Convention in its concluding observations.

### Examples of CEDAW Committee recommendations 1: Reservations

Following observations and recommendations by the CEDAW Committee, many States parties have progressively withdrawn their reservations, in whole or in part.

In one case, in 2015, the CEDAW Committee urged a State party to withdraw its reservation to article 16.<sup>55</sup> In 2020, the State informed the Committee that it had partially withdrawn its reservations to this article. In 2021, the CEDAW Committee welcomed the partial withdrawal and reiterated its call for the State party to withdraw its reservations to article 16 (1) (a), (c), (d) and (f).<sup>56</sup>

Another State party lifted reservations to specific CEDAW provisions in 2004 (on women's role in the army) and 2013 (on marriage and family relations), while it provisionally maintains reservations to articles 15 and 16 that apply to a limited number of cases that are governed by interim provisions of the civil code (marital property).<sup>57</sup>

52 Ibid. See also CEDAW Committee, [Statements on reservations to the Convention on the Elimination of All Forms of Discrimination against Women adopted by the Committee on the Elimination of Discrimination against Women](#), A/53/38/Rev.1, 1998.

53 Ibid.

54 The Working Group on discrimination against women has observed that States have misused references to culture, religion and family in an effort to dilute their international obligations to fulfil women's rights and achieve gender equality. One extremely revealing fact is the high number of reservations to the CEDAW Convention, and particularly to article 16 on equality in the family, in which States deny women's and girls' right to equality in deference to religious norms and refute their accountability for the universal applicability of human rights. See UN Human Rights Council, [Report of the Working Group on the issue of discrimination against women in law and in practice](#), A/HRC/29/40, 2 April 2015.

55 CEDAW Committee, [Concluding observations on the combined fourth and fifth periodic reports of Maldives](#), CEDAW/C/MDV/CO/4-5, 11 March 2015, para. 9.

56 CEDAW Committee, [Concluding observations on the sixth periodic report of Maldives](#), CEDAW/C/MDV/CO/6, 23 November 2021, paras 11 and 12.

57 CEDAW Committee, [Concluding observations on the combined fourth and fifth periodic reports of Switzerland](#), CEDAW/C/CHE/CO/4-5, 25 November 2016, paras 8 and 9.

In another case, in 2014, the CEDAW Committee expressed its concern “at the State party’s general declaration and reservations to article 9, paragraph 2, concerning nationality; article 16, paragraph 1 (c), (d), (f), (g) and (h), regarding marriage, family, and inheritance; and article 15, paragraph 4, concerning the right of women to choose their residence and domicile”<sup>58</sup> The Committee urged the State party to withdraw its general declaration and the specific reservations. **As a follow-up to this, the State notified the UN of its decision to withdraw its general declaration and reservations concerning provisions related to nationality; marriage, family, and inheritance; and the right of women to choose their residence and domicile.**

## What parliaments can do 1: Reservations to the CEDAW Convention

- Consult the [United Nations Treaty Collection](#) to see whether your State has entered any reservations that limit the application of the CEDAW Convention, and analyse them by asking the following questions:
  - Are any of these reservations impermissible?
  - Are they too general in scope?
  - Do they apply to articles 2 or 16 of the Convention?
- Consult the CEDAW Committee’s latest concluding observations on your country by searching the [Universal Human Rights Index](#) by country and mechanism (CEDAW Committee) to find out the recommended action on existing reservations.
- Put a question to the executive to enquire if it is taking any steps to lift such reservations.
- Hold a debate in parliament, an inquiry or a committee hearing on existing CEDAW reservations with a view to raising awareness and identifying opportunities to lift them.
- Put forward a motion or a private member’s bill with a view to lifting any reservations to CEDAW, especially those that are not permitted under international law.

For additional guidance on recommended action in this area, see **CEDAW Committee, [General recommendation No. 20: Reservations to the Convention, 1992](#)**

<sup>58</sup> CEDAW Committee, [Concluding observations of the Committee on the Elimination of Discrimination against Women: Tunisia](#), CEDAW/C/TUN/CO/6, 5 November 2010, paras 12 and 13.

## I.2.4 Key features of the CEDAW Convention

- The Convention is known as the **international bill of women's human rights**, as it is the only near-universally ratified legally binding instrument that comprehensively protects women's civil, cultural, economic, political and social rights.
- The Convention provides a **comprehensive definition of discrimination** that covers direct and indirect discrimination, as well as intersecting forms of discrimination. It is based on the principle of "substantive equality" between women and men, which recognizes that women and men often do not start off from the same position and that "equality of results" is primarily achieved through temporary special measures. This goes beyond equality of opportunity, which focuses on giving both women and men the same opportunities but will not necessarily result in equality.
- **Direct discrimination** under CEDAW "constitutes different treatment explicitly based on grounds of sex and gender differences", whereas **indirect discrimination** against women "occurs when a law, policy, programme or practice appears to be neutral in so far as it relates to men and women, but has a discriminatory effect in practice on women because pre-existing inequalities are not addressed by the apparently neutral measure. Moreover, indirect discrimination can exacerbate existing inequalities owing to a failure to recognize structural and historical patterns of discrimination and unequal power relationships between women and men."<sup>59</sup> For instance, a job advertisement that explicitly allows only men to apply is direct discrimination. A pension scheme that allows both men and women to participate as long as they are full-time workers may appear to be neutral, but may constitute indirect discrimination in practice. This is because women are more likely to work part-time on account of their disproportionate responsibilities for unpaid care and domestic work, occupational stereotypes, and other factors. As a result, women are also more likely to be excluded from such a pension scheme and to struggle with financial hardship in retirement.
- The Convention addresses not only individual violations but also **systemic and institutional weaknesses** that constitute the structural causes of such violations.
- The Convention places an obligation on States to address **discriminatory stereotypes and deep-rooted patriarchal attitudes and practices** that deny women the enjoyment of their rights on equal terms with men. It recognizes that, in order to ensure equality, unequal power relations, socially constructed roles and traditions, and gender-biased perceptions must be challenged and changed.
- The Convention focuses on ending discrimination and achieving equality **in the public and private spheres** – be it the sphere of the family or the private business sector.

<sup>59</sup> CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 16.

## I.2.5 Nature of States parties' obligations

The CEDAW Committee explains that, under the Convention, States have a three-fold obligation as regards women's human rights: to respect, to protect and to fulfil these rights.<sup>60</sup>

**The obligation to respect:** "The obligation to respect requires that States parties refrain from making laws, policies, regulations, programmes, administrative procedures and institutional structures that directly or indirectly result in the denial of the equal enjoyment by women of their civil, political, economic, social and cultural rights."<sup>61</sup> For example, parliaments must ensure that labour legislation does not prohibit women from working in certain jobs or from working at night.

**The obligation to protect:** "The obligation to protect requires that States parties protect women from discrimination by private actors and take steps directly aimed at eliminating customary and all other practices that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes, and of stereotyped roles for men and women."<sup>62</sup> For example, parliaments must adopt legislation, strategies and plans to eliminate gender-based violence against women and girls, including in the domestic sphere. This includes ensuring that women and girls who are victims or at risk of gender-based violence have effective access to justice, and to protection orders in particular.

**The obligation to fulfil:** "The obligation to fulfil requires that States parties take a wide variety of steps to ensure that women and men enjoy equal rights de jure and de facto, including, where appropriate, the adoption of temporary special measures ... This entails obligations of means or conduct and obligations of results. States parties should consider that they have to fulfil their legal obligations to all women through designing public policies, programmes and institutional frameworks that are aimed at fulfilling the specific needs of women leading to the full development of their potential on an equal basis with men."<sup>63</sup> For example, parliaments should adopt legislation providing for temporary special measures, such as special scholarships and preferential admission of women and girls, in order to encourage women and girls to choose non-traditional fields of study and career paths such as science, technology, engineering and mathematics (STEM) and information and communication technology (ICT).

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<sup>60</sup> Ibid., para. 9.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

#### **Box 4: Due diligence**

Due diligence refers to a well-established component of State obligations to address abuses by private actors, as part of States parties' obligation to protect. It affirms that a State may also be responsible for acts or omissions by private actors that result in violations of women's human rights if it fails to act with due diligence to prevent, investigate, prosecute and punish such acts, including acts of gender-based discrimination and violence against women, and to provide appropriate remedies.<sup>64</sup>

#### **Examples of CEDAW Committee recommendations 2: Due diligence<sup>65</sup>**

In a case submitted to the CEDAW Committee under the Optional Protocol to the CEDAW Convention, the author of the communication reported having been subjected to domestic violence, harassment and intimidation by her husband, even after their separation. The daughter of the author of the communication was killed by the author's husband, her father. The author submitted that she had filed more than 30 complaints with the Guardia Civil and the courts and had repeatedly sought protective orders to keep the husband/father away from her and their daughter. The Committee noted that the author had suffered harm of the utmost seriousness and an irreparable injury as a result of the loss of the daughter and the violations against them. The Committee found that the authorities had failed to adequately address domestic violence in this case. It called on the State to grant the author appropriate reparation and comprehensive compensation commensurate with the seriousness of the infringement of her rights. It also called on the State to strengthen the application of the legal framework to ensure that the competent authorities exercise due diligence to respond appropriately to situations of domestic violence and provide mandatory training for judges and administrative personnel on the application of the legal framework with regard to combating domestic violence.

#### **Box 5: Example of due diligence – Women and girls with disabilities**

The Committee on the Rights of Persons with Disabilities (the CRPD Committee), which oversees the implementation of the Convention on the Rights of Persons with Disabilities (CRPD), issued a general comment on rights of women and girls with disabilities<sup>66</sup> highlighting that national laws and policies on disability have historically neglected specific aspects that relate to women and girls with disabilities. At the same time, laws and policies addressing women have traditionally ignored disability.

<sup>64</sup> CEDAW Committee, [General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19](#), CEDAW/C/GC/35, 26 July 2017, para. 24 (b).

<sup>65</sup> CEDAW Committee, [Decision of the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: Communication No. 47/2012: González Carreño v. Spain](#), CEDAW/C/58/D/47/2012, 15 August 2014.

<sup>66</sup> Committee on the Rights of Persons with Disabilities (CRPD Committee), [General comment No. 3 \(2016\) on women and girls with disabilities](#), CRPD/C/GC/3, 25 November 2016.

Importantly, the CRPD Committee reminds States parties of the duty to exercise due diligence by adopting legislation for preventing violence or violations of human rights, by protecting victims and witnesses from violations, by investigating, prosecuting and punishing those responsible, including private actors, and by providing access to redress and reparations where human rights violations occur.

States must repeal discriminatory laws, policies and practices that prevent women and girls with disabilities from enjoying all the rights enshrined in the CRPD, outlaw gender- and disability-based discrimination and its intersectional forms, criminalize sexual violence against girls and women with disabilities, prohibit all forms of forced sterilization, forced abortion and non-consensual birth control, prohibit all forms of forced gender- and/or disability-related medical treatment, and take all appropriate legislative steps to protect women with disabilities against discrimination.

## What parliaments can do 2: Due diligence<sup>67</sup>

- Incorporate the principle of equality of men and women in the constitution and legislation, amend or repeal all discriminatory laws, and adopt a comprehensive definition of discrimination against women and girls, in line with article 1 of CEDAW, covering all prohibited grounds of discrimination, direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination.
- Adopt legislation to protect women and girls from discrimination by private actors in all settings, including with a view to eliminating patriarchal attitudes and practices that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes, justify gender-based violence and discrimination against women, and perpetuate stereotyped roles for women and men.
- Adopt an appropriate legislative framework and other measures to eliminate gender-based violence against women and girls in the private sphere, including by investigating such acts even without official complaints, prosecuting and adequately punishing perpetrators, and providing appropriate remedies to survivors such as protection orders and adequate sentences.

<sup>67</sup> CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010.

## I.3 The Optional Protocol

On 6 October 1999, the UN General Assembly adopted the Optional Protocol to the CEDAW Convention. The Protocol provides for two procedures:

### 1. An individual communications procedure (or complaint procedure):

This allows individual women, or groups of women, to submit claims of violations of rights protected under the Convention to the Committee when the State party concerned has accepted the Optional Protocol. Communications may also be submitted on behalf of individuals or groups of individuals with their written consent. The CEDAW Committee can consider the complaint only if and when domestic remedies have been exhausted. The purpose of the communications procedure is to provide remedies to women whose access to justice has been denied at the national level. This includes "remedies for the individual victim such as compensation and reparation, as well as more general recommendations for structural or systemic changes the State party concerned should implement to prevent recurrence of the violation (enactment of legislation, training of judges, lawyers and law enforcement officials, ensuring access to justice, awareness raising programmes, etc.)".<sup>68</sup>

*In itself, the Optional Protocol to CEDAW does not create new substantive rights. What it does is allow women and girls who have been denied the enjoyment at the national level of their rights guaranteed in CEDAW to have their claims reviewed by the CEDAW Committee.*

### 2. A confidential inquiry procedure:

This enables the Committee to initiate inquiries when it receives reliable information alleging grave or systematic violations of rights enshrined in the CEDAW Convention by a State party that has not opted out from the inquiry procedure provided for in articles 8 and 9 of the Optional Protocol.

In both cases, the State in question must be party to the Convention and to its Optional Protocol.<sup>69</sup> For individual communications to be fully considered by the Committee, a number of admissibility criteria must be met.<sup>70</sup> If a case is considered admissible, the Committee will issue its findings on the merits of the complaint in the form of "Views" which may consider either that the Convention has been violated or that it has not.

<sup>68</sup> CEDAW Committee, "[20 years from the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women \(OP-CEDAW\): A universal instrument for upholding the rights of women and girls and for their effective access to justice](#)", 10 December 2020.

<sup>69</sup> For review of the status of ratification of international human rights treaties, including optional protocols, by country, see OHCHR, "[Ratification of 18 International Human Rights Treaties](#)".

<sup>70</sup> The complaint must be in writing in any of the six official UN languages and the communication must not be anonymous. The complaint must concern a State party to the Convention and the Optional Protocol; the individual must claim to be a victim of a violation of a right enshrined in the Convention; the individual complaint should provide the Committee with the relevant facts; the complaint must contain information about steps taken to exhaust domestic remedies at the national level; and the individual complaint should indicate whether this matter is or has been before any other procedure of international investigation or settlement. For further information, see OHCHR, "[How to submit individual complaints under the Optional Protocol to CEDAW](#)", and World Organisation Against Torture (OMCT), "[Individual Complaints Under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women](#)".

## **Box 6: Additional international avenues for complaining about discrimination against women**

There are several avenues for bringing individual complaints relating to discrimination against women to the UN bodies. Individuals or groups of individuals can submit a complaint to **other treaty bodies** provided that the State party concerned has recognized the competence of the respective treaty body to consider individual complaints.<sup>71</sup> This is particularly useful when the State in question is not a party to the CEDAW Convention and/or to its Optional Protocol.

Communications can also be brought to the attention of a **special procedures mandate-holder**.<sup>72</sup> These are independent experts appointed by the UN Human Rights Council to look into thematic areas or country situations. Special procedure mandate-holders can take action on communications received from any individual, regardless of the status of ratification of treaties by States. Some thematic mandates are solely devoted to women's human rights, namely the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on discrimination against women and girls. The Special Rapporteur on trafficking in persons, especially women and children, is also particularly relevant. Other special procedure mandates on various human rights issues – such as the rights to food, health, education, freedom of expression, freedom of association, and the rights of human rights defenders – also focus on the rights of women and girls in their work. All special procedure mandate-holders can receive individual communications and intervene directly with governments on specific allegations of violations of human rights that fall within their mandates.<sup>73</sup>

## **What parliaments can do 3: The Optional Protocol to the CEDAW Convention**

- Promote ratification of the Optional Protocol by initiating a debate, putting a question to government or initiating a bill.
- Ensure adequate follow-up to recommendations made by the CEDAW Committee following the consideration of an individual communication or the conduct of an inquiry under the Optional Protocol. This may include putting questions to government, as well as taking legislative and other structural measures that may be required to prevent the recurrence of a violation of the Convention (training judges, lawyers and law enforcement officials, providing information and legal assistance to victims, etc.).

71 For further information on human rights complaint and inquiry procedures by treaty bodies, see OHCHR, "[Complaints about human rights violations](#)".

72 For an overview of the various human rights special procedures, see OHCHR, "[Special Procedures of the Human Rights Council](#)."

73 For further information on special procedures, see OHCHR, "[Special Procedures of the Human Rights Council](#)". Thematic special procedures are of particular relevance.

## I.4 The CEDAW Committee



The United Nations CEDAW Committee regularly meets in Geneva to review States parties' compliance with the Convention. © Wikipedia

### I.4.1 General background

The CEDAW Convention established the CEDAW Committee for the purpose of monitoring progress made by States parties in the implementation of the Convention. The Committee carries out its work through the following procedures:

- Consideration of States parties' reports
- Consideration of individual complaints and inquiries under the Optional Protocol

The Committee is composed of 23 independent experts of "high moral standing and competence in the field covered by the Convention," nominated by States parties from among their nationals and elected at Meetings of the States Parties to the Convention, who serve in their personal capacity (article 17 (1) of CEDAW).<sup>74</sup> The Committee generally holds **three annual sessions**, of three weeks each, in Geneva, Switzerland.<sup>75</sup>

*Parliaments have a key role to play in ensuring the State complies with its reporting obligations under CEDAW and duly collaborates with the Committee.*

<sup>74</sup> OHCHR, "[Membership: Committee on the Elimination of Discrimination Against Women](#)".

<sup>75</sup> The [schedule](#) of past and upcoming Committee sessions is available online. OHCHR maintains a [master calendar](#) of all UN Member States' upcoming treaty body reviews.

## I.4.2 Consideration of States parties' reports

The Committee's primary means of monitoring progress in CEDAW implementation is through the consideration of reports, which States parties are required to submit under the Convention. These reports outline the legislative, judicial, administrative and other measures States have taken to give effect to the provisions of the Convention. This is an important opportunity for the State in question to take stock of its own progress and the challenges it faces, and to identify areas where further work is needed.

*States' delegations for the dialogue with the CEDAW Committee should normally be formed of all relevant bodies within the State. This includes members of parliament and line ministries, which should be represented at the highest level.*

Each State party undertakes to submit an **initial report** to the Committee within one year after the entry into force of the Convention for that State party, and on a periodic basis thereafter. The Committee has issued reporting guidelines for the preparation of initial and **periodic reports**.<sup>76</sup> During public meetings that the Committee holds with the State party delegation, which take the form of a **constructive dialogue**, the Committee reviews the implementation by each State party of the rights under the Convention, asks questions and makes comments on positive aspects and challenges, and addresses its concerns and recommendations to the State party in the form of **concluding observations**.<sup>77</sup> The Committee also requests **follow-up reports** from States parties on the implementation of key recommendations contained in the concluding observations, within one or two years after the latter's adoption. The selected recommendations are those that require urgent and realistic action within the relevant time frame. They relate to issues that constitute a major obstacle to women's enjoyment of their human rights and would therefore represent a major obstacle to the implementation of the Convention as a whole.<sup>78</sup>

In addition to reports on CEDAW implementation, States also submit periodic reports on the status of women to other international and regional human rights mechanisms that oversee the implementation of other human rights treaties. Other reviews focus on the implementation of the Beijing Declaration and Platform for Action and of the SDGs, and States also engage in the UN Human Rights Council's UPR process. These serve as additional important opportunities for States to provide information on their implementation of CEDAW and on the steps they have taken for the realization of the rights of women and girls.

<sup>76</sup> See CEDAW Committee, [Guidance note for States parties for the preparation of reports under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women in the context of the Sustainable Development Goals](#), CEDAW/C/74/3, 18 December 2019.

<sup>77</sup> A list of the CEDAW Committee's concluding observations is available at OHCHR, "[UN Treaty Body Database](#)".

<sup>78</sup> See CEDAW Committee, [Methodology of the follow-up procedure to concluding observations](#), Rev. 6, November 2019.

### **I.4.3 General recommendations**

The CEDAW Convention provides that the CEDAW Committee “**may make suggestions and general recommendations based on the examination of reports and information received from the States Parties**” (article 21). The Committee has developed a practice, similar to that of other treaty bodies, whereby it formulates what are known as “general recommendations” (called “general comments” by other treaty bodies), which aim to elaborate on articles or themes within the scope of the Convention.<sup>79</sup> General recommendations are valuable sources for parliamentarians to gain a deeper understanding of the meaning of the various articles of the Convention and the obligations of States parties, including the role of parliaments in promoting the implementation of the Convention nationally. They contain specific, recommended actions that can be taken in areas such as legislation, budgetary allocation, policymaking and planning.

#### **Online information and resources about the work of the CEDAW Committee**

The [CEDAW Committee web page](#) provides information about the Committee and its work, about the status of reporting by States, and other details including:

- a compilation of the Committee’s [general recommendations](#)
- [reporting guidelines](#) for States parties

Concluding observations adopted by the Committee in relation to each State party can be found in the [Universal Human Rights Index](#) (click on the relevant country and mechanism, including CEDAW).

<sup>79</sup> For more information, see OHCHR, “[General recommendations: Committee on the Elimination of Discrimination against Women](#)”.

## Part II: Thematic areas in focus

This part of the handbook explores a number of important areas essential to understanding the CEDAW Convention and how it should be translated into practice.

Part II.1 addresses the following cross-cutting issues and concepts, which are included directly in CEDAW or have been highlighted by the CEDAW Committee through its work: discrimination and equality; intersectionality; temporary special measures; gender stereotyping; CEDAW and the Sustainable Development Agenda; and women and girls in challenging contexts including armed conflict, climate change and health crises.

Part II.2 illustrates the CEDAW Committee's approach and possible action by parliamentarians in relation to two specific rights protected by the Convention: protection of women and girls from gender-based violence, and women's political and public participation. The discussion related to these rights makes links with other rights included in CEDAW.



The CEDAW Convention prohibits all forms of discrimination against women and girls, in law and in practice. © Alain Pitton / NurPhoto / NurPhoto via AFP

This part of the handbook does not aim to be exhaustive. It covers some of the main issues that are relevant to all parliaments across the globe, based on interest expressed by parliamentarians in their engagement on CEDAW implementation and related IPU activities.

## II.1 Cross-cutting issues

Cross-cutting issues are those relevant to the protection and promotion of all rights of women and girls provided for under the CEDAW Convention. Some of these issues are expressly addressed by the provisions of the Convention, while others have been elaborated by the CEDAW Committee through its work. The Committee has highlighted many of these issues in its general recommendations and when reviewing State reports.

*Cross-cutting issues of CEDAW do not relate to specific individual rights or situations. It is important to consider these issues when CEDAW is being used as a framework for ensuring that the rights of women and girls are guaranteed.*

### II.1.1 Cross-cutting issues included in the CEDAW Convention

#### II.1.1.a Discrimination and equality

Article 1 of the CEDAW Convention prohibits discrimination against women, which is defined as follows:

*[A]ny 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.*

#### The approach of the CEDAW Committee 2: Discrimination and equality

While the CEDAW Convention refers only to discrimination on the basis of sex, the Committee has clarified that it also covers gender-based discrimination against women.<sup>80</sup> This refers to discrimination based on gender, i.e. on culturally and socially constructed differences related to the expected roles and behaviour of women and men.

Discrimination against women may be direct or indirect. **Direct discrimination** against women “constitutes different treatment explicitly based on grounds of sex and gender differences”<sup>81</sup> **Indirect discrimination** “occurs when a law, policy, programme or practice appears to be neutral in so far as it relates to women and men, but has a discriminatory effect in practice on women because pre-existing

<sup>80</sup> CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 5.

<sup>81</sup> Ibid., para. 16.

inequalities are not addressed by the apparently neutral measure. Moreover, indirect discrimination can exacerbate existing inequalities owing to a failure to recognize structural and historical patterns of discrimination and unequal power relationships between women and men.”<sup>82</sup>

The CEDAW Convention places an obligation on States parties to end discrimination against women not only in law but also in practice. The Convention also seeks a **paradigm shift from “equal treatment” to “equality of outcomes” or “equality of result”** (known as “substantive equality”).<sup>83</sup> This means that it is not merely concerned with whether women and men are treated equally, but rather with the outcome or result of such treatment.

In order to achieve **substantive equality**, temporary special measures and/or measures to eliminate discriminatory gender stereotypes often need to be adopted (see [section II.1.1.c on temporary special measures](#)).

### Examples of CEDAW Committee recommendations 3: Discrimination and equality

On one occasion, in October 2018, the Committee recommended that a State party “[a]ccelerate the adoption of the draft law on prevention of and protection from discrimination, ensuring protection from discrimination on the basis of sex and protection from multiple and intersecting forms of discrimination”.<sup>84</sup> In its assessment of the country’s follow-up report in March 2021, **the Committee welcomed the adoption of the Law on Prevention and Protection against Discrimination by the Assembly** of the country and its publication in the Official Gazette in October 2020. It took note that the law defines sex, sexual orientation and gender identity as grounds for discrimination that are prohibited.<sup>85</sup>

On another occasion, in February 2019, the Committee recommended that a State party “adopt the new draft law on the prohibition of discrimination without further delay”.<sup>86</sup> In November 2021, in its **follow-up** letter to the State party, **the Committee welcomed the adoption of the amendments to the Law on Prohibition of Discrimination by the National Assembly** of the country following consultation among a variety of actors, including representatives of competent authorities, CSOs and the academic community. It also noted with appreciation that the new amendments define and prohibit direct and indirect discrimination, sexual harassment and incitement to discrimination.<sup>87</sup>

In its views on an individual communication submitted to the CEDAW Committee under the Optional Protocol, the Committee called on the State party concerned to fully address the long-standing gender-based discrimination in the country’s legislation that affects tens of thousands of descendants of indigenous women.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid., paras 5, 16 and 20.

<sup>84</sup> CEDAW Committee, [Concluding observations on the sixth periodic report of the former Yugoslav Republic of Macedonia](#), CEDAW/C/MKD/CO/6, 14 November 2018.

<sup>85</sup> CEDAW Committee, [Follow-up letter to concluding observations: North Macedonia](#), 5 March 2021.

<sup>86</sup> CEDAW Committee, [Concluding observations on the fourth periodic report of Serbia](#), CEDAW/C/SRB/CO/4, 14 March 2019.

<sup>87</sup> CEDAW Committee, [Follow-up letter to concluding observations: Serbia](#), 25 November 2021.

The Committee recommended that legislative changes be introduced, after an adequate process of free, prior and informed consultation, in order to fully address the adverse effects of the historical gender inequality in the Act in question, and to enshrine the fundamental criterion of self-identification, including by eliminating cut-off dates in the registration provisions and taking the necessary measures to provide registration to all matrilineal descendants on an equal basis to patrilineal descendants.<sup>88</sup>

## What parliaments can do 4: Discrimination and equality

- Prohibit gender-based discrimination and affirm the principle of equality of women and men in the constitution and other legislation.
- Repeal, amend and adopt legislation, as necessary, to ensure substantive equality of women and men, paying due attention to the intersecting forms of discrimination (see [section II.1.1.b on intersectionality](#)) that many women from disadvantaged groups face.
- Adopt a comprehensive definition of discrimination against women, in line with article 1 of CEDAW.
- Provide for mechanisms to monitor the effects of laws and policies, with a view to achieving substantive equality between men and women.<sup>89</sup>

### II.1.1.b Intersectionality

In addition to discrimination based on their sex or gender, many women and girls also face intersecting forms of discrimination based on additional grounds that put them at increased risk and expose them to further marginalization. These grounds, which vary according to circumstances, include race, ethnic or indigenous origin, religious identity, disability, refugee and migration status, displacement, health status, sexual orientation, gender identity, sex characteristics, political or other opinion, nationality, and class, socioeconomic status or caste. There are many other grounds, and the lists of grounds included in human rights treaties are not exhaustive. Any ground on which distinctions, exclusion or restrictions are based, and which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights, may constitute a prohibited ground of discrimination (see also article 1 of CEDAW). This compounded negative impact on women and girls is known as intersecting forms of discrimination.<sup>90</sup>

*Women and girls are not inherently vulnerable. Circumstances put them in vulnerable situations. This leads to discrimination against women and girls because of their gender. Such gender-based discrimination often intersects with discrimination based on other grounds.*

<sup>88</sup> CEDAW Committee, [Views adopted by the Committee under article 7 \(3\) of the Optional Protocol, concerning communication No. 68/2014, CEDAW/C/81/D/68/2014](#), 11 March 2022.

<sup>89</sup> For further information, see [section III.3.3 on parliament's oversight role](#).

<sup>90</sup> See CEDAW Committee, [General recommendation No. 39 \(2022\) on the rights of Indigenous women and girls](#), CEDAW/C/GC/39, 31 October 2022, para. 17.



Many women and girls face multiple forms of discrimination, such as on the basis of their refugee status, in addition to their gender, which put them at increased risk. © Nipah Dennis / AFP

The CEDAW Committee considers that intersectionality is a basic concept for understanding the scope of the general obligations of States parties under the CEDAW Convention and that States parties should legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on women. The Committee has also stressed that intersecting forms of discrimination may affect women and girls in different ways than boys and men who find themselves in similar situations.<sup>91</sup>

Any decisions adopted by parliaments may impact women and girls in one way or another and improve or limit their access to resources and justice, and the enjoyment of their rights in general. The compounded effects of intersecting forms of discrimination often exacerbate the impacts of such decisions. Therefore, special attention should be paid to examining and understanding the specific effects of intersecting forms of discrimination on the lives of women and girls, in order to better inform laws, policies and measures taken to advance gender equality.

<sup>91</sup> See CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 18.

## The approach of the CEDAW Committee 3: Intersectionality

The CEDAW Committee considers that “multiple forms of discrimination” refers to a situation in which a person experiences discrimination on two or more grounds, leading to discrimination that is compounded or aggravated.<sup>92</sup> “Intersecting forms of discrimination” refers to a situation where several grounds interact with each other at the same time in such a way as to be inseparable.<sup>93</sup>

## Examples of CEDAW Committee recommendations 4: Intersectionality

In one instance, the Committee called on a State party to “ensure access to education, social services, health care and insurance for Roma women, migrant women, women with disabilities and women living with HIV/AIDS, with a view to accelerating the realization of substantive equality for those groups, who continue to face intersecting forms of discrimination in the State party”.<sup>94</sup>

In its review of a report by another State party, the Committee noted “the particularly severe effects of the control of parts of the State party by Islamic State in Iraq and the Levant (ISIL) from 2014 until its military defeat at the end of 2017, the political instability and presence of armed groups in the State party, the terrorist acts committed by criminal groups belonging to ISIL, the reinforcement of sectarian and ethnic divisions and the rise of violent extremism, all of which have led to severe violations of women’s rights”.<sup>95</sup> It made specific reference to the suffering of Yazidi women and girls who were held in captivity by ISIL. The Committee also noted with concern that “women belonging to various minority groups, including women with disabilities, Iraqi women of African descent and Yazidi, Turkmen and Christian women, continue to be underrepresented in political and public life”.<sup>96</sup> The Committee called for the safe return of internally displaced women and refugee women to their homes and their participation in the reconstruction of their communities. In February 2022, **the Committee made positive reference to the Yazidi Female Survivors Act**, which provides a legal framework for their protection and rehabilitation, as well as for the prosecution of perpetrators and the provision of compensation.<sup>97</sup>

<sup>92</sup> See CEDAW Committee, [General recommendation No. 25: article 4, para. 1, of the Convention \(temporary special measures\)](#), 2004, para. 12.

<sup>93</sup> CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010, para. 18.

<sup>94</sup> CEDAW Committee, [Concluding observations on the combined seventh and eighth periodic reports of Romania](#), CEDAW/C/ROU/CO/7-8, 24 July 2017.

<sup>95</sup> CEDAW Committee, [Concluding observations on the seventh periodic report of Iraq](#), CEDAW/C/IRQ/CO/7, 12 November 2019, para. 8.

<sup>96</sup> Ibid., para. 25.

<sup>97</sup> See OHCHR, [Follow-up letter to concluding observations: Iraq](#), 24 February 2022.

## What parliaments can do 5: Intersectionality

- Consult with women and girls facing intersecting forms of discrimination to identify potential positive or negative impacts of specific legislation, policies and budgetary decisions.
- Pay special attention to the impact of legislation, policies and budgetary decisions on women and girls facing intersecting forms of discrimination, especially those belonging to disadvantaged groups, so as to:
  - protect their rights and promote substantive equality between them and other population groups
  - at a minimum, ensure that such measures do not negatively affect their rights.
- Adopt temporary special measures (see [section II.1.1.c on temporary special measures](#)), including through legislation and budgeting, in order to accelerate the achievement of substantive equality for women and girls facing intersecting forms of discrimination.
- Regularly engage with institutions responsible for monitoring and promoting the rights of women and girls facing intersecting forms of discrimination, and take action on the recommendations of such institutions including by enacting new laws or amending existing ones.
- Provide regular gender-sensitive capacity-building to parliamentarians and parliamentary staff on the differentiated impact of laws, policies and plans on women and girls belonging to disadvantaged or marginalized groups.
- Ensure budgetary allocations and adopt legislation providing for gender-sensitive training for the judiciary, prosecutors, police and other law enforcement officials to recognize, prevent, investigate, punish and/or redress intersectional discrimination and abuses inflicted on women, in accordance with the due-diligence responsibilities.
- Ensure the allocation of sufficient funding for public programmes targeting disadvantaged and marginalized women and girls.
- Ensure the adoption of appropriate age-sensitive laws and policies to ensure the protection of girls, young women and older women.
- Integrate a gender perspective into laws that address equality and the prohibition of discrimination based on grounds other than gender (e.g. laws prohibiting racial discrimination), as well as into laws protecting the rights of specific groups (e.g. laws protecting the rights of persons with disabilities), reflecting the specific needs and rights of women and girls belonging to such groups.

### II.1.1.c Temporary special measures

Article 4 (1) of CEDAW relates to temporary special measures, which are provided for as follows:

*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.<sup>98</sup>*

Temporary special measures aim to accelerate women's equal participation in the political, economic, social, cultural, civil or other fields. According to article 4 (1) of the Convention, the application of these measures should not be considered discrimination. Rather, it should be seen as part of a necessary strategy by States directed towards achieving de facto or substantive equality of women and men in the enjoyment of their human rights. Such measures should be discontinued when the objectives of equality of opportunity and treatment have been achieved.

It is important to note that, in the view of the Committee, States must seek to achieve gender parity in decision-making as a norm. This requires a number of measures to be taken nationally, which go beyond temporary special measures (see [Box 7](#) below for the IPU and CEDAW Committee's joint call for gender parity, and [section II.2.2 on women's political and public participation](#)).

*The provision of general conditions to guarantee the civil, political, economic, social and cultural rights of women and the girl-child, designed to ensure for them a life of dignity and non-discrimination, cannot be called temporary special measures. These are permanent general measures.*

### The approach of the CEDAW Committee 4: Temporary special measures

In its general recommendation No. 25 (2004) on temporary special measures,<sup>99</sup> the Committee clarifies that States should clearly distinguish between temporary special measures taken under article 4 (1) of CEDAW and other general social policies adopted to improve the situation of women and girls. Temporary special measures aim to accelerate the achievement of a **concrete goal** of de facto or substantive equality for women. Not all measures that potentially are, or will be, favourable to women are temporary special measures.

Temporary special measures can encompass a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices (such as outreach or support programmes), allocation and/or reallocation of

<sup>98</sup> Other international and regional human rights treaties, such as the International Convention on the Elimination of All Forms of Racial Discrimination, also include provisions on temporary special measures.

<sup>99</sup> CEDAW Committee, [General recommendation No. 25: article 4, para. 1, of the Convention \(temporary special measures\)](#), 2004, updating [General recommendation No. 5: Temporary special measures](#), 1988.

resources, preferential treatment, targeted recruitment, hiring and promotion, numerical goals connected with time frames, and quota systems.

Temporary special measures aim at overcoming the underrepresentation of women and at redistributing resources and power between women and men. Where necessary, such measures may target women facing intersecting forms of discrimination.

The application of temporary special measures is well known in areas such as political representation, education or employment, but they can also be adopted in other areas, such as access to credit and loans, sports, culture and recreation, and legal literacy. Indeed, the Committee encourages States parties to consider the adoption of temporary special measures with a view to accelerating equal participation and the redistribution of power and resources.

There is a difference between the purpose of “temporary special measures” under article 4 (1) and “special measures” under article 4 (2). Measures under article 4 (1) are of a temporary nature. Article 4 (2), on the other hand, provides for non-identical treatment of women and men on account of their biological differences. The measures adopted under article 4 (2) are of a permanent nature, at least until such time as the scientific and technological knowledge would warrant a review.

## Examples of CEDAW Committee recommendations 5: Temporary special measures

In one instance, the Committee called for the adoption and implementation of temporary special measures at the federal, provincial and municipal levels, with specific targets and time frames to accelerate substantive equality of women and men in all areas in which women continue to be disadvantaged or underrepresented, including for indigenous women and women of African descent, migrant and older women, and women with disabilities.<sup>100</sup>

In another instance, the Committee recommended that the State should review the bill on family and gender policy to ensure that it defines “temporary special measures” and “gender quotas”. It specifically recommended that the State party introduce temporary special measures as a necessary strategy to accelerate the achievement of substantive equality of women and men in all areas of the Convention in which women are underrepresented, establish a mechanism to monitor the implementation of temporary special measures and assess their impact, and allocate sufficient resources for the implementation, monitoring and impact assessment of such measures.<sup>101</sup>

The Committee also recommended that another State party use temporary special measures to address the urgent needs of women belonging to disadvantaged groups in fields such as political life, education, employment and health.<sup>102</sup>

<sup>100</sup> CEDAW Committee, [Concluding observations on the seventh periodic report of Argentina](#), CEDAW/C/ARG/CO/7, 25 November 2016.

<sup>101</sup> CEDAW Committee, [Concluding observations on the fifth periodic report of Kazakhstan](#), CEDAW/C/KAZ/CO/5, 12 November 2019.

<sup>102</sup> CEDAW Committee, [Concluding observations on the combined seventh and eighth periodic reports of France](#), CEDAW/C/FRA/CO/7-8, 25 July 2016.

## **Box 7: Joint call by the IPU and the CEDAW Committee for gender parity by 2030<sup>103</sup>**

On 8 March 2021, the IPU and the CEDAW Committee adopted a joint statement aiming at accelerating the achievement of gender parity. The statement underscored the need for a paradigm shift on inclusive and representative governance, based on prompt and firm action which adopts gender parity as a norm. It stressed that while specific action may need to take into account the individual context of States around the world, progress essentially requires a widespread move towards concrete and impactful solutions. In the statement, the IPU and the CEDAW Committee called for an acceleration towards the equal representation and leadership of men and women in political office, including through temporary special measures. They urged parliaments and governments to develop and implement national plans of action to reach gender parity by 2030 through the following:

- Adopting electoral gender quotas to reach the gender parity target
- Reforming or repealing laws that discriminate against women and adopting comprehensive legislation that guarantees gender equality in all areas of life
- Capping spending on electoral campaigns
- Adopting laws to prevent and criminalize gender-based violence against women in politics, including harassment and sexual harassment, and ensuring reparation for survivors

## **Case study 1: Gender parity in parliamentary representation (Rwanda, Mexico and Nicaragua)**

**Rwanda** currently leads the way globally on female representation in parliament. In 1995, just 4.3 per cent of seats were held by women. A major shift came with the enactment of the new Constitution in 2003, under which at least 30 per cent of parliamentary seats must be reserved for women. By 2008, women held over half of the seats in the Chamber of Deputies, and the 2013 election took the figure close to 64 per cent. The share fell slightly, to 61 per cent, after the 2016 election, but Rwanda can still lay claim to being the only country in the world where female representation tops 60 per cent. In addition, the share of women parliamentarians in Rwanda far surpasses the 30 per cent threshold guaranteed in the Constitution. The combination of measures – 24 reserved seats for women and a 30 per cent candidate quota on party lists – should guarantee gender parity (40 women out of 80 members). Yet more women tend to get elected on candidate lists than the minimum threshold. Moreover, the lower house has had a female presiding officer since 2008.<sup>104</sup> The amended 2005 Constitution recognizes that political organizations have a responsibility to ensure political education, and to ensure that women and men have access to elected offices.<sup>105</sup>

<sup>103</sup> IPU, “Joint Call by IPU and CEDAW Committee on International Women’s Day 2021”, 8 March 2021.

<sup>104</sup> IPU, Women in Parliament: 1995–2020 – 25 years in review, (Geneva: IPU, 2020), p. 10.

<sup>105</sup> IPU, “How did Rwanda become no.1 for gender equality?”, 11 October 2022.

**Mexico** has made consistent efforts to improve women's representation and participation in politics. It achieved parity in the Chamber of Deputies (the lower house) in 2021, when women formed 50 per cent of those elected. Various reforms and policies were essential in achieving this level of representation. Mexico introduced party quotas for women candidates in 2003. The level was initially set at 30 per cent of candidates and increased to 40 per cent in 2009. In 2014, the country transitioned to a system of gender parity and has subsequently introduced several policies and laws which focus not only on ensuring a minimum number of women, but also on creating a level playing field for women and men candidates. For example, political parties are mandated to ensure parity among candidates and to alternate ranks by gender on candidate lists (a so-called "zipper system"). They are also prohibited from fielding women candidates in districts where the party is less likely to win. The National Electoral Institute of Mexico developed rules preventing political parties from discriminating against women in relation to campaign financing, and prohibiting persons convicted of having committed acts of gender-based violence against women (GBVAW) from standing for election. Hotlines were also set up to support women facing political violence during campaigns, and media coverage of candidates is monitored for gender bias.<sup>106</sup>

In 2021, **Nicaragua** elected 46 women to its 91-member National Assembly, lifting the representation of women to 50.6 per cent from 45.7 per cent at the previous election. The Constitution mandates equal representation of women among candidates and also requires parties to alternate between women and men on their candidate lists. Since 2011, women have accounted for more than 40 per cent of elected parliamentarians in the country, with that share crossing parity in 2021.<sup>107</sup>

## What parliaments can do 6: Temporary special measures

- Include, in constitutions and national legislation, provisions that allow for the adoption of temporary special measures.
- Raise awareness among parliamentarians, relevant State officials and society at large about the non-discriminatory nature of temporary special measures.
- Adopt temporary special measures in laws, and ensure their inclusion in policies and budgets in all spheres of civil, cultural, economic, political and social life, whenever accelerating equal participation and/or the redistribution of power and resources is necessary for achieving substantive equality.
- When necessary, adopt temporary special measures targeting women facing intersecting forms of discrimination.
- Establish mechanisms to monitor the implementation of temporary special measures and assess their impact.

For additional guidance on recommended action in this area, see CEDAW Committee, [General recommendation No. 25: article 4, paragraph 1, of the Convention \(temporary special measures\), 2004](#).

<sup>106</sup> IPU, [Women in parliament in 2021: The year in review](#), (Geneva: IPU, 2022), p. 4.

<sup>107</sup> Ibid.

## II.1.1.d Gender stereotypes

CEDAW recognizes that discrimination stems from social and cultural norms that shape our lives, societies and institutions. Accordingly, the Convention calls for a change in mindsets and attitudes, as well as in practices, systems and structures that are embedded in social and cultural norms, and places responsibilities on States parties to do so.

*Social attitudes, practices and mindsets are the underlying causes of stereotypes that result in discrimination. Change in such beliefs and behaviour is possible.*

Article 5 (a) of CEDAW is a unique provision addressing stereotypes.<sup>108</sup> It requires States parties to 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.*

A stereotype is negative when it restricts women's or men's capacity to develop their personal abilities or pursue their professional careers, when it limits their opportunities, and when it affects choices about their lives and life plans. It therefore results in a violation or violations of human rights. Both negative stereotypes and those that are seemingly benign can be discriminatory.<sup>109</sup>

*A gender stereotype is a generalized view or preconception about attributes or characteristics, or about the roles that are or ought to be possessed by, or performed by, women and men. A gender stereotype is harmful when it limits women's and men's capacity to develop their personal abilities, pursue their professional careers and/or make choices about their lives.*

### Examples of stereotypes and their effects

- The categorization of women and girls as passive “vulnerable groups” in need of protection
- The perception that women are weak, which prevents them from taking leadership roles
- The stereotype that women are more nurturing, which often results in them bearing exclusive responsibility for child-rearing and routinely limits their ability to pursue their education or professional career<sup>110</sup>
- The failure to criminalize marital rape based on the stereotype that a woman's role is to please her husband

<sup>108</sup> See also CEDAW, preambular para. 14, article 5 (b), article 10 (c).

<sup>109</sup> See OHCHR, [Gender Stereotyping and the Judiciary: A Workshop Guide](#) (New York and Geneva: United Nations, 2020), p. 40.

<sup>110</sup> Article 5 (b) of CEDAW asserts the need for States parties to take steps to ensure the “recognition of the common responsibility of men and women in the upbringing and development of their children”, and article 16 (d) affirms that men and women have “the same rights and responsibilities as parents”.

- The failure of the justice system to hold perpetrators of sexual violence accountable based on stereotypical views about women's appropriate sexual behaviour
- The perception of women and girls with disabilities as being asexual and the ensuing neglect of their sexual and reproductive health and rights
- The perception of lesbian, bisexual, transgender and intersex women as breaching societal gender norms and stereotypes about women's sexuality, appearance and physical characteristics, which is often the root cause of criminalization, violence and discrimination against them

The CEDAW Convention links discrimination against women in public and private life with the idea of the inferiority or superiority of either of the sexes and stereotyped roles for men and women, often grounded in cultural norms.

### **The approach of the CEDAW Committee 5: Gender stereotypes**

In its recommendations, the Committee has systematically addressed the negative impact of gender stereotypes and their elimination.

The Committee underscored that gender stereotyping influences all areas of life and, consequently, can undermine all of women's human rights. For example, it can confine women's role in political life to engagement on issues such as children, education and health, and can exclude them from responsibilities in the areas of finance, budgetary control, defence and conflict resolution.<sup>111</sup>

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<sup>111</sup> CEDAW Committee, [General recommendation No. 23: Political and public life](#), 1997, para. 12.

## Examples of CEDAW Committee recommendations 6: Gender stereotypes

In one instance, the Committee recommended that a State party develop a comprehensive strategy to modify patriarchal attitudes and gender stereotypes about the roles and responsibilities of women and men in the family and in society, and strengthen its efforts to modify entrenched discriminatory gender stereotypes, including through enhanced awareness-raising campaigns targeting the education and health sectors and politicians.<sup>112</sup>

In another instance, the Committee urged a State party to put in place, without delay, a comprehensive strategy, including the review and formulation of legislation and the establishment of goals and timetables, to modify or eliminate stereotypes that discriminate against women. Such measures should include efforts to raise awareness targeting women and men at all levels of society, in collaboration with civil society. The Committee called upon the State to work with the media to promote positive, non-stereotypical and non-discriminatory portrayals of women.<sup>113</sup>

### Case study 2: Gender stereotypes (Morocco and Mexico)

**Morocco** has taken a number of steps to address gender stereotypes in education and the media:<sup>114</sup>

- Several steps have been taken to project positive images of women and the equal status and responsibilities of women and men in society, school curricula and the media.
- Education for girls is prioritized in the State's programmes and plans to reform the education system.
- Additional efforts are being made to increase the enrolment rates of girls in primary and secondary education and in the fields of STEM and ICT.
- A road map to combat illiteracy among women (2014–2020) has been drafted.
- Efforts are being made to address illiteracy rates among women and girls, particularly in rural areas, and among women and girls belonging to disadvantaged groups, including through the work of the National Agency to Fight Illiteracy.

In **Mexico**, the General Law on Women's Access to a Life Free of Violence contains several provisions on stereotyping,<sup>115</sup> including the following:

- Federal states and municipalities must provide free education to perpetrators to eliminate stereotypes about male supremacy and "macho" patterns that facilitate gender-based violence against women (GBVAW).

<sup>112</sup> CEDAW Committee, [Concluding observations on the ninth periodic report of Colombia](#), CEDAW/C/COL/CO/9, 14 March 2019.

<sup>113</sup> CEDAW Committee, [Concluding observations on the seventh periodic report of Egypt](#), CEDAW/C/EGY/CO/7, 5 February 2010.

<sup>114</sup> See CEDAW Committee, [Concluding observations on the combined fifth and sixth periodic reports of Morocco](#), CEDAW/C/MAR/CO/5-6, 12 July 2022, especially paras 22, 31 and 32.

<sup>115</sup> See Mexico, "[General Law on Women's Access to a Life Free of Violence](#)", 2007, articles 8(II), 17(II), 38(II), 41(XVIII), 45(VII) and 45(XII).

- The Federal Government must provide education about GBVAW that is free from gender stereotypes and recognizes the risk of gender-based violence women face in an unequal society.
- The Comprehensive Programme to Prevent, Treat, Punish and Eradicate Violence against Women must provide for education programmes and must prevent, treat and eradicate stereotyped behaviour that facilitates and condones GBVAW.
- The Federal Government must ensure that the media does not promote stereotyped gender images.
- The Secretariat of Public Education must eliminate stereotypes from education programmes and incorporate into these programmes content aiming to modify behaviour based on the idea that one of the sexes is superior or inferior to the other or based on sex-role stereotypes.

## What parliaments can do 7: Gender stereotypes

- Review the constitution and legislation and adopt necessary amendments to eliminate any discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society.
- Develop and assess policies and plans with a view to eliminating gender stereotypes.
- Provide capacity-building for parliamentarians and parliamentary staff on gender stereotypes and their harmful effect on the equal enjoyment of rights by women and girls, men and boys, and persons with diverse gender identities.
- Adopt measures aimed at preventing and addressing judicial gender bias and the use of gender stereotypes, including in gender-based violence and family law cases, so as to ensure women's access to justice.<sup>116</sup>
- Adopt measures to ensure that religious and customary norms and practices are in conformity with the CEDAW Convention, the constitution or other national legislation on women's human rights and gender equality so that they do not undermine the human rights of women and girls.
- Raise awareness, among religious and customary leaders, about the negative impact of discriminatory gender stereotypes and the need to harmonize religious and customary norms and practices with the Convention and relevant national legislation.
- Adopt legislation providing for measures to eliminate gender stereotypes in and through education.
- Ensure the adoption of strategies, including awareness-raising campaigns, for eliminating stereotypes regarding the roles of men and women, and ensure the allocation of adequate budgets in that regard.

<sup>116</sup> See OHCHR, [Gender Stereotyping and the Judiciary: A Workshop Guide](#) (New York and Geneva: United Nations, 2020) and accompanying training sessions.

## II.1.1.e Gender mainstreaming

Gender mainstreaming is widely accepted as an efficient strategy to advance gender equality and the empowerment of women. Gender mainstreaming is an approach to both programming and institutional change, which involves integrating gender perspectives into all policies, programmes, functions and structures of an institution.<sup>117</sup>

It should lead to the systematic integration of the goals of gender equality and women's empowerment from the margins to the mainstream of decision-making, by integrating a gender perspective into the design, preparation, implementation, monitoring and evaluation of legislation and policies, and into budgetary allocation.

### Box 8: Gender mainstreaming

The 1995 Beijing Declaration and Platform of Action calls for the mainstreaming of gender perspectives in various State efforts aimed at ensuring the rights of women and girls.<sup>118</sup> In particular, the Declaration refers to gender mainstreaming in relation to education (paragraph 79), health (paragraph 105), violence against women (paragraphs 123 and 124), armed conflict (paragraph 141), economic participation (paragraph 164), and participation in decision-making (paragraphs 187 and 189). It also emphasizes the importance of gender mainstreaming in the work of national machineries for the advancement of women, and stresses that governments and other actors "should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively" (paragraph 202). It further asserts the need for governments to "[r]eport, on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns" (paragraph 203 (e)). In 1997, ECOSOC defined gender mainstreaming as "the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."<sup>119</sup>

<sup>117</sup> UN Women, [Gender Mainstreaming: A Global Strategy for Achieving Gender Equality and the Empowerment of Women and Girls](#) (New York: UN Women, 2020).

<sup>118</sup> United Nations, [Beijing Declaration and Platform for Action](#), adopted at the Fourth World Conference on Women, Beijing, 15 September 1995.

<sup>119</sup> UN General Assembly, [Report of the Economic and Social Council for 1997](#), A/52/3, 18 September 1997, Chapter IV.

## The approach of the CEDAW Committee 6: Gender mainstreaming

The CEDAW Committee has repeatedly highlighted the need for gender mainstreaming in all State actions.

For example, in the context of disaster risk reduction and climate change, the CEDAW Committee recommends that policies, legislation, plans, programmes, budgets and other activities be gender-responsive and grounded in human rights-based principles.<sup>120</sup> The Committee also recommends that States establish a gender-responsive and safe migration framework to protect migrant women and girls, including those with an irregular migration status, from violations of their human rights at every stage.<sup>121</sup>

## Examples of CEDAW Committee recommendations 7: Gender mainstreaming

In one instance, the Committee expressed concern that gender mainstreaming was institutionally covered only by a State party's Directorate for Gender, Culture and Community Development within the Ministry of Gender, Labour and Social Development, which was chronically underfunded and understaffed, and that gender-responsive planning and budgeting had been implemented unevenly. The Committee recommended that the State party strengthen its national machinery for the advancement of women "by clearly defining and institutionally elevating its mandate and responsibilities, providing it with adequate human, technical and financial resources and enhancing the integration of local government mechanisms, so that it may effectively coordinate and monitor the promotion of gender equality and gender mainstreaming at all levels of Government".<sup>122</sup>

In another instance, the Committee noted with concern that the "Gender Secretariat, which promotes the implementation of the Convention and supports gender mainstreaming across all sectors, lacks adequate human, technical and financial resources".<sup>123</sup>

<sup>120</sup> CEDAW Committee, [General recommendation No. 37 \(2018\) on the gender-related dimensions of disaster risk reduction in the context of climate change](#), CEDAW/C/GC/37, 13 March 2018, para. 26.

<sup>121</sup> CEDAW Committee, [General recommendation No. 38 \(2020\) on trafficking in women and girls in the context of global migration](#), CEDAW/C/GC/38, 20 November 2020, paras 56 and 109.

<sup>122</sup> CEDAW Committee, [Concluding observations on the combined eighth and ninth periodic reports of Uganda](#), CEDAW/C/UGA/CO/8-9, 1 March 2022, paras 17 and 18.

<sup>123</sup> CEDAW Committee, [Concluding observations on the sixth periodic report of Seychelles](#), CEDAW/C/SYC/CO/6, 12 November 2019, para. 17.

## What parliaments can do 8: Gender mainstreaming

- Ensure the development and adoption of an overall integrated strategy for gender mainstreaming in all areas of the work of government, and oversee its implementation.
- Enact legislation to establish a national machinery for the advancement of women when it does not exist, and otherwise strengthen such machinery by clearly defining its mandate and responsibilities, giving it the necessary authority to carry out its work and providing it with adequate human, technical and financial resources to coordinate and work effectively to promote gender equality and gender mainstreaming in all areas.
- Adopt measures to support the collection and use of disaggregated data, including sex/gender-disaggregated data, for legislative, executive and judicial actions of the State, applying a human rights-based approach to data.<sup>124</sup>
- Request reporting by the government, on a regular basis, on the progress of its gender mainstreaming efforts.
- Develop parliament's internal policies, mechanisms and capacity so that it can carry out a gender impact assessment when amending or adopting legislation and budgets, or overseeing policies.
- Ensure systematic capacity-building on gender mainstreaming for parliamentarians and parliamentary staff, as well as for government officials and the judiciary, with the aim of ensuring gender mainstreaming across all sectors and areas of work, and ensure that adequate human and financial resources are allocated for that purpose.

### II.1.2 Thematic areas closely linked to the CEDAW Convention

#### II.1.2.a The CEDAW Convention and the Sustainable Development Goals

The adoption of the 2030 Agenda for Sustainable Development, which building on its predecessor, the Millennium Development Goals, was a landmark achievement celebrated at the UN General Assembly in 2015.<sup>125</sup> The 2030 Agenda is unequivocally anchored in human rights, including gender equality, and is explicitly grounded in the UDHR, international human rights treaties and other instruments such as the Declaration on the Right to Development (preambular paragraph 10).<sup>126</sup> The Agenda also embodies a road map for sustainable progress that is founded on the promise of leaving no one behind.

124 OHCHR, [A Human Rights-Based Approach to Data](#) (New York and Geneva: United Nations, 2018).

125 UN General Assembly resolution 70/1, [Transforming our world: the 2030 Agenda for Sustainable Development](#), A/RES/70/1, 21 October 2015.

126 For more about the 2030 Agenda for Sustainable Development and human rights, see OHCHR, "[About the 2030 Agenda on Sustainable Development](#)".

Gender equality, one of the key principles of human rights, is a precondition for attaining all the SDGs set out to implement the 2030 Agenda. Similarly, the attainment of all the SDGs can contribute to the advancement of gender equality. On the one hand, ensuring gender equality is the best way to meet some of the most pressing challenges of our time: economic and health crises, climate change, gender-based violence against women and girls, and escalating conflicts. On the other hand, women's human rights will become a reality only if they are part of broader efforts to protect people and the planet through building equitable and sustainable societies where all human beings can live in dignity and equality, in a healthy environment.

### **Box 9: SDG 5 – Achieve gender equality and empower all women and girls**

**While several SDGs contain specific targets that serve to advance gender equality, SDG 5 is dedicated exclusively to this objective, with the following targets:**

- End all forms of discrimination against all women and girls everywhere.
- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.
- Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.
- Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.
- Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.
- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
- Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

Goal 5 should not be seen in isolation. All the SDGs are integrated and indivisible;<sup>127</sup> thus, Goal 5 should be integrated into the attainment of all the other 16 Goals, in addition to the attainment of Goal 5 itself. The SDGs provide an opportunity for parliamentarians to demonstrate their commitment to gender equality and the realization of women's human rights.

Parliamentarians have a critical role to play in driving a people-centred development agenda that is reflective of and responsive to the diverse needs of their constituents. The core parliamentary roles of law-making, budgetary allocation, oversight, and representation of constituency interests are all critical to the full implementation of the SDGs, and should allow parliaments to prioritize gender equality. By putting the rights of women and girls at the centre of sustainable development, parliaments can use the 2030 Agenda to advance the implementation of CEDAW.

*The 2030 Agenda must be implemented within the framework of a comprehensive rights-based development strategy, based on a participatory and transparent approach that guarantees all human rights and engages women directly.*

## **The approach of the CEDAW Committee 7: The Sustainable Development Goals**

Recognizing the important link between the 2030 Agenda and the CEDAW Convention, the CEDAW Committee has adopted a guidance note for States parties on the preparation of their CEDAW reports in light of the SDGs. The Committee specifically asks States to integrate in their reports information on progress made in the achievement of the gender-related SDGs and targets, and to include information on the implementation of the gender elements across all of the Goals.<sup>128</sup>

The following standard paragraph is included in all CEDAW Committee concluding observations:

"The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development."

The [Universal Human Rights Index](#) database allows parliamentarians to search for CEDAW Committee recommendations by country, topic and group, as well as by relevant SDGs.<sup>129</sup>

<sup>127</sup> UN General Assembly resolution 70/1, [Transforming our world: the 2030 Agenda for Sustainable Development](#), A/RES/70/1, 21 October 2015, preamble.

<sup>128</sup> CEDAW Committee, [Guidance note for States parties for the preparation of reports under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women in the context of the Sustainable Development Goals](#), CEDAW/C/74/3, 18 December 2019.

<sup>129</sup> OHCHR, ["Welcome to the Universal Human Rights Index \(UHRI\)"](#).

## **Examples of CEDAW Committee recommendations 8: The Sustainable Development Goals**

In one instance, the Committee recommended that a State party ensure coherence between the State's "Vision 2030" project and the SDGs in order to accelerate the realization of women's human rights and empowerment, and expeditiously develop and adopt a national strategy to support gender equality and the empowerment of women, as well as a plan of action that clearly defines the competencies of national and local authorities regarding its implementation and that is supported by a comprehensive data-collection and monitoring system.<sup>130</sup>

In another example, the CEDAW Committee drew the attention of a State party to target 5.1 of the SDGs and recommended that it adopt "comprehensive anti-discrimination and gender equality legislation that defines discrimination against women, including direct and indirect discrimination in the public and private spheres, in accordance with article 1 of the Convention, and intersecting forms of discrimination".<sup>131</sup>

In a further example, the CEDAW Committee reminded a State party of its general recommendation No. 23 (1997) on women in political and public life and of target 5.5 of the SDGs, and recommended that it:

- pursue sustained policies to promote the full and equal participation of women in decision-making at the national and local levels
- designate a mechanism to monitor the implementation of the Political Parties Act, which provides for a minimum of 30 per cent representation of women on the lists of political parties, and impose sanctions for non-compliance
- take further legislative, policy-related and institutional measures, including temporary special measures, such as a quota of 50 per cent, to increase the meaningful participation of women at decision-making levels, including at the provincial level<sup>132</sup>

<sup>130</sup> CEDAW Committee, [Concluding observations on the combined third and fourth periodic reports of Saudi Arabia](#), CEDAW/C/SAU/CO/3-4, 14 March 2018.

<sup>131</sup> CEDAW Committee, [Concluding observations on the fifth periodic report of Fiji](#), CEDAW/C/FJI/CO/5, 14 March 2018, para. 14.

<sup>132</sup> CEDAW Committee, [Concluding observations on the seventh periodic report of Angola](#), CEDAW/C/AGO/CO/7, 14 March 2019, para. 32.

## What parliaments can do 9: The Sustainable Development Goals<sup>133</sup>

- Promote understanding by parliaments and parliamentary staff of the 2030 Agenda for Sustainable Development and its SDGs and the interlinkages between a State's political commitments under the SDGs and its legal obligations under CEDAW.
- Repeal, amend or enact legislation to ensure it is gender-sensitive, human rights-based and particularly aimed at protecting disadvantaged women and girls, with a view to supporting the realization of the SDGs and leaving no one behind.<sup>134</sup>
- Develop and adopt gender-responsive national strategies, policies and plans for sustainable development, participate in the elaboration of these,<sup>135</sup> and allocate adequate funds for their implementation, while mainstreaming gender into the implementation and monitoring of all SDGs.
- Ensure a broad public consultation process, including with women and girls, for the elaboration of strategies and plans on sustainable development, and promote the participation of women and girls, including those facing intersecting forms of discrimination, in the monitoring of the implementation of such strategies and plans.
- Ensure that national plans on sustainable development are developed and reviewed after a comprehensive gender impact assessment, which takes into account the impact of measures on women belonging to disadvantaged groups.
- Regularly monitor plans on sustainable development, including through voluntary national reviews (VNRs) of the SDGs,<sup>136</sup> while mainstreaming gender into the monitoring of all Goals. Parliaments could request regular progress reports on the implementation of the national plan, establish national mechanisms for monitoring<sup>137</sup> and actively participate in the development of VNRs.
- Contribute to designing a new sustainable development agenda that is gender-responsive, including through local, national and international debates.

### II.1.2.b Challenging contexts

Often, parliaments and individual parliamentarians must operate in exceptionally challenging situations, such as those arising from armed conflicts, political instability, environmental disasters (including the impact of climate change), health crises (like the COVID-19 pandemic and the Ebola virus disease epidemic) and financial crises.

<sup>133</sup> For further discussion, see IPU and United Nations Development Programme (UNDP), [Parliaments and the Sustainable Development Goals A self-assessment toolkit](#) (Geneva: IPU and UNDP, 2016).

<sup>134</sup> For example, in Tunisia, validation of the implementation of a law on gender-based violence was requested by parliament. See UN High-Level Political Forum on Sustainable Development (HLPF), "[Tunisia: VNR validation by the branches of government](#)", 2021.

<sup>135</sup> For example, see UN HLPF, "[Georgia: VNR validation by the branches of government](#)", 2020.

<sup>136</sup> See UN HLPF, "[High-Level Political Forum on Sustainable Development: Voluntary National Reviews](#)".

<sup>137</sup> For example, see UN HLPF "[Chad: VNR validation by the branches of government](#)", 2019.

In all these instances, the rights of women and girls are particularly affected. It should be noted that CEDAW and other human rights treaties continue to apply under these circumstances and must be implemented, including in times of conflict.

### *Armed conflicts, political strife and occupation*

A number of factors affect the lives of women and girls in conflict and post-conflict situations. These must inform actions of parliaments. Examples of these factors are discussed below:

- Before, during and after conflict, violations of the rights of women and girls normally escalate. This is particularly true of gender-based violence. Conflict-related GBVAW stems from pre-existing patterns of discrimination and gender inequality. This cannot be addressed without taking into account the wider context in which women live and the need to ensure respect for their human rights.
- State institutions that are weak also tend to collapse before, during and after conflict. It is therefore essential that parliaments adopt legislation, policies and measures to strengthen these institutions during peacetime so that they are robust enough to protect women and girls even during future conflicts.
- In conflict situations, a number of crimes increase sharply. This includes GBVAW, including rape and other forms of sexual violence, as well as trafficking, and child and/or forced marriages. Such conflict-related violence tends to be overlooked and under-reported and risks becoming “normalized”.<sup>138</sup> It has numerous physical and psychological consequences for women and girls. Gender-based violence, especially rape and other sexual violence, is sometimes used as a tactic of war.<sup>139</sup> Trafficking in women and girls is exacerbated during and after conflict owing to the breakdown of political, economic, social and law enforcement structures, high levels of violence and increased militarism.<sup>140</sup> During conflict, girls and women are particularly susceptible to child, early and/or forced marriage. They may be abducted and forced into marriage by armed groups. Families sometimes force girls into marriage as a harmful coping mechanism for poverty and based on the misconception that child, early and/or forced marriage provides protection to girls and women in insecure and

*In all situations of armed conflict, whether non-international or international, women's rights must be ensured by complementary guarantees under CEDAW, together with other human rights standards, as well as international humanitarian, refugee and criminal law. This means that international human rights law always applies, regardless of the situation or context.*

*Pre-existing gender inequalities exacerbate the impact of conflicts on women and girls. At the same time, conflicts and political strife result in increasing gender inequalities and crimes against women and girls.*

<sup>138</sup> See United Nations Population Fund (UNFPA), “[Sexual violence in conflict: Overlooked, under-reported and in danger of being ‘normalized’](#)”, 19 June 2022.

<sup>139</sup> See UN Security Council [resolution 1820 \(2008\)](#) and [resolution 1888 \(2009\)](#).

<sup>140</sup> See CEDAW Committee, “[General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations](#)”, CEDAW/C/GC/30, 1 November 2013.

volatile contexts.<sup>141</sup> Women human rights defenders are at an increased risk of being attacked in conflict situations. The breakdown of the police and judicial structures further aggravates the risk of gender-based violence.<sup>142</sup> It is therefore essential that any humanitarian relief effort in such circumstances include specific action to prevent such abuses and to support survivors.

- In conflict-affected areas, access to essential health services, including sexual and reproductive health services, is often disrupted. Health-care structures and facilities are weakened, including by damaged infrastructure and lack of health-care professionals and basic medicines, which often results in health crises. As a result of conflict-related sexual violence, women and girls are at a greater risk of unwanted pregnancies and sexually transmitted infections, including HIV/AIDS.<sup>143</sup>
- Educational institutions are often destroyed or closed as a result of attacks. This situation, coupled with security concerns, increased poverty and economic hardship, and additional caregiving and household responsibilities, causes families to favour the education of boys over that of girls.<sup>144</sup>
- Widows, women with disabilities, older women, single women without family support, and female-headed households are especially exposed to human rights violations because of their disadvantaged situations.
- Periods of conflict and insecurity, and measures taken in the process of restitution or during transition periods, have a major impact on women's livelihoods, including loss of farming land and resources, loss of or lack of access to social protection, loss of social benefits due to work in the informal sector or due to the risk of gender-based violence, obstacles to claiming remedies, and barriers to access to justice.<sup>145</sup>

### Box 10: The UN Security Council and the Women, Peace and Security agenda

Considering the realities that women and girls face in the context of conflict and political strife, and in response to calls by many stakeholders around the world, the UN Security Council adopted [resolution 1325 \(2000\)](#), its first resolution on Women, Peace and Security (WPS). This was followed by a series of subsequent resolutions: [resolution 1820 \(2008\)](#), [resolution 1888 \(2009\)](#), [resolution 1889 \(2009\)](#), [resolution 1960 \(2010\)](#), [resolution 2106 \(2013\)](#), [resolution 2122 \(2013\)](#), [resolution 2242 \(2015\)](#), [resolution 2467 \(2019\)](#) and [resolution 2493 \(2019\)](#).

Together, these resolutions form the WPS agenda of the UN Security Council. They highlight specific areas for the protection and empowerment of women and girls in conflict and post-conflict situations, and recommend specific measures. The resolutions focus on four pillars: **prevention, protection, participation, and relief and recovery.**<sup>146</sup>

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> For further discussion on the SDGs and the role of parliaments, see IPU, "Sustainable development", and IPU and UNDP, [Parliaments and the Sustainable Development Goals: A self-assessment toolkit](#), (Geneva: IPU and UNDP, 2016).

## *National Action Plans on Women, Peace and Security (WPS)*

In resolution 1889 (2009), the UN Security Council welcomed efforts by States to implement its recommendations through National Action Plans (NAPs) and encouraged States to develop and implement NAPs on WPS.

Parliaments have an important role to play in relation to NAPs on WPS:

- They can initiate debates on the importance of adopting NAPs on WPS. It is important that such debates are initiated as soon as possible, are inclusive and reflect the concerns of women from various backgrounds, particularly those from disadvantaged groups.
- Parliamentarians should participate in the elaboration of NAPs on WPS, as well as in monitoring their implementation. Their knowledge of the situation of women and girls, as representatives of the people, and their oversight role, place parliamentarians in a unique position to contribute to the elaboration of plans on WPS and to monitoring their implementation.
- NAPs on WPS often require the adoption of a series of laws and legislative amendments, which must be integrated into the parliamentary agenda. This includes ensuring that GBVAW during armed conflict is criminalized in accordance with international law.

The IPU's Bureau of Women Parliamentarians has called for action to boost peace and security through gender equality, including by:

- boosting parliamentary involvement in promoting the WPS agenda
- speeding up the adoption of NAPs on WPS
- increasing the participation and leadership of women in parliaments, particularly in work relating to peace and security
- ensuring that 15 per cent of peace and security funding is dedicated to gender-related issues such as boosting women's political participation and protecting women and girls from violence<sup>147</sup>

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<sup>147</sup> IPU, "[MPs propose action to boost peace and security through gender equality](#)", 29 October 2015.

## The approach of the CEDAW Committee 8: Women, Peace and Security

In 2013, the CEDAW Committee adopted general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations.<sup>148</sup> It provides guidance to States parties on legislative, policy and other measures to ensure full compliance with their obligations under the Convention in connection with conflict situations. It links the provisions of the CEDAW Convention with the WPS agenda of the UN Security Council. The Committee recognizes that these resolutions are crucial political frameworks, and affirms that concerns addressed by the UN Security Council are found in the provisions of the Convention. The implementation of these resolutions must therefore be premised on a model of substantive equality and cover all the rights enshrined in the Convention.<sup>149</sup>

Other CEDAW Committee general recommendations are also of particular relevance in conflict, pre- and post-conflict situations. These include general recommendation No. 23 (1997) on women in political and public life<sup>150</sup> and general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.<sup>151</sup>

In its SDG-specific reporting guidelines, the Committee calls on States parties, where applicable, to include in their reports "information on the implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security and their outcomes, in line with the Committee's general recommendation No. 30 (2013) on women in conflict, conflict prevention and post-conflict situations"<sup>152</sup>

In November 2021, the CEDAW Committee and the Committee on the Rights of the Child (CRC Committee) issued a joint statement calling for adequate assistance and support to children born of rape and their mothers. Support measures should focus on the need to protect the full range of rights of women survivors of conflict-related rape and their children for their rehabilitation and reintegration, including during the post-conflict transition. The statement contains a number of specific recommendations, including protecting women and children against conflict-related sexual violence, ensuring access to health, education and childcare facilities, ensuring accountability and access to justice, facilitating the identification of children and ensuring their right to nationality, and guaranteeing that counter-terrorism measures, including de-radicalization programmes, respect women's and children's rights to dignity, and combat stigma. The two Committees stressed the importance of rehabilitation and reintegration for victims and survivors, as well as the need to ensure the participation of women and children in decision-making on issues related to their lives.<sup>153</sup>

148 CEDAW Committee, [General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations](#), CEDAW/C/GC/30, 1 November 2013.

149 See further UN Women, [Guidebook on CEDAW general recommendation no. 30 and the UN Security Council resolutions on women, peace and security](#) (New York: UN Women, 2015).

150 CEDAW Committee, [General recommendation No. 23: Political and public life](#), 1997.

151 CEDAW Committee, [General recommendation No. 35 on gender-based violence against women, updating general recommendation No 19](#), CEDAW/C/GC/35, 26 July 2017.

152 CEDAW Committee, [Guidance note for States parties for the preparation of reports under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women in the context of the Sustainable Development Goals](#), CEDAW/C/74/3, 18 December 2019, para. 13.

153 OHCHR, "[CEDAW-CRC Joint Statement: Ensuring prevention, protection and assistance for children born of conflict related rape and their mothers](#)", 19 November 2021.

### **Box 11: The IPU Statement on Afghanistan – Mobilizing parliamentary solidarity and diplomacy**

On 30 August 2021, the Committee to Promote Respect for International Humanitarian Law and the Committee on the Human Rights of Parliamentarians of the IPU issued a joint statement expressing deep concern on the human rights and humanitarian situation in Afghanistan.<sup>154</sup> In the statement, the IPU called on parliamentarians from around the world to consider what actions their parliaments could take to help the people of Afghanistan and the humanitarian agencies that were trying to deliver aid to millions in need in the country. It also called on parliaments around the world to consider provision of humanitarian assistance to those in need in Afghanistan, in particular with regard to women and children who were often the most in need and vulnerable to violence and exploitation.

The statement asked countries to keep their borders open so that Afghans who wanted to seek international protection could do so and called for increased support and assistance to internally displaced persons.

The IPU drew particular attention to the need to ensure respect for the human rights of the 316 Afghan parliamentarians and the staff who support them, and in particular to the safety of the 86 women MPs, as well as former women MPs and female parliamentary staff – particularly in light of evidence of targeting and intimidation against them.

The IPU called for the use of parliamentary powers and parliamentary diplomatic channels to urge those in power in Afghanistan to protect lives and physical integrity, and to facilitate assistance to those who were subject to reprisals or had reason to fear them, by helping their urgent evacuation from Afghanistan and/or by ensuring that they received humanitarian visas and temporary relocation in other countries.

### **What parliaments can do 10: Conflicts, political strife and occupation**

- Incorporate crimes under international law, including acts of sexual violence and other forms of GBVAW committed by State and non-State actors, into national legislation to ensure their criminalization, investigation, prosecution and punishment,<sup>155</sup> and ensure that penalties are commensurate with the gravity of the crimes.
- Ensure that legislation, policies and administrative instructions affirm zero tolerance for sexual violence and harassment and other forms of GBVAW by members of the police and armed forces.

<sup>154</sup> IPU, "[Statement on Afghanistan](#)", 30 August 2021.

<sup>155</sup> See in particular International Criminal Court (ICC), [Rome Statute of the International Criminal Court](#), A/CONF.183/9, 1998, articles 6 (Genocide), 7 (Crimes against humanity) and 8 (War crimes).

- Provide gender-sensitive training on the prevention of, and response to, sexual and gender-based violence for members of the police and armed forces, for peacekeepers and for the judiciary.
- Ensure the provision of financial and institutional support to various relevant institutions including the police, armed forces, peacekeepers and the judiciary in order to enable them carry out their roles efficiently in preventing and responding to gender-based violence.
- Adopt a legislative framework to ensure individual access to documentation such as birth, death and marriage certificates, and land registration documents and deeds, including for women in post-conflict migration flows, internally displaced women, refugee and asylum-seeking women, and separated and unaccompanied girls.
- Allocate resources and adopt effective measures to ensure that victims of conflict-related gender-based violence, including sexual violence, have access to comprehensive medical care and treatment, including post-exposure prophylaxis, to forensic evidence, and to mental health care, treatment and support.
- Ensure the participation of women in peace negotiations and peacekeeping activities, and in decision-making at all levels on preventive diplomacy, mediation, reconciliation and humanitarian assistance.
- Ensure the participation of women in the design, operation and monitoring of transitional justice mechanisms at all levels.
- Participate in and ensure the elaboration of gender-related indicators and benchmarks of early warning systems, with the meaningful and effective participation of women.
- Participate in the elaboration of a National Action Plan (NAP) on Women, Peace and Security (WPS), and ensure that it is implemented and adequately funded, and that women participate in its development and implementation.

**For additional guidance on recommended action in this area, see CEDAW Committee, General recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.**



Due to climate change and related disasters, girls are at increased risk of being forced into child marriage.  
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#### *Disaster risk reduction and climate change*

#### **The approach of the CEDAW Committee 9:** Disaster risk reduction in the context of climate change

In its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the CEDAW Committee draws attention to the following issues that are important for parliaments to take into account in their work, including through gender-responsive legislation, oversight, budgetary allocation and other action related to disaster risk reduction and climate change:<sup>156</sup>

<sup>156</sup> CEDAW Committee, [General recommendation No. 37 \(2018\) on the gender-related dimensions of disaster risk reduction in the context of climate change](#), CEDAW/C/GC/37, 13 March 2018.

- Women, girls, men and boys are affected differently by climate change and disasters, with many women and girls experiencing greater risks, burdens and impacts. In many contexts, pre-existing gender inequalities limit the control that women and girls have over decisions governing their lives, as well as their access to resources such as food, water, agricultural input, land, credit, energy, technology, education, health services, adequate housing, social protection and employment. As a result of those inequalities, women and girls are more likely to be exposed to disaster-induced risks and losses relating to their livelihoods, and they are less able to adapt to changes in climatic conditions.
- Situations of crisis exacerbate pre-existing gender inequalities and compound intersecting forms of discrimination against women and girls based on, among other factors, age (both younger and older women), economic status, ethnicity, race, religion, sexual orientation, gender identity and sex characteristics, disabilities, refugee, asylum-seeking or migration status, displacement, statelessness, geographic location, and civil status. Those women and girls are often disproportionately affected during environmental disasters compared with men or with other women. This includes the impact of loss of income, land and other resources, and restrictions on freedom of movement.
- Women and girls face a heightened risk of gender-based violence during and following disasters. In situations in which there is food insecurity combined with impunity for gender-based violence, women and girls become more exposed to sexual violence and exploitation as they attempt to gain access to food and other basic needs for family members and themselves. In camps and temporary settlements, the lack of physical security, as well as of safe and accessible infrastructure and services, including drinking water and sanitation, also results in increased levels of gender-based violence against women and girls.
- Women and girls with disabilities face particular risks owing to the lack of gender and disability perspectives in disaster preparedness and responses. For example, disaster alerts do not reach women and girls with hearing or visual impairments as warnings are often not made in accessible formats or do not reach those who tend to stay at home and have limited access to public spaces. Also, gender- and disability-sensitive shelters are often lacking. Women and girls with disabilities are at particular risk of gender-based violence and sexual exploitation during and following disasters. Domestic violence, child and/or forced marriage, trafficking in persons and forced prostitution are also more likely to occur during and following disasters.

## What parliaments can do 11: Disaster risks related to climate change

- Ensure that all legislation, policies, plans, programmes and budgets relating to environmental disasters, disaster risk reduction, and climate change mitigation and adaptation strategies are gender-responsive and inclusive, including through gender impact assessments.
- Ensure the development, on the basis of sex-disaggregated data, of specific and gender-responsive indicators and monitoring mechanisms for assessing disaster risks and their impacts.
- Ensure that policies and programmes are developed to address existing and new risk factors for gender-based violence against women and girls in the context of disasters related to climate change, including domestic violence, sexual violence, economic violence, trafficking in persons, forced prostitution, and child and/or forced marriage.
- Ensure the development of a system for the regular monitoring and evaluation of interventions designed to prevent and respond to GBVAW within programmes relating to disaster risk reduction and climate change.
- Ensure the equal representation of women in bodies tasked with the development of strategies, policies and plans on disaster risk reduction and climate change, and in the monitoring of their implementation.
- Adopt legislation to ensure women's access to appropriate disaster risk reduction and relief schemes, such as social protection, livelihood diversification and insurance schemes.
- Conduct gender impact assessments of proposed public-private partnerships in the areas of disaster risk reduction and climate change, and ensure that women are involved in their design, evaluation, implementation and monitoring.
- Pay special attention to the situation of women and girls facing intersecting forms of discrimination and ensure that their rights and needs are reflected in all climate change and disaster responses and in their monitoring.

*The categorization of women and girls as passive "vulnerable groups" in need of protection from the impacts of disasters is a negative gender stereotype that fails to recognize them as active agents of change, with important contributions to make in the areas of disaster risk reduction, post-disaster management, and climate change mitigation and adaptation strategies.*

**For additional guidance on recommended action in this area, see CEDAW Committee, General recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.**

## *Health crises including the COVID-19 pandemic<sup>157</sup>*

Across the globe, the COVID-19 pandemic has had the effect of reversing, at least in part, the progress achieved over decades of targeted efforts on gender equality and women's human rights. It has exacerbated existing inequalities faced by women and girls in numerous areas – from access to health care and economic participation to social security and protection.<sup>158</sup>

Patterns of increased risks for women and girls during health crises resulting from the COVID-19 pandemic affirm evidence witnessed during previous crises, including epidemics of other infectious diseases such as Ebola virus disease and HIV/AIDS. Experience shows that outbreaks of disease affect women and men differently. They exacerbate existing inequalities for women and girls and discrimination against marginalized groups such as persons with disabilities, those living in poverty, migrants, and LGBTI persons. This requires specific approaches to ensure detection of infection and access to treatment for women and men.<sup>159</sup>

Women are carrying a disproportionate burden in responding to the virus. For example, they form the majority of front-line health-care workers and carers for sick family members and older persons, which exposes them to a higher risk of infection. Women's unpaid care work has increased significantly because of school closures and the greater care needs of older persons. Women are also overrepresented in the informal economy: in the low-paid and insecure jobs that were the first to disappear during the pandemic. This has disproportionately exposed women to the economic impact of the pandemic and has placed them at greater risk of falling into poverty. Women already in precarious situations, such as refugee and internally displaced women, have been put at even greater risk.

COVID-19 vaccination programmes illustrate various factors that contribute to these inequalities. Low vaccination rates in poorer countries result in compounded risks for refugees. The UN High Commissioner for Refugees (UNHCR) reports that while refugees have been included in national vaccination plans in most major host countries, they can face additional barriers to getting vaccinated. For example, some countries require identity documents, which refugees often do not have, or have set up online systems which can exclude people on the move without internet access, a computer or a smartphone. As a result, vaccination rates among refugees and asylum seekers may be below the national average.<sup>160</sup>

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157 For general guidance on the impact of COVID-19 on the human rights of women and girls, see OHCHR, ["COVID-19 and women's human rights: guidance"](#), 15 April 2020. For discussion of the impact of the pandemic on various specific aspects, see UN Women, [From insights to action: Gender equality in the wake of COVID-19](#) (New York: UN Women, 2020); [Addressing the economic fallout of COVID-19: Pathways and policy options for a gender-responsive recovery](#) (New York: UN Women, 2020); [COVID-19 and the care economy: Immediate action and structural transformation for a gender-responsive recovery](#) (New York: UN Women, 2020); [COVID-19 and violence against women and girls: Addressing the shadow pandemic](#) (New York: UN Women, 2020); [COVID-19 and women's leadership: From an effective response to building back better](#) (New York: UN Women, 2020); [COVID-19 and conflict: Advancing women's meaningful participation in ceasefires and peace processes](#) (New York: UN Women, 2020); and [Beyond COVID-19: A feminist plan for sustainability and social justice](#) (New York: UN Women, 2021). See also UN Women, "[COVID-19 and gender data resources](#)". See also United Nations Inter-Agency Network on Women and Gender Equality (IANWGE), [Minimum requirements checklist for integrating gender equality in the implementation of the UN Framework for the Socioeconomic Response to COVID-19](#) (New York: IANWGE, 2020).

158 See, for example, UNFPA, [COVID-19: A Gender Lens – Protecting Sexual and Reproductive Health and Rights, and Promoting Gender Equality](#) (New York: UNFPA, 2020).

159 Ibid.

160 See United Nations High Commissioner for Refugees (UNHCR), "[UNHCR calls on states to remove barriers to access to COVID-19 vaccines for refugees](#)", 24 June 2021.

In these situations, women may be affected more than men. Women account for around 50 per cent of refugees, asylum seekers, and internally displaced and stateless populations.<sup>161</sup> In several previous vaccination campaigns, vaccination rates were lower among women than men in these population groups. Various reasons may contribute to this. For example, the gender gap in education among refugee and migrant communities means that women may have limited access to accurate information on vaccines, while fears about adverse effects on female fertility may deter women from getting vaccinated. Women may also lack personal documentation, or access to technology to enable them to register for vaccines. Other factors relate to the social acceptability of services for refugee and migrant women in highly gender-segregated communities. However, these factors are not consistent across countries, regions, and refugee or migrant communities. The World Health Organization (WHO) observes that "gender appears to have a variable impact as a barrier to vaccination in refugee and migrant communities".<sup>162</sup> Therefore, a better understanding of how gender affects vaccine confidence, intent and uptake among refugee, internally displaced and migrant communities is essential to addressing these inequalities.<sup>163</sup>

*Today, violence against women and girls under the COVID-19 pandemic is considered the "shadow pandemic".*

The COVID-19 pandemic, like previous health crises such as the Ebola virus disease epidemic, has also led to a sharp increase in gender-based violence against women and girls. During lockdowns, many women and girls have found themselves confined to their homes together with their abusive partners or family members, struggling to access justice, shelters and support services. Data shows that gender-based violence against women and girls – and particularly domestic violence – intensified following the outbreak of the pandemic.<sup>164</sup>

The COVID-19 pandemic must be seen as more than a mere public health emergency: it is a human rights emergency. Responses to COVID-19 must be grounded in human rights standards, particularly the CEDAW Convention. States parties should ensure that women's human rights are respected, protected and fulfilled while combating the pandemic and any other related health crises.<sup>165</sup>

## **The approach of the CEDAW Committee 10: COVID-19**

The CEDAW Committee has issued detailed guidance on a range of measures that States should take to uphold women's human rights as they respond to the COVID-19 pandemic.<sup>166</sup> The guidance note on CEDAW and COVID-19 also identifies measures that relate to the role of parliaments, including the following:

<sup>161</sup> See UNHCR, "[Women](#)".

<sup>162</sup> World Health Organization (WHO), [Ensuring the integration of refugees and migrants in immunization policies, planning and service delivery globally](#) (Geneva: WHO, 2022), particularly Box 6: "Integrating gender perspectives in vaccination strategies", p. 33.

<sup>163</sup> See further WHO, [Strengthening COVID-19 vaccine demand and uptake in refugees and migrants: An operational guide](#), (Geneva: WHO, 2022).

<sup>164</sup> UN Women, [COVID-19 and Ending Violence Against Women and Girls](#). (New York: UN Women, 2020).

<sup>165</sup> See OHCHR, "[COVID-19 and women's human rights: guidance](#)", 15 April 2020.

<sup>166</sup> CEDAW Committee, [Guidance Note on CEDAW and COVID-19](#), 22 April 2020.

- **Address the disproportionate impact of the pandemic on women's health:** address women's increased health risk through preventive measures, ensure access to early detection and treatment of COVID-19, and protect women health workers and other women front-line workers, including through adequate provision of personal protective equipment as well as psychosocial support.
- **Provide sexual and reproductive health services as part of a State's COVID-19 response.**
- **Protect women and girls from gender-based violence:** ensure that women and girls who are victims or at risk of gender-based violence, including those living in institutions, have effective access to justice, particularly to protection orders, as well as to medical and psychosocial assistance, shelters and rehabilitation programmes. This requires that national response plans to COVID-19 prioritize the availability of safe shelters, hotlines and remote psychological counselling services, and inclusive and accessible specialized and effective security systems, including in rural communities. Further, measures to address women's mental health issues, which stem from gender-based violence, social isolation and related depression, must be prioritized.
- **Ensure equal participation of women in decision-making:** ensure women's equal representation and leadership, including through women's human rights organizations, in the formulation of COVID-19 response and recovery strategies, including social and economic recovery plans.
- **Ensure continuous education:** ensure that inclusive alternative educational tools continue to be provided free of charge, including in rural or remote areas where internet access is limited, provide subsidized school meals, provide sanitary commodities for girls and young women through educational institutions, and redeploy commodities to domestic households during times of school shutdown.
- **Provide socioeconomic support to women:** address gender inequalities in employment, promote transition of women from the informal economy to the formal economy, and provide relevant social protection systems for them.
- **Adopt targeted measures for disadvantaged groups of women:** uphold the SDG principle of "leave no one behind", promoting inclusive approaches in legislative, policy and other measures, and reinforce measures to support disadvantaged or marginalized groups of women.

Many of these issues are addressed in *Gender and COVID-19: A guidance note for parliaments*,<sup>167</sup> which the IPU issued to help parliamentarians manage the COVID-19 crisis. It contains practical recommendations and examples on the following subjects:

- Women's participation and leadership in parliamentary decision-making on COVID-19
- Gender-responsive COVID-19 legislation
- Overseeing government action on the pandemic from a gender perspective
- The roles of MPs in communicating and raising awareness about COVID-19 and its effects
- Gender-sensitive parliaments in a time of contagion
- Promoting gender balance in task forces and other national crisis response mechanisms

## II.2 Illustration of selected rights

This section addresses two rights enshrined in the CEDAW Convention:

1. **The right to live free from gender-based violence against women and girls, including trafficking and harmful practices**
2. **Women's right to political and public participation**

It describes the CEDAW Committee's approach and highlights possible action by parliamentarians to protect and promote these rights. These two rights have been selected based on interest commonly expressed by parliamentarians across the globe engaged on CEDAW implementation. Other related rights guaranteed in the Convention are weaved into the discussion.

The following resources provide guidance on addressing various other rights protected by the CEDAW Convention:

- The CEDAW Committee's [general recommendations](#)
- A full list of [general recommendations by all treaty bodies](#)
- The [Universal Human Rights Index](#), which can be used to produce overviews of recommendations by the UN human rights mechanisms by region, country, human rights themes, concerned groups, and SDGs and targets, as well as to perform text searches and advanced searches using filters

<sup>167</sup> IPU, [Gender and COVID-19: A guidance note for parliaments](#) (Geneva: IPU, 2020).



Gender-based violence prevents women and girls from enjoying their rights and freedoms, violates their dignity and puts their lives at risk. © Aurea del Rosario / AFP

## II.2.1 The right to live free from gender-based violence against women and girls

### II.2.1.a Understanding gender-based violence against women and girls

Gender-based violence against women and girls constitutes a form of discrimination within the meaning of article 1 of the CEDAW Convention.<sup>168</sup> The obligations in the Convention that relate to gender-based violence require four areas of action, often referred to as the **four “Ps”**. These are: preventing violence against women, protecting victims, prosecuting perpetrators, and implementing related comprehensive and coordinated policies.

<sup>168</sup> CEDAW Committee, [General recommendation No. 19: Violence against women](#), 1992.

## The approach of the CEDAW Committee 11: Gender-based violence

In 2017, the CEDAW Committee adopted general recommendation No. 35 on gender-based violence against women, further elaborating the international human rights standards. It stressed that the prohibition of GBVAW has evolved into a principle of customary international law, which means that it is considered to be legally binding on all States regardless of their ratification of CEDAW.<sup>169</sup> The work of the Committee, in particular through general recommendation No. 19 (1992), has been critical in this process.<sup>170</sup>

The Committee uses the term “gender-based violence against women” as opposed to “violence against women” because it is “a more precise term that makes explicit the gendered causes and impacts of the violence. The term further strengthens the understanding of such violence as a social rather than an individual problem, requiring comprehensive responses, beyond those to specific events, individual perpetrators and victims/survivors.”<sup>171</sup> The Committee has affirmed that GBVAW is “one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated”<sup>172</sup> and that such violence is “a critical obstacle to the achievement of substantive equality between women and men and to the enjoyment by women of their human rights and fundamental freedoms, as enshrined in the Convention”<sup>173</sup>

The Committee stresses that gender-based violence affects women throughout their life cycle and that such violence may take multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion, and arbitrary deprivation of liberty. It manifests itself on a continuum of multiple, interrelated and recurring forms, in a range of settings, from private to public, including in the digital space. Because women experience varying and intersecting forms of discrimination, gender-based violence affects women in different ways.<sup>174</sup> Therefore, appropriate and legal responses are needed.

In general recommendation No. 35, the Committee reaffirms that GBVAW constitutes discrimination against women under article 1 and therefore engages all obligations under the Convention. It further states that article 2 provides that the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including GBVAW. That is an obligation of an immediate nature; delays cannot be justified on any grounds, including economic, cultural or religious grounds.<sup>175</sup>

<sup>169</sup> CEDAW Committee, [General recommendation No. 35 on gender-based violence against women, updating general recommendation No.19](#), CEDAW/C/GC/35, 26 July 2017.

<sup>170</sup> Ibid., para. 2.

<sup>171</sup> Ibid., para. 9.

<sup>172</sup> CEDAW Committee, [General recommendation No. 35 on gender-based violence against women, updating general recommendation No.19](#), CEDAW/C/GC/35, 26 July 2017, para. 10.

<sup>173</sup> Ibid.

<sup>174</sup> See ibid., para. 12, for examples of intersecting forms of discrimination.

<sup>175</sup> Ibid., para. 21.

Moreover, general recommendation No. 35 states that “[w]omen’s right to a life free from gender-based violence is indivisible from and interdependent on other human rights, including the rights to life, health, liberty and security of the person, equality and equal protection within the family, freedom from torture, cruel, inhumane or degrading treatment, and freedom of expression, movement, participation, assembly and association.”<sup>176</sup>

The Committee has further observed that GBVAW may amount to torture or cruel, inhuman or degrading treatment in certain circumstances, including in cases of rape, domestic violence or harmful practices. In some cases, certain forms of GBVAW may also constitute international crimes. It stresses that a gender-sensitive approach is required to understand the level of pain and suffering experienced by women.<sup>177</sup>

Importantly, the Committee states in general recommendation No. 35 that “[v]iolations of women’s sexual and reproductive health and rights, such as forced sterilization, forced abortion, forced pregnancy, criminalization of abortion, denial or delay of safe abortion and/or post-abortion care, forced continuation of pregnancy, and abuse and mistreatment of women and girls seeking sexual and reproductive health information, goods and services, are forms of gender-based violence that, depending on the circumstances, may amount to torture or cruel, inhuman or degrading treatment.”<sup>178</sup>

The Committee also stresses that elimination of GBVAW “require[s] the formulation of legal norms, including at the constitutional level, and the design of public policies, programmes, institutional frameworks and monitoring mechanisms aimed at eliminating all forms of gender-based violence against women, whether perpetrated by State or non-State actors.”<sup>179</sup> Moreover, under the obligation of due diligence, States parties to CEDAW should take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in GBVAW.

### Examples of CEDAW Committee recommendations 9: Gender-based violence

In 2019, the CEDAW Committee recommended that a State party adopt “a comprehensive multi-year strategy [on gender-based violence], with respective annual plans that include all necessary measures, including the collection of data and statistics and strengthened prevention and awareness-raising measures”.<sup>180</sup> In its follow-up letter to the State in 2022, **the Committee welcomed awareness-raising and training efforts, a first budget for the National Commission for the Prevention of Gender-based Violence, the drafting of Regulations for the Equality Observatory, and the draft law on the 2022–2025 statistics plan**. However, the Committee regretted “the absence of information on the adoption of a comprehensive multi-year strategy, that

<sup>176</sup> Ibid., para. 15.

<sup>177</sup> Ibid., para. 17

<sup>178</sup> Ibid., para. 18.

<sup>179</sup> Ibid., para. 26.

<sup>180</sup> CEDAW Committee, [Concluding observations on the fourth periodic report of Andorra](#), CEDAW/C/AND/CO/4, 13 November 2019.

includes all necessary measures to combat and prevent gender-based violence".<sup>181</sup> The Committee also noted the limited information on the availability of comprehensive data on gender-based violence against women and girls.

In its concluding observations of 2019, the Committee called on another State party to adopt "legislation to establish a stand-alone civil protection order procedure for victims of domestic violence".<sup>182</sup> In its February 2022 follow-up letter, it "**welcome[d] the draft Law on Protection against Domestic Violence**, which would provide for orders for protection against domestic violence. However, it remain[ed] concerned that granting the protection order would not be a stand-alone civil procedure and that protection orders would expire under certain conditions at the start of a pre-trial investigation."<sup>183</sup>

### Box 12: Gender-based violence and sexual and reproductive health

The CEDAW Committee makes a clear link between gender-based violence against women and girls and their sexual and reproductive health, including issues related to sexual abuse. In general recommendation No. 24 (1999) on women and health,<sup>184</sup> the Committee calls on States parties to realize women's right to the highest attainable standard of health throughout their entire life cycle, particularly in the areas of family planning and during pregnancy, confinement and the postnatal period. The Committee clarifies that the right to health includes guaranteeing the right to bodily autonomy, which encompasses sexual and reproductive freedom. Upholding the right to health for women and girls requires the provision of health services, including sexual and reproductive information, counselling and services without anyone else's consent. These must be made available, accessible, affordable and of good quality. All health services must be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice. The right to autonomy requires measures to guarantee the right for women to decide freely and responsibly on the number and spacing of their children. It further states that legislation criminalizing abortion should be amended.

In line with this, the CEDAW Committee recommends that States parties ensure access to legal and safe abortion at least in cases of rape, incest, threats to the life and/or health of the pregnant woman, or severe fetal impairment. It calls for the decriminalization of abortion in all circumstances, as well as providing women with access to quality post-abortion care, especially in cases of complications resulting from unsafe abortions.

The Committee also considers obstetric violence by health-care personnel in the context of pregnancy and childbirth to be a form of institutional and gender-based violence. It calls on States parties to criminalize obstetric violence and other forms of violence and to ensure adequate and accessible standards of care in all maternity health facilities.<sup>185</sup>

<sup>181</sup> CEDAW Committee, [Follow-up letter to concluding observations: Andorra](#), 24 February 2022.

<sup>182</sup> CEDAW Committee, [Concluding observations on the sixth periodic report of Lithuania](#), CEDAW/C/LTU/CO/6, 12 November 2019.

<sup>183</sup> CEDAW Committee, [Follow-up letter to concluding observations: Lithuania](#), 24 February 2022.

<sup>184</sup> CEDAW Committee, [General recommendation No. 24: Article 12 of the Convention \(women and health\)](#), 1999.

<sup>185</sup> See, for example, CEDAW Committee, [Decision adopted by the Committee under article 4 \(2\) \(c\) of the Optional Protocol, concerning communication No. 138/2018](#), CEDAW/C/75/D/138/2018, 28 February 2020.

Further, the CEDAW Committee considers forced sterilization and forced abortion, which are performed without the free, prior and informed consent of the women and girls concerned, often at the request of family members or guardians, to be forms of gender-based violence that must be criminalized and punished. These are often performed on women and girls with intellectual and psychosocial disabilities, indigenous women, women living with HIV/AIDS, and transgender and intersex women.

## Examples of CEDAW Committee recommendations 10: Gender-based violence and sexual and reproductive health

In March 2017, the Committee recommended that a State party “[r]epeal the Protection of Life During Pregnancy Act 2013 in order to legalize the termination of pregnancy at least in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman, and severe impairment of the foetus, and decriminalize abortion in all other cases”.<sup>186</sup> In March 2021, the Committee welcomed the adoption of the Health (Regulation of Termination of Pregnancy) Act repealing the Protection of Life During Pregnancy Act 2013. It further noted that the new legislation “allows for termination of pregnancy to be carried out without restriction up to 12 weeks of pregnancy, or in case of risk to the life or health of the pregnant woman, or death of the foetus before or within 28 days of birth”.<sup>187</sup>

In March 2018, the CEDAW Committee issued its views and recommendations following an inquiry concerning allegations of grave and systematic violations of the Convention owing to restrictive access to legal abortion services for women and girls.<sup>188</sup> The inquiry related to one part of the country that enjoyed devolved powers, and where abortion was legal only in limited instances, as compared to other parts of the country, and which may have led to criminal charges in other cases. As a result, women and girls were forced to travel to other parts of the country in order to access legal abortion services, which caused a heavy financial, emotional and logistical burden.

The CEDAW Committee found that this set-up created a socioeconomic split in access to sexual and reproductive health services and carried substantial psychosocial ramifications. In the Committee’s view, these restrictions affected only women and prevented them from exercising reproductive choice, resulting in women being forced to carry almost every pregnancy to full term, which “involve[d] mental or physical suffering constituting violence against women and potentially amounting to torture or cruel, inhuman and degrading treatment”.<sup>189</sup> The Committee therefore found the State party to be in violation of several articles of CEDAW, including in relation to gender-based violence. The Committee raised concerns over the serious impact of the set-up on disadvantaged groups of women and girls. It recommended that the State party repeal provisions that allowed for criminal charges to be brought against women and girls who had undergone abortion or against qualified health-care professionals and all others who provided and assisted in the abortion. It further recommended the adoption of legislation to provide for expanded grounds to legalize abortion at least in the following cases: threat

<sup>186</sup> CEDAW Committee, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#), CEDAW/C/IRL/CO/6-7, 9 March 2017.

<sup>187</sup> CEDAW Committee, [Follow-up letter to concluding observations: Ireland](#), 5 March 2021.

<sup>188</sup> CEDAW Committee, [Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/OP8/GBR.1, 6 March 2018.

<sup>189</sup> Ibid., para. 65.

to the pregnant woman's physical or mental health, without conditionality of "long-term or permanent" effects; rape and incest; and severe fetal impairment, including fatal fetal abnormality.<sup>190</sup>

Later in the year, the country's Supreme Court acknowledged that the legal framework restricting abortion should be amended, making specific reference to the CEDAW inquiry.<sup>191</sup>

In July 2018, the Committee recommended that a State party "[r]emove abortion from the Crimes Act 1961 and amend the Contraception, Sterilisation and Abortion Act 1977 in order to fully decriminalize abortion and incorporate the treatment of abortion into health services legislation".<sup>192</sup> In March 2021, **the Committee "welcome[d] the removal of the offences for abortion from the Crimes Act and the Contraception, Sterilisation, and Abortion Act 1977 through the adoption of the Abortion Legislation Act 2020, and the introduction of the treatment of abortion into health services legislation".**<sup>193</sup>

### Box 13: From violence against women to gender-based violence against women

It has taken decades for the prohibition of GBVAW to become recognized as a principle of customary international law and not a private matter in which the State should not interfere.

In 1992, the CEDAW Committee adopted general recommendation No. 19, in which it asserted that violence against women is a form of discrimination, directed towards a woman because she is a woman or that affects women disproportionately. It affirmed that this violence seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men, and that violence against women relates to the whole Convention and not only specific articles.<sup>194</sup>

In 1993, the Vienna Declaration and Programme for Action<sup>195</sup> stressed that gender-based violence is incompatible with the dignity and worth of the human person and must be eliminated through legal measures and national action. Reflecting the importance of the issue, the Declaration welcomed the decision of the Commission on Human Rights to consider the appointment of a special rapporteur on violence against women.

Also in 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women, the first international instrument that focuses solely on violence against women.<sup>196</sup> Article 1 of the Declaration defines "violence against women" as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women,

<sup>190</sup> Ibid., para. 85.

<sup>191</sup> See London School of Economics and Political Science (LSE), "[The Supreme Court's decision on Northern Ireland's abortion law – what now?](#)", 9 June 2018.

<sup>192</sup> CEDAW Committee, [Concluding observations on the eighth periodic report of New Zealand](#), CEDAW/C/NZL/CO/8, 25 July 2018.

<sup>193</sup> CEDAW Committee, [Follow-up letter to concluding observations: New Zealand](#), 5 March 2021.

<sup>194</sup> CEDAW Committee, [General recommendation No. 19: Violence against women](#), 1992.

<sup>195</sup> United Nations, [Vienna Declaration and Programme of Action](#), adopted at the World Conference on Human Rights, Vienna, 25 June 1993.

<sup>196</sup> It defines violence against women (article 3) and it specifies that the measures to end violence against women shall target the structures, contexts, and social and cultural patterns which constitute the root causes of this type of violence (article 4 (j)). Finally, it establishes the relationship between intersecting inequalities and violence.

including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".<sup>197</sup>

In addition, the 1995 Beijing Declaration and Platform for Action identified violence against women as one of the 12 critical areas of strategic objectives and actions required for achieving women's human rights. It stressed that violence against women is "an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms."<sup>198</sup>

In 2017, the CEDAW Committee marked the twenty-fifth anniversary of general recommendation No. 19 by further elaborating on the international standards on GBVAW and adopted general recommendation No. 35.

## What parliaments can do 12: Gender-based violence<sup>199</sup>

### General measures

- Take relevant measures in the areas of prevention, protection, prosecution and punishment, redress, data collection and monitoring, and international cooperation in order to accelerate the elimination of GBVAW.
- Ensure that comprehensive strategies and plans for the prevention of GBVAW in the public and private spheres, including in the digital space, are developed, and ensure the allocation of adequate resources to this end.<sup>200</sup> This includes the exercise of due diligence to prevent such acts in private and professional settings, the use of protection orders, the conduct of public awareness-raising activities on the elimination of gender stereotypes that condone violence (see [Box 4 on due diligence](#), and [section II.1.1.d on gender stereotypes](#)), and the regular collection, analysis, dissemination and use of statistics on gender-based violence.
- Oversee the implementation of measures to combat gender-based violence so as to ensure a victim-centred approach, acknowledging women as rights-holders and promoting their agency and autonomy, including the evolving capacity of girls, from childhood to adolescence.

<sup>197</sup> United Nations, [Declaration on the Elimination of Violence against Women](#), adopted by UN General Assembly resolution 48/104 of 20 December 1993.

<sup>198</sup> United Nations, [Beijing Declaration and Platform for Action](#), adopted at the Fourth World Conference on Women, Beijing, 15 September 1995.

<sup>199</sup> See further in IPU, [Parliaments Take Action on Violence against Women. Priority actions for Parliaments](#) (Geneva: IPU, 2009).

<sup>200</sup> The Special Rapporteur on violence against women highlights that this should include "the use of all means of a legal, political, administrative and cultural nature to promote the protection of human rights and ensure that violations are considered and treated as illegal acts, leading to the punishment of responsible parties and the indemnification of victims". See UN Human Rights Council, [Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo](#), A/HRC/23/49, 14 May 2013, para.15

- Ensure the establishment and implementation of appropriate multisectoral referral mechanisms for effective access to comprehensive services for survivors of gender-based violence.
- Ensure the monitoring of the implementation and systematic collection of statistical data on GBVAW, disaggregated by sex, gender, age, and relationship between the victim and the perpetrator.
- Promote the participation of women in the implementation of measures taken, taking into account the particular situation of women affected by intersecting forms of discrimination.

### **Legislative measures**

- Harmonize different legislation on gender-based violence against women and girls with international human rights standards, as well as among constitutional, statutory, customary, religious, indigenous or common laws, including legislation on violence perpetuated in the private sphere, and acknowledge in the legislation that violence against women is a form of gender-based discrimination.
- Criminalize all forms of GBVAW in all spheres, which amount to a violation of women's physical, sexual or psychological integrity, such as domestic and intimate partner violence, including marital rape, and harmful practices (see [section II.2.1.b on harmful practices](#)).
- Ensure that sexual assault, including rape, is characterized as a crime against the right to personal security and to physical, sexual and psychological integrity.
- Ensure that the definition of sexual crimes, including marital and acquaintance or date rape, is based on the lack of freely given consent and takes into account coercive circumstances.
- Criminalize online gender-based violence, including hate speech and online threats, intimidation and harassment.
- Introduce, without delay, or strengthen legal sanctions for all forms of gender-based violence commensurate with the gravity of the offence.

- Repeal all legislative provisions that allow for defences or mitigation in cases of gender-based violence based on culture, religion or male privilege – such as the so-called “honour defence”, traditional apologies, and pardons from the families of victims/survivors – which may result in exemption from criminal responsibility or lesser punishment, including in cases where a rapist marries the victim or for crimes committed on the basis of “passion” crime provisions. Criminalize these crimes in all circumstances and impose penalties that are commensurate with the gravity of the offence.
- Repeal all legislative provisions, including in customary, religious and indigenous laws, that allow, condone, encourage, facilitate, justify or tolerate any form of gender-based violence against women and girls, including child and/or forced marriage and other harmful practices, provisions allowing medical procedures to be performed on women with disabilities without their prior, free and informed consent, and provisions that criminalize abortion, being lesbian, bisexual or transgender, women in prostitution, and adultery, or any other criminal law provisions that affect women disproportionately.
- Repeal laws that prevent or deter women from reporting gender-based violence, including guardianship laws that deprive women of legal capacity or restrict the ability of women with disabilities to testify in court, restrictive immigration laws that discourage women, including women migrant domestic workers, from reporting gender-based violence, and laws allowing for dual arrests in cases of domestic violence or for the prosecution of women when the perpetrator is acquitted.
- Enact legislation and ensure procedural provisions to guarantee the privacy and safety of women complainants of and witnesses to gender-based violence before, during and after legal proceedings, including through gender-sensitive court procedures and measures, bearing in mind the due-process rights of victims/survivors, witnesses and defendants.
- Enact legislation to provide effective reparations to victims/survivors of GBVAW, their children and/or other dependents. Reparations should include monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery, and satisfaction and guarantees of non-repetition. Reparations should be adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered.
- Enact legislation to provide for ex officio preventive measures, investigation and prosecution of gender-based violence against women and girls, even without official complaint by the victims/survivors or after its withdrawal, and to ensure adequate sentences for perpetrators and the provision of appropriate remedies for victims/survivors of GBVAW.

- Enact legislation providing for civil remedies such as protection orders and enforcement of such remedies, as well as for alimony and child support payments following separation from abusive partners.
- Ensure adequate budgetary allocations for victim support services and enact legislation for implementation mechanisms such as budgetary support, and for the creation of specific institutional mechanisms including shelters, medical treatment, psychosocial counselling, legal aid (if necessary, free of charge), rehabilitation services, provision of alternative housing and income-generating opportunities.

### **Access to justice**

- Ensure effective access for victims to courts and tribunals and adequate response to all cases of GBVAW, including by applying criminal law and, as appropriate, ex officio prosecution to bring alleged perpetrators to trial in a fair, impartial, timely and expeditious manner, and by imposing adequate penalties. Furthermore, fees or court charges should not be imposed on victims/survivors.
- Establish specialized courts and police units for sexual offences and GBVAW, and ensure gender-sensitive investigation and interrogation methods, including through digitalized methods to take victims' testimony in court proceedings to avoid confrontation with the perpetrator.
- Ensure that cases of GBVAW are not mandatorily referred to alternative dispute resolution procedures, including mediation and conciliation. Prosecution should be given priority. Women and girls should not be discouraged from filing criminal complaints or guided or pressured to withdraw complaints.
- Regulate alternative dispute resolution procedures so that they are allowed only when a previous evaluation by a specialized team ensures the free and informed consent of victims/survivors and ensures that there are no indicators of further risks to the victims/survivors or their family members. Alternative dispute resolution procedures should not constitute an obstacle to women's access to formal justice.
- Repeal all discriminatory rules, procedures and measures that condone gender-based violence on the pretext of protecting women from gender-based violence, including allowing for the deprivation of women's liberty through the practices of so-called "protective custody" or "virginity testing".
- Ensure that any time limitations, where they exist, prioritize the interests of the victims/survivors and give consideration to circumstances hindering their capacity to report the violence suffered to the competent services or authorities.

## **Specific focus: Gender-based violence and health, including sexual and reproductive health**

- Enact legislation to combat and prevent GBVAW in obstetric care, including during childbirth, ensure that complaints brought by women victims of such violence are independently investigated, prosecute and adequately punish perpetrators, and provide reparations to victims.<sup>201</sup>
- Enact laws and formulate policies, including health-care protocols, and referral and hospital procedures, to address GBVAW and the sexual abuse of girl children and ensure the provision of appropriate health services to victims/survivors, including medical forensic evidence, and ensure such laws and policies are effectively enforced.
- Ensure the provision of gender-sensitive training to health-care workers on detecting and managing the health consequences of gender-based violence, as well as to law enforcement officials and the judiciary on the strict application of legislation criminalizing gender-based violence and providing for victim support and adequate remedies, on gender-sensitive investigation and interrogation methods, and on the burden of proof in GBVAW cases.

## **Parliamentary mechanisms**

- Use existing parliamentary mechanisms (such as parliamentary committees) or set up new parliamentary bodies specifically mandated to oversee the implementation of legislation and policies related to GBVAW.

**For additional guidance on recommended action in this area, see CEDAW Committee, [General recommendation No. 35 \(2017\) on gender-based violence against women, updating general recommendation No. 19](#).**

<sup>201</sup> This includes physical abuse, humiliation, verbal abuse, coercive or unconsented medical procedures (including sterilization), lack of confidentiality, failure to obtain fully informed consent, refusal to give pain medication, violations of privacy, refusal of admission to health-care facilities, neglect of women during childbirth causing suffering or life-threatening situations, avoidable complications, and detention of women and their newborns in facilities after childbirth owing to an inability to pay.

## II.2.1.b Harmful practices

Harmful practices are a form of gender-based violence against women and girls. These practices are deeply rooted in social attitudes according to which women and girls are regarded as inferior to men and boys based on stereotyped roles. They highlight the gender dimension of violence and indicate that sex- and gender-based attitudes and stereotypes, power imbalances, inequalities and discrimination perpetuate the widespread existence of practices that often involve violence or coercion. Harmful practices are also used to justify gender-based violence, as a form of “protection” or control of women and children in the home or community, at school or in other educational settings and institutions, and in wider society. The most prevalent and well-documented forms of harmful practices include female genital mutilation, child and/or forced marriage, polygamy, crimes committed in the name of so-called “honour”, and dowry-related violence.<sup>202</sup> The causes of harmful practices are multidimensional and include discriminatory gender stereotypes (see [section II.1.1.d on gender stereotypes](#)), attempts to exert control over the bodies and sexuality of women and girls, social inequalities, and the prevalence of male-dominated power structures.<sup>203</sup> Harmful practices are endemic to a wide variety of communities in most countries across the world.

*Child, early and forced marriage is a type of harmful practice that often deprives girls and women of access to education.*

### Box 14: Examples of harmful practices – Child and/or forced marriage, and female genital mutilation

The following are examples of harmful practices that are committed against women and girls because of their gender. As such, they are examples of gender-based violence:

- **Forced marriage:** A forced marriage is one in which one and/or both parties have not personally expressed their full and free consent to the union, or in which one of the parties is not permitted to end or leave the marriage. Forced marriages may take various forms, including child marriage, exchange or trade-off marriages (i.e. *baad* and *baadaa*), servile marriages and levirate marriages (in which a widow is coerced to marry a relative of her deceased husband). In some countries, a forced marriage may occur when a rapist is exempted from criminal liability when he marries the victim, usually with the consent of the victim’s family.<sup>204</sup>

<sup>202</sup> CEDAW Committee, “[Revision of Joint General comment No. 18 of the Committee on the Rights of the Child on harmful practices and General recommendation No. 31 of the Committee on the Elimination of Discrimination against Women](#)”, CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, 8 May 2019.

<sup>203</sup> Ibid.

<sup>204</sup> CEDAW Committee, [Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices](#), CEDAW/C/GC/31-CRC/C/GC/18, 14 November 2014, para. 23.

- **Child marriage:** Child marriage is considered a form of forced marriage. Some countries set different minimum ages of marriage for men and women. They often allow for child marriage, whether under formal (civil) law or informal (traditional, customary or religious) law. The overwhelming majority of child marriages, both formal and informal, involve girls (not boys). Both the CEDAW Committee and the CRC Committee stress that the minimum legal age of marriage must be established at 18 years for both women and men, without exception. Child marriage is often accompanied by early and frequent pregnancy and childbirth, resulting in high maternal mortality and morbidity rates. Child marriage also contributes to higher rates of school dropout among girls, expulsion from school and an increased risk of domestic violence.<sup>205</sup>
- **Female genital mutilation:** Female genital mutilation (FGM), also known as female circumcision or female genital cutting, is described by WHO as a practice that includes “procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons”. WHO stresses that there are no health benefits to FGM and that many young women die or suffer from serious health problems as a result of this practice.<sup>206</sup>



The elimination of female genital mutilation and other harmful practices requires a wide range of measures, ranging from legislation to education. © Parliament of Sierra Leone

205 Ibid, section B.

206 WHO, “[Female genital mutilation](#)”, 31 January 2023.

## The approach of the CEDAW Committee 12: Harmful practices

According to joint general recommendation No. 31 of the CEDAW Committee/general comment No. 18 of the CRC Committee (2014, revised in 2019), practices are considered to be harmful when they:

- deny the dignity and/or integrity of the individual and violate human rights
- discriminate against women or girls and result in negative consequences for them as individuals or groups, including physical, psychological, economic and social harm and/or violence and limitations on their capacity to participate fully in society or develop and reach their full potential
- are traditional, re-emerging or emerging practices that are prescribed and/or kept in place by social norms that perpetuate male dominance and inequality of women and men, on the basis of sex, gender, age and other intersecting factors
- are imposed on women and children by family members, community members or society at large, regardless of whether the victim provides, or is able to provide, full, free and informed consent<sup>207</sup>

Besides the most prevalent and well-documented practices, the joint general recommendation/general comment also lists a number of non-exhaustive examples of harmful practices including neglect of girls (linked to the preferential care and treatment of boys), extreme dietary restrictions, including during pregnancy (force-feeding, food taboos), virginity testing and related practices, binding, scarring, branding/infliction of tribal marks, corporal punishment, stoning, violent initiation rites, widowhood practices, accusations of witchcraft, infanticide, incest, and body modifications that are performed for the purpose of beauty or marriageability of girls and women (such as fattening, isolation, the use of lip discs and neck elongation with neck rings) or in an attempt to protect girls from early pregnancy or from being subjected to sexual harassment and violence (such as breast ironing).

The CEDAW Committee has stated that, in line with articles 2 and 3 of the Convention, States parties are obliged to plan and adopt appropriate legislation, policies and measures and ensure that their implementation responds effectively to specific obstacles, barriers and resistance to the elimination of discrimination that give rise to harmful practices and violence against women. Moreover, they must be able to demonstrate the direct relevance and appropriateness of the measures that have been taken, ensuring first and foremost that the human rights of women are not violated, and demonstrate whether such measures will achieve the desired effect and result.

<sup>207</sup> See CEDAW Committee, "[Revision of Joint General comment No. 18 of the Committee on the Rights of the Child on harmful practices and General recommendation No. 31 of the Committee on the Elimination of Discrimination against Women](#)", CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, 8 May 2019.

The obligation of States parties to pursue such targeted policies is of an immediate nature and States parties cannot justify any delay on any grounds, including cultural and religious grounds.

States parties are also obliged to take all appropriate measures, including temporary special measures (article 4 (1)), 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 that are based on the idea of the inferiority or the superiority of either sexes or on stereotyped roles for men and women (article 5 (a)) and to ensure that the betrothal and the marriage of a child will have no legal effect (article 16 (2)).

## Examples of CEDAW Committee recommendations 11: Harmful practices

In November 2018, the Committee recommended that a State party repeal or amend its Civil Code to completely preclude consent by parents or guardians as a sufficient requirement to allow marriage of those under age 18 and to allow court approval only under exceptional circumstances for marriages of those in the age group 16–18. It also recommended that the State party ensure that the planned children's bill reflect this provision and amend the Child Protection Act to define a child as any person under age 18.<sup>208</sup> In its assessment of the follow-up report in July 2021, the **Committee welcomed the adoption, by the National Assembly in December 2020, of the Children's Act, which defines a child as any person under age 18 and includes provisions to prohibit child marriage.**<sup>209</sup>

In another instance, the Committee recommended that a State party take immediate measures, including adequate sentences for perpetrators, to eliminate the harmful practice of child rape ("beading"), provide systematic training for judges, prosecutors, legal professionals, law enforcement officials and medical personnel on the strict application of criminal law provisions to punish child and/or forced marriage, female genital mutilation, child rape ("beading") and widow inheritance, and raise awareness about the criminal nature of such practices and their adverse effect on women's human rights.<sup>210</sup>

The Committee also recommended that another State party repeal provisions contained in the Personal Status Act on the legalization of child marriage as well as provisions in the Criminal Code providing for reduced sentences for men who kill women in the name of so-called "honour".<sup>211</sup>

<sup>208</sup> In its original general recommendation on harmful practices (2014), the CEDAW Committee stressed that "[a]s a matter of respecting the child's evolving capacities and autonomy in making decisions that affect her or his life, a marriage of a mature, capable child below 18 years of age may be allowed in exceptional circumstances, provided that the child is at least 16 years of age and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity, without deference to culture and tradition". CEDAW Committee, Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18, 14 November 2014, para. 20.

<sup>209</sup> CEDAW Committee, Follow-up letter to concluding observations: Mauritius, 19 July 2021.

<sup>210</sup> CEDAW Committee, Concluding observations on the eighth periodic report of Kenya, CEDAW/C/KEN/CO/8, 22 November 2017.

<sup>211</sup> CEDAW Committee, Concluding observations on the fifth periodic report of Kuwait, CEDAW/C/KWT/CO/5, 22 November 2017.

In another set of concluding observations, the Committee called for strengthened efforts from a State party to prosecute and adequately punish all crimes committed in the name of so-called “honour” and for the amendment of the Penal Code with a view to specifically criminalizing those crimes. It also recommended that the State party ensure that suicides, accidents and other violent deaths of women and girls are effectively investigated, *inter alia*, by using forensic evidence, such as medical autopsy, and that it undertake efforts to dismantle the concept that the honour and prestige of a man or the family are intrinsically associated with the conduct or presumed conduct of women related to them, which is based on patriarchal attitudes, serves to control women and curb their personal autonomy, and is incompatible with the Convention.<sup>212</sup>

The Committee also recommended measures to prevent harmful practices through education. For instance, on one occasion, the Committee recommended that a State party “[d]evelop and integrate into school curricula inclusive and accessible content on gender equality, including on women’s rights, aiming at raising awareness among children about gender stereotypes, gender-based discrimination and violence, and harmful practices such as female genital mutilation, child and forced marriage, and sexual harassment in the private and public spheres”.<sup>213</sup>

## What parliaments can do 13: Harmful practices

### General measures

- Ensure the provision of detailed guidance to all actors in charge of prevention, protection, support and follow-up services and assistance for victims, including towards their physical and psychological recovery and social reintegration, and ensure that such guidance is complemented by adequate civil and/or administrative legislative provisions.
- Adopt preventive measures including the provision of universal, free and compulsory primary education that is girl-friendly, including in remote and rural areas, in a safe and enabling environment, and ensure that schools provide age-appropriate information on sexual and reproductive health and rights.
- Ensure that suicides, accidents and other violent deaths of women and girls are effectively investigated, *inter alia*, by using forensic evidence, such as medical autopsy, in order to unveil any potentially hidden “honour” crimes.
- Ensure regular awareness-raising on the criminal nature and negative consequences of harmful practices on women and girls, and ensure that they are designed to reach all parts of society, including religious, traditional, rural, indigenous communities and those living in remote areas, and are designed to be suitable for the various cultural contexts.

<sup>212</sup> CEDAW Committee, [Concluding observations on the seventh periodic report of Turkey](#), CEDAW/C/TUR/CO/7, 25 July 2016.

<sup>213</sup> CEDAW Committee, [Concluding observations on the combined eighth to tenth periodic reports of Egypt](#), CEDAW/C/EGY/CO/8-10, 26 November 2021.

- Ensure the collection of quantitative and qualitative data on harmful practices disaggregated by sex/gender, age, geographical location, socioeconomic status, education level and other key factors, and ensure adequate budgetary resourcing to this end.
- Propose and facilitate the active and meaningful participation of women, girls and women's organizations in designing and implementing relevant laws, policies and programmes, as well as in monitoring their implementation.
- Adopt temporary special measures to deal with the root causes of harmful practices, including discrimination on the basis of sex, gender, age and other intersecting factors, focusing on the human rights and needs of the victims.

### **Legislative measures**

- Adopt legislation to prohibit harmful practices and ensure that such legislation takes precedence over customary, traditional or religious laws that allow, tolerate, condone or prescribe any harmful practice, especially in countries with plural legal systems, as well as over any legislation that accepts the "honour defence" as a defence or mitigating factor in the commission of so-called "honour crimes".
- Enact legislation that establishes jurisdiction over offences of harmful practices that applies to nationals of the State party and habitual residents, even when they are committed in a State in which they are not criminalized.
- Enact legislation and ensure that policies relating to immigration and asylum recognize the risk of being subjected to harmful practices or of being persecuted as a result of such practices as a ground for granting asylum.
- Enact or amend legislation to include mandatory restraining or protection orders that safeguard those at risk of harmful practices and provide for their safety, as well as measures to protect victims from retribution.

### **Special focus: Forced and child marriage**

- Enact legislation to ensure that the minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years across all relevant legislation applicable in the country, with no exception.
- Require the civil registration of a marriage before a religious wedding ceremony may take place.
- Criminalize the administration and facilitation of child marriages.
- Prohibit and criminalize various forms of irregular marriages, including 'urfī or unregistered marriages, and temporary marriages.

## Access to justice

- Ensure access to justice for women and girls who were or are at risk of being subjected to harmful practices, including by addressing legal and practical barriers to initiating legal proceedings, such as the limitation period, and ensure that perpetrators and those who aid or condone such practices are held accountable.
- Ensure the provision of systematic capacity-building to judges, prosecutors, legal professionals, law enforcement officials and medical personnel on the strict application of relevant criminal law provisions on harmful practices.

**For additional guidance on recommended action in this area, see CEDAW Committee and CRC Committee, [Joint general recommendation No. 31 \(2019\) of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices](#).**

### II.2.1.c Trafficking in women and exploitation of prostitution

The CEDAW Convention explicitly prohibits trafficking in women. Article 6 requires States parties to:

*[T]ake all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

Trafficking in women constitutes a form of gender-based violence and is "often exacerbated in the contexts of displacement, migration, the increased globalization of economic activities, including global supply chains, the extractive and offshore industries, increased militarism, foreign occupation, armed conflict, violent extremism and terrorism"<sup>214</sup>

*Discriminatory nationality laws and statelessness often give rise to gender-based violence and increase women's and girls' risk of being trafficked.*

Trafficking in persons is defined as a criminal offence in international law. Its legal definition is contained in article 3 (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime:

<sup>214</sup> CEDAW Committee, [General recommendation No. 38 \(2020\) on trafficking in women and girls in the context of global migration](#), CEDAW/C/GC/38, 20 November 2020, para. 10.

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

It is important to stress that, from the perspective of international human rights law, the primary obligation of States parties is to address trafficking in a way that respects, protects and fulfils the human rights of persons, in particular those belonging to marginalized groups, as set out in international human rights law. The Recommended Principles and Guidelines on Human Rights and Human Trafficking elaborated by the Office of the UN High Commissioner for Human Rights (OHCHR) in 2002, and the commentary thereon elaborated in 2010, provide an important soft law framework for integrating a human rights-based approach into all anti-trafficking interventions.<sup>215</sup>

*Combating trafficking requires a multidisciplinary approach that focuses on its causes and results. For example, it is essential to eradicate patriarchal norms and values formalized in legislation, including family laws, which facilitate trafficking for child and/or forced marriage.*

## The approach of the CEDAW Committee 13: Trafficking in women and girls

General recommendation No. 38 (2020) specifically deals with trafficking in women and girls in the context of global migration.<sup>216</sup> It acknowledges that widespread trafficking in women and girls persists because of a lack of appreciation of the gender dimensions of trafficking, which leaves women and girls exposed to different types of exploitation, including sexual exploitation. Significantly, the CEDAW Committee stresses that trafficking and exploitation of prostitution of women and girls are rooted in structural gender-based discrimination, constituting GBVAW. Trafficking in persons is exacerbated in the context of social and economic disparities, displacement, and discrimination in migration and asylum regimes, and in situations of conflict and humanitarian emergencies, which all disproportionately affect women and girls.<sup>217</sup>

In general recommendation No. 38, the Committee emphasizes that the realities of trafficking in women and girls extend beyond the scope of the Trafficking in Persons Protocol, such as in the recent trends and role of ICT, social media and

<sup>215</sup> Ibid., paras 9–11.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

messaging applications in the recruitment of women and girls and their exploitation. It also acknowledges that the definition of trafficking in persons extends beyond situations in which physical violence has been used or the victim has been deprived of personal liberty. Moreover, the Committee affirms that the abuse of a position of vulnerability and the abuse of power are the most common means used to commit the crime of trafficking and that victims are often subjected to multiple forms of exploitation. It also affirms that trafficking and sexual exploitation in women and girls is a human rights violation and can be a threat to international peace and security.

General recommendation No. 38 stresses that identifying, addressing and eliminating the root causes are key elements of the obligation of States parties to prevent trafficking and sexual exploitation of women and girls in the context of global migration. These root causes include the systemic gender-based discrimination that creates the economic and social injustices experienced disproportionately by women and girls, situations of conflict and humanitarian emergencies, including the consequent displacement, discrimination in migration and asylum regimes, and the demand that fosters exploitation and leads to trafficking.

### **Examples of CEDAW Committee recommendations 12: Trafficking in women and girls**

In one instance, the Committee recommended that the State party “[a]ddress the root causes of trafficking and exploitation of women and girls by improving their economic situation … [c]onduct public awareness-raising campaigns, particularly in rural and traditional communities, on the risk of trafficking in persons for women and girls … [s]trictly enforce the Counter-Trafficking in Persons Act by investigating, prosecuting and punishing perpetrators of trafficking and exploitation of women and girls and enforce the Victim Protection Act … [p]rovide adequate resources for support services, including shelters, for victims of trafficking … [and] [e]nhance bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers”.<sup>218</sup>

In another instance, the Committee recommended that the State party “[a]dopt a new strategy against trafficking in persons that accords priority to measures intended to improve the social and economic situation of women in order to eliminate their vulnerability to trafficking, including by identifying potential victims and facilitating the reintegration of victims, and focus on vulnerable groups, such as rural and Roma women, undocumented women migrant workers and girls exploited by begging rings, including girls who are victims of sexual exploitation … [b]uild the capacity of law enforcement officers, including judges, prosecutors and police officers, as well as of social workers and local administrations, on the new provisions of the Criminal Code and other norms applicable to women in prostitution … [and] [a]ddress the root causes of the exploitation of women and girls in prostitution, including poverty, and provide women with alternative income opportunities and educational programmes to enhance their literacy, together with exit programmes for women who wish to leave prostitution”.<sup>219</sup>

<sup>218</sup> CEDAW Committee, *Concluding observations on the eighth periodic report of Kenya*, CEDAW/C/KEN/C0/8, 22 November 2017.

<sup>219</sup> CEDAW Committee, *Concluding observations on the combined seventh and eighth periodic reports of Romania*, CEDAW/C/ROU/C0/7-8, 24 July 2017.

## What parliaments can do 14: Trafficking in women and girls

### General measures

- Ensure the ratification of or accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (the Palermo Protocol), without reservations.<sup>220</sup>
- Ensure the adoption of a policy of zero tolerance towards trafficking, sexual exploitation, forced labour, slavery and slavery-like practices, based on international human rights standards.
- Ensure the development of strategies, policies and plans to combat trafficking in women and girls, and ensure the provision of adequate resources for their implementation, including for support services such as shelters for victims of trafficking.
- Ensure that the human rights of women and girls who are victims of trafficking are at the centre of all efforts to prevent and combat trafficking in women and girls, including by preventing their victimization and revictimization through access to justice and remedies and ensuring that they are supported to exit trafficking and sexual exploitation, including women belonging to marginalized groups and women in prostitution.
- Ensure the adoption of preventive measures, allocation of public resources and strengthening of public services in order to reduce the risk factors that lead to trafficking. This includes emphasis on the full achievement of the SDGs, and in particular achieving gender equality and empowering women and girls, ending poverty in all its forms, ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for women and girls, ensuring healthy lives and promoting the well-being of women and girls of all ages, and ensuring decent work and economic participation for women and girls.
- Ensure the development of national guidelines that are updated on a regular basis for the early identification and referral of, and the provision of services to, victims or presumed victims, and ensure that the identification of victims or presumed victims and their referral to assistance services are performed by multidisciplinary teams.

<sup>220</sup> The Protocol establishes the first common international definition of “trafficking in persons”. It is intended to prevent and combat such crime and facilitate international cooperation against it. The Protocol also highlights the problems associated with trafficking in persons, which often leads to inhuman, degrading and dangerous exploitation of trafficked persons. See United Nations, [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#), adopted by UN General Assembly resolution 55/25 of 15 November 2000.

- Ensure the provision and resourcing of a sufficient number of adequately funded, well-equipped shelters, as well as separate units for victims of sexual exploitation and violence and enforced prostitution within shelters and crisis centres.
- Ensure the full, effective and meaningful participation of women and girls, especially victims of trafficking, those at risk of being trafficked and communities affected by trafficking and/or anti-trafficking measures, in all levels of decision-making and at all stages of efforts to prevent and combat trafficking.

### **Legislative measures**

- Review, amend and enact laws to ensure the consistency and conformity of domestic anti-trafficking legislation with relevant international standards, specifically to ensure that such legislation is gender-responsive and human rights-based.
- Review, amend and enact laws to ensure that all perpetrators involved in trafficking in persons are investigated, prosecuted and convicted.
- Adopt legislation to ensure that all women and girls who are victims of trafficking, without exception, are not subject to arrest, charge, detention, prosecution or penalty, or are not otherwise punished for irregular entry or stay in countries of transit and destination on account of the absence of documentation or of their involvement in unlawful activities when such involvement is a direct consequence of their situation as victims of trafficking.

### **Access to justice**

- Ensure facilitated access to inclusive, age- and gender-sensitive complaint and justice mechanisms, including through the provision of procedural and age-appropriate accommodations, for all women and girls who are victims of trafficking, including non-citizens, by providing effective channels through which they can seek protection and redress for violations of their rights.
- Ensure that trafficked women and girls have a legally enforceable right to affordable, accessible and timely remedies through the criminal, civil and labour courts and administrative proceedings, including a right to compensation, back pay and other tailored reparations, and ensure that such remedies are not made conditional on confiscation of assets from the traffickers and are guaranteed under the conditions provided for in domestic law for victims.

## **Specific focus: Trafficking and migration**

- Ensure the application of a due diligence framework to the risk assessment conducted by multidisciplinary teams for identification and protection, including by:
  - providing access to statelessness status determination procedures and granting legal status and protection to stateless women and girls
  - developing regular coordination between the asylum procedures and trafficking protection systems
  - carrying out screenings of displaced and migrant women and girls suspected of breaches of national labour, immigration or criminal laws and those held in places of deprivation of liberty, in particular in detention centres for undocumented migrants.
- Ensure that policies provide refugees, including victims of trafficking in persons in armed conflict, with the option to document their cases for future legal action so as to hold traffickers accountable.
- Introduce, strengthen and enforce labour legislation designed to protect all women workers, including migrant workers, irrespective of their documentation status, level of skill or the sector in which they work, whether they are in the formal or informal economy, and ensure that the labour inspectorate is adequately resourced to systematically recognize and report breaches of labour laws and presumed cases of trafficking in women and girls.
- Establish a gender-responsive and safe migration framework to protect migrant women and girls, including through increased access to pathways for safe and regular migration to avoid exploitation, and facilitate the independent attainment of official identification and travel documents for the safe passage of women wishing to emigrate without requiring them to obtain permission from a spouse or male guardian.
- Enact provisions for the prosecution and punishment of engagement in exploitative recruitment processes, including acts of violence, coercion, abuse of power, deception or exploitation, including as forms of gender-based violence.
- Ensure the protection of victims of trafficking, especially women and girls, from revictimization, including by guaranteeing protection against forcible return to their places of origin if this is not an appropriate, durable solution for victims, or if they may face persecution and/or violations of their right to life or the prohibition of torture, and ensure the protection of children born of trafficking from revictimization and stigmatization.
- Ensure that victims of trafficking have access to temporary residence permits, irrespective of their ability or willingness to cooperate with the prosecution authorities, as well as to justice and reparations, and are referred to appropriate services.

## Parliamentary mechanisms

- Mandate parliamentary committees to deal with trafficking in women and girls.
- Ensure awareness-raising and capacity-building on trafficking for parliamentarians and parliamentary staff, and for law enforcement authorities and the judiciary, including on the risk of trafficking for women and girls.

**For additional guidance on recommended action in this area, see CEDAW Committee, General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration.**



Achieving women's equal participation in politics requires positive measures, such as gender quotas.  
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## II.2.2 Political and public participation

Articles 7 and 8 of the CEDAW Convention require States parties to ensure equal participation of women in political and public life. **Article 7** reads as follows:

*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; and*
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

**Article 8** focuses on participation of women at the international level.

Participation in political and public life covers all aspects of public administration and the formulation and implementation of policies through the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers – internationally, nationally, regionally and locally. This must be achieved within the framework of a political system in which each citizen enjoys the right to vote and to be elected at genuine periodic elections. This also includes involvement of civil society, local councils, political parties, trade unions, professional or industry associations, women's organizations, community-based organizations, and other organizations concerned with public and political life.

Data from the IPU and UN Women shows a general tendency towards a steady but slow increase in the number of **women in top government positions**. The progression in the share of women ministers has slowed down in recent years, with just a small increase from 21.9 per cent in 2021 to 22.8 per cent in 2023. At least nine countries had no women cabinet ministers as at 1 January 2023.<sup>221</sup>

Although parliaments represent the highest law-making institution, women – who constitute the majority of the population – are often marginalized from decision-making processes. Within parliaments, women often occupy less powerful positions.

Available information shows a slight increase in the **percentage of women in parliaments**. Overall, the share of seats held by women in

*A joint statement by the IPU and the CEDAW Committee urges parliaments and governments to adopt NAPs aiming at achieving gender parity in politics by 2030, including by reforming legal and policy frameworks, making institutions gender-sensitive and gender-responsive, and ensuring a conducive environment for gender equality (see Box 7 for further details).*

221 IPU and UN Women, [Women in politics: 2023](#) (Geneva: IPU and UN Women, 2023).

national parliaments increased slightly from 26.1 per cent in January 2022 to 26.5 per cent in January 2023. Progress has been uneven between countries and regions, with great variations in regional averages (see Box 15).

**Quotas** have proved to be a key determining factor for achieving greater representation of women in political decision-making. In 2022, women gained 30.9 per cent of seats overall in lower or single houses in countries that applied a legislated gender quota in parliamentary renewals, while countries without any form of quotas elected only 21.2 per cent women on average.<sup>222</sup> However, for them to be effective, such quotas must be embedded in the law and mandatory; they must also be ambitious, adapted to the political system and combined with strong enforcement mechanisms to ensure implementation, such as sanctions for non-compliance.

#### Box 15: Women in parliament – World and regional perspectives (1 January 2023)<sup>223</sup>

World average	Lower chamber and unicameral	Upper chamber	All chambers
	26.5%	26.1%	26.5%
Regional averages	Lower chamber and unicameral	Upper chamber	All chambers
Americas	34.9%	34.6%	34.4%
Europe	31.1%	30.7%	31%
Sub-Saharan Africa	26.6%	26.1%	26.5%
Asia	21.2%	19.4%	21%
Pacific	19.5%	49.4%	22.6%
Middle East and North Africa	17.7%	11.3%	16.3%

<sup>222</sup> IPU, [Women in parliament in 2022: The year in review](#) (Geneva: IPU, 2023).

<sup>223</sup> IPU Parline, "[Global and regional averages of women in national parliaments](#)", average as of 1 January 2023. For further details, see IPU, [Women in parliament in 2022: The year in review](#) (Geneva: IPU, 2023).

IPU data also shows that, as of January 2023, only 62 women presided over one of the houses of 186 parliaments across the world. This is just one more than in January 2022. Women therefore occupy 22.7 per cent of the total filled posts of presiding officers of parliament or of one of its houses.<sup>224</sup> Often, their leadership role is found in parliamentary committees that are traditionally associated with women's roles, such as women's affairs, children, the family and social welfare.

Parliaments, as institutions, often operate on norms, practices and policies that discriminate against women and that make it difficult for women to effect change from within. Therefore, changes within institutions, such as creating gender-sensitive parliaments (see [section IV.1 on parliaments as gender-sensitive institutions](#)), coupled with gender-sensitive political parties, are essential changes to promote the full and equal participation of women in political and public life.

#### **Box 16: Examples of challenges for women in parliament**

- Parliaments have been male-dominated for too long. Instead of being flexible with the scheduling of parliamentary meetings, gender blindness can lead administrators to insist on traditional business hours, which discriminate against women – who bear the majority of domestic and care responsibilities, especially when they have young children, and cannot stay late hours – while disregarding the equal care responsibilities that men parliamentarians should bear.
- Denying women parliamentarians maternity leave (or denying parliamentarians parental leave in general), and not providing breast-feeding and childcare facilities, hinders their ability to combine their parenting and political roles.
- Women also face gender-based violence in politics. Such violence targets women because of their gender and takes gendered forms, such as sexist threats, or sexual harassment and violence. It frequently aims to discourage women from being politically active, and influences, restricts or prevents political participation of individual women and of women as a group. It threatens gender equality in decision-making and the building of robust and resilient democratic institutions.<sup>225</sup>

IPU research shows that most women parliamentarians face some form of sexism, harassment or violence during their term in office.<sup>226</sup>

224 IPU Parline, "[Women Speakers of national parliaments](#)", data as of January 2022.

225 See more in UN General Assembly, [Report of the Special Rapporteur on violence against women, its causes and consequences on violence against women in politics](#), A/73/301, 6 August 2018.

226 IPU, [Sexism, harassment and violence against women parliamentarians](#) (Geneva: IPU, 2016); IPU and Parliamentary Assembly of the Council of Europe (PACE), [Sexism, harassment and violence against women in parliaments in Europe](#) (Geneva: IPU and PACE, 2018); IPU and African Parliamentary Union (UPA), [Sexism, harassment and violence against women in parliaments in Africa](#) (Geneva: IPU and UPA, 2021).

### **Box 17: Sexism, harassment and violence faced by women parliamentarians**

	Africa (2021)	Europe (2018)	World (2016)
Psychological violence	80%	85%	82%
Sexual violence	39%	25%	22%
Physical violence	23%	15%	25%
Economic violence	29%	14%	33%

Finally, as mentioned, it is essential to ensure women's participation in peace negotiations, in maintaining peace and in post-conflict arrangements, as stressed by the CEDAW Committee in its general recommendation No. 30 (see [section II.1.2.b on conflicts, political strife and occupation](#)).

### **The approach of the CEDAW Committee 14: Political and public participation**

In general recommendation No. 23 (1997), which focuses specifically on women's participation in political and public life,<sup>227</sup> the CEDAW Committee stresses that “[i]n all nations, the most significant factors inhibiting women's ability to participate in public life have been the cultural framework of values and religious beliefs, the lack of services and men's failure to share the tasks associated with the organization of the household and with the care and raising of children.”<sup>228</sup>

The Committee also emphasizes the need for attention on ensuring the political and public participation of women from marginalized communities.

The Committee further emphasizes the essential role that education can play in strengthening the integration of “teaching strategies that equip girls and women with critical thinking skills and a sense of positive self-worth and confidence to participate equally with men in high-level and decision-making positions in the social, economic and political spheres” and in eliminating the prejudices and gender stereotypes that constitute barriers to women's full participation.<sup>229</sup>

<sup>227</sup> See specifically CEDAW Committee, [General recommendation No. 23: Political and public life](#), 1997, and CEDAW Committee, [General recommendation No. 8: Implementation of article 8 of the Convention](#), 1998. A new general recommendation by the CEDAW Committee on public and political participation is forthcoming.

<sup>228</sup> CEDAW Committee, [General recommendation No. 23: Political and public life](#), 1997, para. 10.

<sup>229</sup> CEDAW Committee, [General recommendation No. 36 \(2017\) on the right of girls and women to education](#), CEDAW/C/GC/36, 27 November 2017, para. 81.

In the view of the Committee, the removal of de jure barriers is necessary but not sufficient. Full and equal participation of women can be the result of indirect discrimination in practices and procedures that inadvertently promote men. Temporary special measures, which aim to accelerate de facto equality between men and women, and to overcome the effects of past discrimination against women, resulting in their marginalization, are therefore essential in order to give full effect to equal rights in political and public participation (see [section II.1.1.c on temporary special measures](#)).

Women's low level of participation in political and public life results from, and reinforces, inequality between women and men. The Committee draws attention to the fact that laws, policies and decisions made by men alone reflect only part of human experience and potential. The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the interests of both.

The Committee highlights the fact that limitations on women's participation are products of multiple interconnected factors, including limited involvement of women in the professions from which politicians are recruited, the long or inflexible hours of public and political work, inequalities related to women's access to education and resources, and the fact that women carry an unequal burden for domestic and care responsibilities when compared with men.

Most recently, the CEDAW Committee has stated the importance of affirming gender parity as the norm in decision-making.<sup>230</sup>

At the time of publication, the CEDAW Committee was preparing a new general recommendation on the equal and inclusive participation of women in decision-making systems. According to the Committee, this guidance should not only update but also complement general recommendation No. 23 on women in political and public life adopted in 1997. It has as its ambition "to give a decisive impetus to women's equal and inclusive representation in decision-making systems." Beyond articles 7 and 8, the future general recommendation will aim to "initiate a comprehensive and harmonized analysis of all the articles of the Convention to address structural obstacles that prevent equal and inclusive representation of all women in decision-making systems," such as gender-based discrimination, violence and stereotypes that prevent them from accessing or remaining in such positions. The idea is "to move away from mere participation and towards equal and inclusive representation."<sup>231</sup>

<sup>230</sup> CEDAW Committee and IPU, "[Women's political leadership: Striving for balance: 50/50 by 2030](#)", 8 March 2019.

<sup>231</sup> CEDAW Committee, [Concept Note on the Future General Recommendation on Equal and Inclusive Representation of Women in Decision-Making Systems](#), 2022, 1.

## **Examples of CEDAW Committee recommendations 13:**

### Public and political participation

In its constructive dialogue with a State party in July 2019, the Committee recommended the adoption of “a law on gender parity, with a view to ensuring equal representation of women in all areas of political and public life”.<sup>232</sup> On 14 October 2019, the State party adopted Act No. 2019-870 and its implementing regulations. The Act promotes the representation of women in elected and partially elected assemblies. In its follow-up letter of February 2022, **the Committee noted with appreciation the adoption of the Act and welcomed the awareness-raising campaign** undertaken by the Ministry of Women, Family and Children. However, the Committee remained concerned “that the quota, set out in Act No. 2019-870, only applies to candidates and not elected positions, that it is limited to 30 per cent and that incentives are provided rather than sanctions”. Further, while the Committee welcomed the drafting of a bill on gender parity by the Ministry of Women, Family and Children, it regretted the absence of information on its exact scope and the time frame for its finalization.<sup>233</sup>

In another instance, the Committee recommended that a State party ensure the applicability of the constitutional gender quota until substantive equality of women and men is achieved, make gender quotas for political parties’ electoral lists mandatory, and impose sanctions, including monetary fines, in cases of non-compliance. It also called for the State party to enforce the principle of gender equality in the Constitution in the appointment of government ministers and members of the boards of public and private companies, amend the Political Parties Finance Act to specifically provide for the allocation of campaign financing and the provision of training for women candidates for elections, and adopt legislation to criminalize political harassment and sexist attacks against women candidates and political activists.<sup>234</sup>

In its concluding observations on another periodic report, the Committee recommended that a State party introduce the enforcement of alternation between men and women for the nomination of candidates within political parties, in addition to statutory quotas for the representation of women in elected and appointed decision-making positions, and the provision of financial and other incentives to political parties with an equal number of women and men at equal ranks on their electoral lists.<sup>235</sup>

<sup>232</sup> CEDAW Committee, [Concluding observations on the fourth periodic report of Côte d'Ivoire](#), CEDAW/C/CIV/CO/4, 30 July 2019.

<sup>233</sup> CEDAW Committee, [Follow-up letter to concluding observations: Côte d'Ivoire](#), 24 February 2022.

<sup>234</sup> CEDAW Committee, [Concluding observations on the sixth periodic report of Zimbabwe](#), CEDAW/C/ZWE/CO/6, 10 March 2020.

<sup>235</sup> CEDAW Committee, [Concluding observations on the ninth periodic report of Colombia](#), CEDAW/C/COL/CO/9, 14 March 2019.

## **Box 18: IPU resolution on the freedom of women to participate in political processes**

In October 2016, IPU Member Parliaments unanimously adopted a resolution focusing on women's political participation, urging parliaments "to set a deadline by which at least 30 per cent of parliamentarians should be women and to set a further deadline by which that proportion should reach 50 per cent".<sup>236</sup>

It recommends several measures parliaments should take to achieve this objective, including the following:

- Adopt quotas that set ambitious goals and enable women to be pre-selected into winnable seats or winnable positions on lists.
- Level the playing field between men and women candidates by tying part of public funding to the number of women candidates that political parties field, establishing special funds or interest-free loans for women candidates, capping expenses, and limiting the duration of campaigns.
- Develop dedicated empowerment and training programmes to support young women's political participation.
- Adopt legal and practical measures to prevent and punish acts of harassment, intimidation and violence against women candidates and parliamentarians, including online and in social media.

## **Case study 3: Combating violence against women in politics in the United Kingdom**

At a meeting held on 26 March 2019, the All-Party Parliamentary Group (APPG) on Democracy in the World, a cross-party group of MPs and peers in the parliament of the United Kingdom with an interest in democracy and development, explored what political parties can and should do to address gender-based violence against women in politics (GBVAWP). Two main findings emerged: violence against women in politics is a common and almost normalized experience, and legislation designed to prevent, protect and prosecute GBVAWP is often designed well on paper but not implemented or enforced in practice. Recommendations to address the role of political parties in combating GBVAWP included the following:

- Political parties must create working environments in which women are safe from harassment, bullying and intimidation, and in which their political participation is invited and welcomed. This includes assessing all spaces where party activities take place – from campaign offices to parliaments – as official workspaces that should be regulated under gender equality and anti-harassment legislation.
- Political parties must support cross-party partnerships as well as cross-gender alliances to work in coordination to address violence, intimidation and harassment, and ensure it is eradicated from parties' internal practices and organizational culture.<sup>237</sup>

<sup>236</sup> IPU, [The freedom of women to participate in political processes fully, safely and without interference: Building partnerships between men and women to achieve this objective](#), resolution adopted at the 135th IPU Assembly, Geneva, 27 October 2016.

<sup>237</sup> Westminster Foundation for Democracy (WFD), ["UK parliamentary group calls to end violence against women in politics"](#), 2 April 2019.

## What parliaments can do 15: Political and public participation

### General measures

- Adopt plans for and conduct public awareness-raising programmes that promote women's leadership, gender equality, and the elimination of gender stereotypes in the political and public sphere.
- Promote the development and implementation of capacity-building programmes for women candidates, politicians and parliamentarians, including targeted programmes for young women.
- Ensure an equal number of women and men in leadership positions within parliament, electoral commissions and other governance bodies at all levels, through transparent and fair processes, such as dual leadership and gender rotation in leadership positions.

### Legislative measures

- Enshrine gender parity in the constitution and legal frameworks, and set an objective of 50 per cent for women's representation in parliament and government.
- Adopt legislation to facilitate women's access to elected office and to leadership positions, including well-designed, mandatory legislated gender quotas that include strong enforcement mechanisms and are adapted to the existing electoral system, as well as financial incentives for political parties, and regularly monitor, review and reinforce such measures.<sup>238</sup>
- Adopt legislation and policies to eliminate all forms of GBVAWP, and ensure their implementation through adequate enforcement mechanisms.<sup>239</sup>
- Adopt legislation to ensure that public organizations and institutions, including political parties, trade unions, professional or industry associations, CSOs and community organizations, do not discriminate against women and that they respect and actively promote women's participation and leadership.
- Enact legislation to cap spending on electoral campaigns and provide campaign financing for women candidates.

<sup>238</sup> CEDAW general recommendations 23 and 25 state that temporary special measures are not limited to electoral quotas but can take a variety of legislative, executive, administrative and other regulatory measures, including advocacy and campaigns, outreach or support programmes, allocation and/or reallocation of resources, preferential treatment, targeted recruitment, hiring, promotion and appointment, and numerical goals connected with time frames.

<sup>239</sup> For detailed guidance and good practices on measures to be taken by parliaments, see IPU, [Guidelines on the elimination of sexism, harassment and violence against women in parliament](#) (Geneva: IPU, 2019).

## **Parliamentary mechanisms**

- Ensure awareness-raising and capacity-building for parliamentarians and parliamentary staff on women's political participation.
- Ensure a working environment within parliaments in which women are safe from harassment, bullying and intimidation, and which is responsive to women and men parliamentarians' family and care responsibilities based on the principle of equal sharing of family and care responsibilities between women and men.

**For additional guidance on recommended action in this area, see CEDAW Committee, [General recommendation No. 23: Political and public life, 1997](#).**

## Part III: The role of parliaments in advancing the CEDAW Convention

This part of the handbook focuses on the role of parliaments in advancing the CEDAW Convention in their work, and in the following areas in particular:

- Ratifying the Convention and its Optional Protocol, and lifting reservations
- Ensuring implementation of the Convention at the national level
- State reporting to the CEDAW Committee on such **implementation**



Parliamentarians have an essential role in ensuring that the provisions of CEDAW become a reality for all women and girls. © IPU/Parliament of Bahrain

## **III.1. The CEDAW Committee and the role of parliaments**

In its 2010 statement on the role of parliaments, the CEDAW Committee highlights that while the procedure for ratification of, or accession to, international treaties and the withdrawal of reservations varies according to the domestic legal systems of States, parliaments regularly play a crucial role in the following areas:

- Parliaments can **encourage their State to become party** to the CEDAW Convention and its Optional Protocol.
- In most States, **approval** by parliament is necessary before the deposit of the instrument of ratification of an international treaty to the Secretary-General of the UN.
- Parliaments also play an important role in **raising awareness about the need to lift reservations** by their State to the CEDAW Convention.
- Parliaments and their members have a vital role to play in **ensuring respect** for the principles of the CEDAW Convention and the implementation of its provisions, including the incorporation into national legislation of gender equality, the prohibition of gender discrimination against women, and the various rights in the Convention.
- Parliaments should also contribute to **State reporting to the CEDAW Committee**, namely by participating in the drafting of States parties' reports on implementation of the Convention, in the dialogue with the Committee, and in the follow-up to the concluding observations of the Committee.<sup>240</sup>

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<sup>240</sup> CEDAW Committee, [National parliaments and the Convention on the Elimination of All Forms of Discrimination against Women: Statement on the relationship of the Committee on the Elimination of Discrimination against Women with parliamentarians](#), E/CN.6/2010/CRP.2, 12 February 2010, Annex VI.

## III.2 The role of parliaments in ratifying the CEDAW Convention and the Optional Protocol, and in lifting reservations

Often, national debates on the need to ratify international treaties are initiated by national coalitions that bring together a wide range of stakeholders. Parliamentarians are among those pioneers, together with other actors such as CSOs, NHRIs, National Women's Machineries (NWVMs), academics, journalists and other politicians. Parliamentarians can play an important role in initiating the discussion both nationally and within parliament itself. They can draw on their expertise in women's human rights and gender equality to demonstrate the arguments in favour of ratifying CEDAW and its Optional Protocol.

### Box 19: Status of ratification of the CEDAW Convention and its Optional Protocol

As of 1 June 2022, the CEDAW Convention had received almost universal ratification. A total of 189 States had ratified the Convention, with only the Islamic Republic of Iran, Palau, Somalia, Sudan, Tonga and the United States of America among UN Member States not to have done so. As of the same date, 115 States were party to the Optional Protocol and 11 States had signed but not ratified it.<sup>241</sup>

### Box 20: Signing, ratifying or acceding to a treaty<sup>242</sup>

**Signing** a treaty shows initial acceptance of the treaty by the State, subject to ratification. This allows States time to seek approval for the treaty according to their domestic procedures. By signing a treaty, a State is obliged to refrain from acts which would defeat the object and purpose of the treaty (article 18 of the Vienna Convention on Law of Treaties).

**Ratification** is the process by which a State, having initially signed a treaty, completes the process internally and becomes a party thereto.

**Accession** is the act by which a State that has not signed a treaty beforehand expresses its consent to become a party to that treaty. Accession usually occurs after the treaty has entered into force.

Ratification and accession have the same effect: the State becomes a party to the treaty in both cases and has the same obligations to implement the treaty at the national level.

<sup>241</sup> For information about the ratification of international treaties, see OHCHR, "[Status of Ratification Interactive Dashboard](#)".

<sup>242</sup> See further in UN Dag Hammarskjöld Library, "[What is the difference between signing, ratification and accession of UN treaties?](#)".

Under most constitutions, parliaments will be formally involved before the instrument of ratification or accession is deposited by the competent organ in the State, with time allocated for discussion or objection to the intention of the government.<sup>243</sup> Parliamentarians also play an important role in lifting reservations. By entering reservations, States may limit the applicability of certain rights under a treaty in respect of that State (see [section I.2.3 on reservations to CEDAW](#)).<sup>244</sup> The representational role and the familiarity of parliamentarians with their constituencies put them in a unique position to assess how reservations are impacting the enjoyment of rights by women and girls. This enables them to use the evidence they have collected from the lived realities of women and girls in order to initiate motions for lifting reservations or to support such motions put to parliament by others.

## **What parliaments can do 16: Ratifying the CEDAW Convention and its Optional Protocol and lifting reservations**

- In countries that are not party to the CEDAW Convention, parliamentarians can raise awareness in parliament about the importance of the Convention for ensuring gender equality, and call for the ratification of the Convention.
- In countries that are not party to the Optional Protocol to the CEDAW Convention (relating to individual communications and the inquiry procedure), parliamentarians can raise awareness in parliament about the importance of the Optional Protocol and call for its ratification.
- In countries that are party to the CEDAW Convention, parliamentarians can raise awareness among other MPs and parliamentary staff about the importance of the CEDAW Convention and the need for its incorporation into national legislation.
- In countries that have entered reservations to the CEDAW Convention, parliamentarians can raise awareness about the impact of these reservations on gender equality and women's human rights and call for them to be lifted (see also [section I.2.3 on reservations to CEDAW](#)).

243 When a State wishes to ratify or accede to an international human rights treaty, it must execute what is known as an instrument of ratification, which is a formal confirmation signed by the Head of State, Head of Government or Minister for Foreign Affairs.

244 CEDAW Committee, [Statements on reservations to the Convention on the Elimination of All Forms of Discrimination against Women adopted by the Committee on the Elimination of Discrimination against Women](#), A/53/38/Rev.1, 1998.

### **III.3 The role of parliaments in the implementation of the CEDAW Convention**

As part of the State apparatus, parliaments have a responsibility to protect and ensure respect for human rights and to implement a State's obligations under international human rights treaties at the national level, together with the executive and judicial branches.

Article 2 of CEDAW outlines the general obligations of States parties under the Convention. It requires States parties to ensure compliance with the Convention and to take all legislative, administrative, budgetary and other appropriate measures to eliminate discrimination against women and girls in all its forms and by any person, organization or enterprise, as well as to modify or abolish existing laws, regulations, customs and practices that constitute discrimination directly or indirectly (see [section II.1.1.a on discrimination and equality](#)).

Parliaments play an important role in ensuring respect for a State's obligations under the Convention, in particular through their principal functions of law-making, oversight and ensuring budgetary allocation. The law-making function enables parliaments and parliamentarians to prohibit and prevent human rights violations, by ensuring that rights are affirmed and protected by law, and that national law provides practical and effective means by which remedies may be sought for violations. Parliaments also have an essential role to play in monitoring the human rights performance of the executive branch of government, and in overseeing compliance with human rights obligations. In addition, parliaments ensure that required budgets are allocated for implementing legislation, establishing institutions, putting in place strategies and plans for the implementation of legislation, and ensuring gender equality in practice.

The vital role of parliaments in promoting respect for international human rights standards has been repeatedly recognized and emphasized by the UN Human Rights Council resolution 35/29 acknowledges "the crucial role that parliaments play in, inter alia, translating international commitments into national policies and laws" and hence in contributing "to the fulfilment by each State Member of the United Nations of its human rights obligations and commitments and to the strengthening of the rule of law".<sup>245</sup>

Accordingly, OHCHR, in coordination with the IPU, prepared a report focusing on enhanced synergies between parliaments and the work of the Human Rights Council and its UPR. The report highlights the role of parliaments in the promotion and protection of human rights. It contains examples of how parliamentary human rights committees in particular have been playing their part. It concludes with a set of recommendations on strengthening the role of parliaments in ensuring human rights guarantees nationally and in relation to engagement with the international human rights mechanisms. The report also includes a set of **draft principles on parliaments and human rights**.<sup>246</sup>

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<sup>245</sup> UN Human Rights Council resolution 35/29, [Contribution of parliaments to the work of the Human Rights Council and its universal periodic review](#), A/HRC/RES/35/29, 13 July 2017.

<sup>246</sup> UN Human Rights Council, [Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights](#), A/HRC/38/25, 17 May 2018. The draft principles on parliaments and human rights can be found in Annex 1 to the report.

In addition to recommendations related to law-making, oversight and budgetary roles, other recommendations include the following:

- Ensure that development assistance and cooperation funds support the implementation of recommendations from international and regional human rights mechanisms in countries recipients of such funds.
- Hold public hearings, request information and documentation, summon and hear witnesses, provide reports and recommendations to the plenary of the parliament, and initiate parliamentary debates on human rights-related issues.
- Review and comment on the draft reports that the State is required to submit to the international and regional human rights mechanisms.
- Participate, through a designated focal point, in the national mechanism for reporting and follow-up (for further details, see [section III.4 on the role of parliament in reporting to the CEDAW Committee](#)), and ensure that recommendations of international and regional human rights mechanisms are identified and given priority consideration for legislative reform or budgetary adjustments.
- Participate in the UPR and in sessions of the treaty bodies, either as part of the government delegation or separately.
- Lead the parliamentary oversight of the work of the government in implementing recommendations of international and regional human rights mechanisms.<sup>247</sup>

## **What parliaments can do 17: Parliaments and the implementation of the CEDAW Convention**

- Ensure that the Convention guides and frames the parliament's legislative agenda, as well as the content of laws and policies.
- Ensure that the government implements its obligations under the Convention through adequate oversight.
- Ensure that adequate budgets are allocated to the implementation of laws and policies that aim at advancing women's human rights and establishing the institutions for such implementation.
- Engage in the State reporting process to the CEDAW Committee as a means to monitor the implementation of the Convention nationally, including the preparation of the report and the follow-up to the Committee's concluding observations.

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<sup>247</sup> For detailed recommendations, see *ibid.*, paras 56–64.

### **III.3.1 Legislative role**

Enshrining rights in law serves the following functions: protecting rights, regulating behaviour or conduct, and acting as an agent of social reform. It is important to note that the law-making role of parliamentarians is not limited to the substance of the law or the written piece of legislation. Rather, their role is also to consider the structure or the procedural aspects and mechanisms of law enforcement and administration of justice, as well as the culture, value systems and social environment within which the law is interpreted and operationalized.<sup>248</sup>

#### **The approach of the CEDAW Committee 15: Implementation of the CEDAW Convention – Parliament’s legislative role**

In its general recommendation No. 28 on the core obligations of States parties under article 2 of the Convention,<sup>249</sup> the CEDAW Committee clarifies that States parties must take all appropriate measures to give effect to their obligations under the Convention, including by adopting anti-discrimination legislation, establishing legal protection for the rights of women, and modifying or abolishing discriminatory laws and practices. The Committee reminds States parties that domestic laws may never be used as a justification for failure to comply with their international obligations.

The Committee stresses that discrimination can occur through the failure of States to take necessary legislative measures to ensure the full realization of women’s human rights, the failure to adopt national policies aimed at achieving equality between women and men, and the failure to enforce relevant laws.

The Committee emphasizes the importance of taking steps to continuously move forward in order to achieve the Convention’s goals. This should comprise constitutional and legislative guarantees, including alignment of legal provisions at the domestic level and amendment of conflicting legal provisions. The principles of equality of women and men and of non-discrimination must be enshrined in domestic law and have an overriding and enforceable status.

Legislation should be put in place to prohibit discrimination in all fields of women’s lives under the CEDAW Convention and throughout their lifespan. This includes taking steps to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women. States parties should also ensure that legislation prohibiting discrimination and promoting equality of women and men provides appropriate remedies for women who have been subjected to discrimination in violation of the Convention.

The Committee considers that the Convention is implemented more effectively when it is part of the domestic legal order, either automatically or through specific incorporation. Accordingly, it encourages those States parties in which the Convention does not form part of the domestic legal order to consider its incorporation to make it part of domestic law, for example through a general law on equality.

<sup>248</sup> See further in Partners for Law in Development (PLD), [Developing Capacities for Strengthening the Application of CEDAW: A Trainers’ Guide](#) (New Delhi: PLD, 2012).

<sup>249</sup> The CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010.

## **Case study 4: Country examples of parliament's legislative role in advancing the CEDAW Convention (Argentina, Lebanon and Thailand)**

**Argentina** has adopted several laws, including the following:

- A law on access to employment for transsexual, transgender and transvestite persons
- A law on gender equity in the media, which establishes parity between men and women and creates quotas for transsexual, transgender and transvestite persons
- The “1,000 days” law, which guarantees comprehensive assistance for pregnant women and their children in the first 1,000 days (three years) of the child’s life
- A law on voluntary interruption of pregnancy
- A law on violence and harassment at work, and ratification of International Labour Organization (ILO) Convention No. 190: Violence and Harassment Convention (2019)
- A quota law for musical events, which establishes a minimum quota of 30 per cent for women’s representation in live music events
- A law on political violence, which recognizes political violence as a form of GBVAW
- A street harassment law
- The “Micaela Law”, which obliges officials of the three branches of government to undergo training on gender
- The “Brisa Law”, which creates a regime of economic reparations for children and adolescents whose mothers were victims of femicide
- A gender parity law for elected positions<sup>250</sup>

In **Lebanon**, parliament carried out a screening of laws with a view to repealing or amending provisions that discriminate against women. This exercise focused on laws relating to family and personal status, participation in public life, social protection, economic participation, equal pay and other issues. Parliament adopted several draft laws, including amendments to the domestic violence law and a law criminalizing sexual harassment.<sup>251</sup>

**Thailand** has made significant efforts to integrate the principle of non-discrimination into legislation and policies. The 2017 Constitution clearly stipulates that women and men enjoy equal rights. The State is required by the Constitution to incorporate gender-responsive budgeting in the preparation of the national budget. The Constitution also requires political parties to take gender balance into consideration in the lists of candidates for parliamentary elections. The 2015 Gender Equality

<sup>250</sup> Information obtained from online consultation with parliamentarians for this handbook, 22 July 2021.

<sup>251</sup> Ibid.

Act explicitly prohibits gender-based discrimination against all persons, including lesbian, gay, bisexual and transgender persons, and establishes a committee to promote gender equality. In 2019, parliament amended the Labour Protection Act with a view to closing gender gaps in the workplace, improving maternity leave, ensuring equal pay for work of equal value and providing protection against sexual harassment. Employers are prohibited from terminating the employment of female employees on grounds of pregnancy.<sup>252</sup>

## What parliaments can do 18: Implementation of the CEDAW Convention – Parliament's legislative role

- Enshrine the principle of equality of women and men and the prohibition of discrimination against women in domestic law with an overriding and enforceable status, and allow for the introduction of temporary special measures to redress pre-existing inequalities (see [section II.1.1.c on temporary special measures](#)).
- Enact legislation to prohibit discrimination against women by State and non-State actors.
- Abolish customs and practices that constitute discrimination against women.
- Repeal or amend discriminatory provisions in civil and penal laws, as well as in customary and religious laws and practices, and ensure that constitutions and ordinary laws supersede traditional, customary and religious laws or practices that discriminate against women.
- Adopt legislation to prohibit discrimination against disadvantaged groups of women, including women in detention, refugee, asylum-seeking and stateless women, migrant women, lesbian, bisexual, transgender and intersex women, women with disabilities, indigenous women, women victims of trafficking, women in prostitution, widows and older women.
- Ensure that laws provide women with access to effective remedies when their rights have been violated. This should include different forms of reparation, such as monetary compensation, restitution, rehabilitation and reinstatement; measures of satisfaction, such as public apologies, public memorials and guarantees of non-repetition; changes in relevant laws and practices; and procedures for holding accountable those who discriminate against women, including perpetrators of GBVAW.
- Adopt legislation to address discriminatory gender stereotypes.

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<sup>252</sup> Ibid.

### **III.3.2 Budgetary role**

The budget is the most important economic policy tool of the national government. It is the fundamental indicator of what the government proposes to do and what objectives it pursues. It is reflective of priorities adopted by the State and presents the government's financial plans for an upcoming budget cycle.

Legislative approval of the budget is normally a constitutional requirement. But beyond this formal requirement, parliaments should be involved in the budgetary process for the following reasons:

- Parliament has an essential role to play as the link between the public/taxpayer and the government, which spends and redistributes the money.
- As the representative of the people, parliament is the appropriate body to ensure that the budget reflects their priorities.
- Checks and balances support transparency and good governance. Participation in the budgetary process can build consensus over difficult choices and trade-offs.
- Participation in the budgetary process can improve policies.

The strategic and policy orientations underpinning budgets must reflect the interests and concerns of all people: men and women, girls and boys. Gender-responsive budgeting is an essential means of ensuring equality because gender-responsive budgets seek to reduce gender gaps and inequalities and address poverty more effectively.<sup>253</sup> Gender-responsive budgeting is therefore an important tool for ensuring that State obligations under the CEDAW Convention are met.

As such, it is important to strengthen the capacity of parliamentarians and parliamentary staff to scrutinize relevant financial reports, understand general economic issues from a gender perspective and analyse the budget to ensure that it is gender-responsive.

#### **Box 21: Gender-responsive budgeting**

"Gender-responsive budgeting" is an approach in which gender equality objectives are systematically integrated into government policy, planning, budgeting, monitoring, evaluation and audit. It aims to highlight the gender-differentiated distributive impacts of the budget (in terms of both revenue raised and expenditures) and can be the basis for adjusting resources to ensure that both women and men benefit from government resources.<sup>254</sup>

253 See Oxfam, [A guide to gender-responsive budgeting: What is gender-responsive budgeting?](#) (Oxford: Oxfam, 2018).

254 UN Women, "[Gender Responsive Budgeting](#)", online moderated training course – module 1 (2020). See also IPU, [Parliament, the Budget and Gender: Handbook for Parliamentarians No. 6](#) (Geneva: IPU, 2004).

## **The approach of the CEDAW Committee 16: Implementation of the CEDAW Convention – Parliament’s budgetary role**

In its general recommendation No. 28 on the core obligations of States parties under article 2 of the Convention,<sup>255</sup> the CEDAW Committee reminds States parties of various obligations in relation to budgetary allocation. According to article 2, States parties “agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”. Such a policy must be linked to mainstream governmental budgetary processes in order to ensure that all aspects of the policy are adequately funded, so that the measures adopted can make a real difference to women’s lives in practice.

The Committee calls on States parties to promote equality of women and men through the formulation and implementation of national plans of action and other relevant policies and programmes in line with the Beijing Declaration and Platform for Action, and by allocating adequate human and financial resources to their implementation.

The wording “pursue by all appropriate means”, employed in article 2 of the Convention, gives States parties flexibility for devising a policy that will be appropriate for their particular context and legal framework. Such a policy must take into account and respond to any existing obstacles and resistance to the elimination of discrimination against women. However, each State party must be able to justify the appropriateness of the particular means it has chosen and demonstrate whether it will achieve the intended effect and result. This means that the State must immediately assess the situation of women in law and in practice and take concrete steps to formulate and implement a policy that is targeted as clearly as possible towards the goal of fully eliminating all forms of discrimination against women and achieving women’s substantive equality with men.

The words “without delay”, in article 2 of the Convention, make it clear that the obligation of States parties to pursue their policy, by all appropriate means, is of an immediate nature. This does not allow for any delayed or incremental implementation of the obligations that States assume upon ratification of or accession to the Convention. It follows that a delay cannot be justified on any grounds, including resource or other considerations or constraints within the State. Where a State party is facing resource constraints, it should seek international assistance in order to overcome these difficulties.

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<sup>255</sup> CEDAW Committee, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010.

The Committee stresses that the human rights of women must be fulfilled by the promotion of substantive (or de facto) equality through all appropriate means, including concrete and effective policies and programmes aimed at improving the status of women and achieving equality, including, where appropriate, through the adoption of temporary special measures, which must be adequately resourced.

States parties must also provide reparation to women whose rights under the Convention have been violated. This can include financial compensation to be funded through dedicated budgets.

### **Case study 5: Country examples of gender-responsive budgeting by parliaments (Bangladesh, Canada and Mexico)**

In **Bangladesh**, gender is integrated into the Medium-Term Budget Framework, which requires ministries to clearly link their targets to the advancement of women's human rights, including the WPS agenda. Ministerial annual budgets must also identify how gender equality is being promoted. The Ministry of Finance carries out a gender budget analysis of all ministries, which is submitted to parliament for each budget session. The Government has presented a gender budget since the 2009–2010 financial year across 43 ministries/divisions.<sup>256</sup>

In **Canada**, the Government produces a Gender Budget Statement which provides a gender-based analysis of the budget, identifying how policies may affect women differently than men. In 2018, two House of Commons Standing Committees, the Foreign Affairs and International Development Committee and the National Defence Committee, jointly examined the spending of governmental departments responsible for the implementation of the WPS agenda. MPs questioned the Minister of National Defence on the recruitment of women and policies on the elimination of harmful and inappropriate sexual behaviour within the military.<sup>257</sup>

In **Mexico**, the General Law on Women's Access to a Life Free of Violence was enacted in 2007. A gender-sensitive public budget was adopted in the following year. This specific budget, which focuses on prevention, attention to, sanction and eradication of GBVAW,<sup>258</sup> is outlined in a dedicated annex of the federal public budget.

<sup>256</sup> Kaniz Siddque, [A Case Study of Gender Responsive Budgeting in Bangladesh](#) (London: Commonwealth Secretariat, 2013).

<sup>257</sup> UNDP, [Parliaments as partners supporting the Women Peace and Security agenda: A Global Handbook](#) (New York: UNDP, 2019).

<sup>258</sup> Information obtained from online consultation with parliamentarians for this handbook, 22 July 2021.

## What parliaments can do 19: Parliament's budgetary role

- Ensure that a gender-responsive budgeting framework is adopted and applies generally for the development, implementation and monitoring of government policies, plans, budgets, including, as needed, in their evaluation and auditing.
- Ensure that gender-responsive budgeting is based on an assessment of the situation of women in law and in practice and allocate a budget for such assessment.
- Ensure the immediate formulation and implementation of a policy aiming at fully eliminating all forms of discrimination against women and achieving substantive equality of women and men, and ensure the allocation of a necessary budget for the formulation and implementation of such policy.
- Ensure the allocation of resources for gender-sensitive evaluation and reform of legislation and policies, including the establishment and resourcing of dedicated bodies and mechanisms tasked with implementing such reviews and related reforms.
- Build the capacity of parliamentarians and parliamentary staff in gender-responsive budget analysis.

### III.3.3 Oversight role

Parliament's oversight functions are an important tool for strengthening democracy, accountability and the effectiveness of State institutions. Oversight ensures that government policies and actions are both efficient (by assessing their implementation) and commensurate with the needs of the public (by assessing their impact). Parliamentary oversight is also crucial in checking government wrongdoing, whether intended or unintended.

It extends to every aspect of the role and functions of the government. Through oversight, parliaments ensure that the public is aware of and able to monitor government plans, and the extent of implementation of these plans. Oversight processes assess the impact of government action on society, and help identify unintended or negative effects of government policy and actions.<sup>259</sup>

*To ensure constructive oversight, it is important to establish an effective oversight culture in which all participants feel free to express and consider different views. This enhances government performance, confers additional legitimacy to parliament and government, and benefits the public.*

<sup>259</sup> For further discussion on the oversight role of parliaments, see IPU and UNDP, [Global Parliamentary Report 2017 – Parliamentary oversight: Parliament's power to hold government to account](#) (Geneva: IPU and UNDP, 2017).



Dedicated gender committees and women's parliamentary caucuses can serve as key mechanisms for oversight of government action to advance gender equality. © IPU/M. Duarte Mutzenberg

### Box 22: Gender-sensitive oversight

Gender-sensitive oversight involves ensuring that all aspects of government action promote gender equality. This can help to identify areas where affirmative action or other measures might be required in order to rectify the ongoing impacts of historical and present-day gender-based discrimination.

Parliamentary oversight is essential to ensuring that a State meets its international human rights commitments, including the implementation of CEDAW Committee recommendations, through national actions.

Effective oversight requires parliaments to establish effective oversight systems, including:

- the establishment of a strong mandate with clearly defined powers to hold government to account
- committed and willing participants who are prepared to use the powers available to them to hold government to account
- sufficient capacity in parliament to implement these powers, including independent sources of research and analysis, and possible sanctions

Oversight should be available equally to all parliamentarians. It is therefore important to respect the right of opposition parties to access the full range of oversight tools.

### **Case study 6: Gender equality oversight by parliament (Spain and Wales)**

In **Spain**, Organic Act 1/2004 was enacted to prevent and combat gender-based violence and to protect victims. The law required the establishment of the State Observatory on Violence against Women, an interministerial body mandated to create an official database to collate and analyse information provided by the relevant public institutions with a focus on gender-based violence, and to make this information available to key institutions, such as parliament. This was considered key to informing parliament's oversight work. In 2008, the parliamentary Commission on Equality also set up its own subcommittee with a specific mandate to review the implementation of the law. The subcommittee spent more than a year receiving submissions from a range of experts within and outside government. The resulting report and recommendations were unanimously approved by the Commission.<sup>260</sup>

In **Wales**, the Assembly Committee on Communities, Equality and Local Government was responsible for scrutinizing the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill before it became law in 2015. A year later, the renamed Equality, Local Government and Communities Committee undertook a post-legislative inquiry to look at the progress made in the implementation of the Act's provisions and its impact to date, including the extent to which the approach to tackling violence against women, domestic abuse and sexual violence was improving as a result of the obligations in the Act and whether the National Adviser for Violence against Women had sufficient power and independence from the Welsh Government to ensure implementation of the Act.<sup>261</sup>

260 IPU and UN Women, [Gender-responsive law-making](#) (Geneva: IPU and UN Women, 2021), Box 21.

261 Ibid.

## **What parliaments can do 20: Parliament's oversight role**

- Establish or utilize mechanisms for oversight, including parliamentary committees, commissions of inquiry, direct questioning of government ministers, scrutiny of executive appointments, and motions and debates.
- Monitor the effective implementation of legislation by the government, including by ensuring the allocation of required budgets and the establishment of necessary institutions and structures.
- Ensure the establishment of complaint and monitoring mechanisms for potential abuses of power, arbitrary behaviour, and illegal or unconstitutional conduct by government agents.
- Ensure that strategies, policies and programmes are adequately funded, and that they are directed towards the implementation of government's international commitments and obligations.
- Ensure the implementation of government policies and plans, analyse publicly funded services to improve the efficiency and effectiveness of government expenditure, and evaluate and assess the impact of these policies and plans so as to increase accountability for failure and ensure lessons are learned for future planning.
- Hold public debates on government operations and on implementation of policies and plans, in order to increase government transparency.
- Constantly improve the oversight culture within parliament by reforming rules of procedure.
- Increase gender-sensitive oversight capacity among parliamentarians, especially within related committees and caucuses.

## **III.4 The role of parliaments in the State reporting cycle to the CEDAW Committee**

By ratifying the CEDAW Convention, a State party accepts the competence of an independent international body – the CEDAW Committee – to monitor its compliance with the Convention. States parties submit periodic reports to the Committee on the progress achieved and obstacles encountered in implementing their international obligations under the Convention.

The role of parliamentarians in this reporting cycle starts with the preparation of the State party's report, when discussions on the content of the report are held prior to its submission to the Committee. When the Committee is about to review the report during what is called the "constructive dialogue" with the State party, parliamentarians can be part of the State delegation. Parliaments also play an essential role in ensuring follow-up to the concluding observations that the CEDAW Committee adopts at the end of the State party review.

National reports to the CEDAW Committee contain detailed information about legislative, judicial, administrative and other measures taken by the State to implement the CEDAW Convention, as well as about obstacles encountered. The reports require a comprehensive mapping of progress in achieving gender equality. Parliaments play an important role in ensuring that the information presented in the report is accurate.

### **III.4.1 The reporting and review process**

Treaty bodies, including the CEDAW Committee, have developed their own reporting guidelines to ensure that State party reports provide a uniform and complete overview of the implementation of the human rights obligations by the State party concerned.<sup>262</sup> These guidelines can be found on the OHCHR treaty body web pages.<sup>263</sup>

The following information focuses on State reporting to the CEDAW Committee:<sup>264</sup>

- Every State party must submit an **initial report** on the implementation of its obligations under the CEDAW Convention within **one year** after CEDAW enters into force in the country. After that, **periodic reports** must be submitted **at specified intervals** on the progress made. State party reports and the schedule of country reviews by treaty bodies are published on the OHCHR website's dedicated page for the CEDAW Committee.<sup>265</sup>

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<sup>262</sup> UN International Human Rights Instruments (HRI), [Compilation of guidelines on the form and content of reports to be submitted by states parties to the international human rights treaties: Report of the Secretary-General](#), HRI/GEN/2/Rev.6, 3 June 2009. As discussed earlier, in December 2019, the CEDAW Committee updated its reporting guidelines to include information on reporting on the Sustainable Development Agenda, and the WPS agenda. See CEDAW Committee, [Guidance note for States parties for the preparation of reports under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women in the context of the Sustainable Development Goals](#), CEDAW/C/74/3, 18 December 2019.

<sup>263</sup> See OHCHR, "[Guidelines and tools for treaty body reporting](#)".

<sup>264</sup> Efforts are currently under way to strengthen the treaty body system, to enhance horizontal coordination between various treaty bodies, and to ensure constant updating and alignment of their working methods. See OHCHR, "[Treaty body strengthening](#)".

<sup>265</sup> For information on the master calendar showing country reports and dates of sessions, see OHCHR, "[UN Treaty Body Database](#)" (specific link for master calendar by State).

- After receiving the report, the Committee adopts a **list of issues and questions** (LOI) for the State party concerned. The LOI is a set of questions around specific issues relevant to that particular State party. It helps to guide the State party in preparing for the review, as it indicates matters that are likely to be raised during the examination of the report in the constructive dialogue between the Committee and the State party. States parties are requested to submit written responses to the LOI.<sup>266</sup>
- In July 2022, the Committee decided to reintroduce the **simplified reporting procedure (SRP)** as the default procedure for the consideration of State party reports (with an opt-out option for States parties that wish to be reviewed under the traditional procedure). Under the SRP, the Committee prepares a **list of issues prior to reporting** (LOIPR). The State report then focuses on the issues raised in the LOIPR, and no further list of issues and questions is developed before the dialogue between the Committee and the State party delegation.
- The constructive dialogue takes place between the members of the Committee and the State party delegation. It focuses on the information included in the State party report and its responses to the LOI (for States opting out of the SRP) or on the information included in the LOIPR (for States reporting according to the SRP), as well as information received from other sources. Usually, the reporting State party sends a delegation to engage in a dialogue with the Committee members. This delegation normally comprises the head of the NWM, representatives of the ministry of foreign affairs and officials with specific expertise in the various areas covered by the Convention, such as administration of justice, education and health. It may also include the national mechanism for implementation, reporting and follow-up (NMIRF), which is the government-led structure coordinating engagement with UN human rights mechanisms. The CEDAW Committee stresses the importance of including MPs in delegations.
- Based on the review of the report, including the responses by State representatives to the Committee's questions during the dialogue, the Committee issues its concluding observations.<sup>267</sup>

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<sup>266</sup> For lists of issues, see OHCHR, "[UN Treaty Body Database](#)" (specific link for lists of issues).

<sup>267</sup> For concluding observations to States, see OHCHR, "[UN Treaty Body Database](#)" (specific link to concluding observations by State).

## **Box 23: National Mechanisms for Implementation, Reporting and Follow-up (NMIRFs)**

NMIRFs are national governmental bodies or structures mandated to coordinate and prepare reports to, and engage with, international and regional human rights mechanisms (including UN treaty bodies, the UPR and special procedures). They are also responsible for coordinating and tracking national follow-up and implementation of treaty obligations, including timely submission of reports and follow-up on the implementation of recommendations by treaty bodies to States parties. NMIRFs may be ministerial or interministerial bodies, or may be constituted separately. They perform their functions in coordination with ministries, specialized State bodies (such as the national statistics office), parliaments and judiciaries. They also consult with NHRIs and CSOs in the countries.

NMIRFs are often based within the ministries of foreign affairs or they liaise closely with them. NMIRFs involve a comprehensive approach, engaging widely on all human rights and with all international and regional human rights mechanisms, and following up on recommendations and individual communications from such mechanisms.<sup>268</sup>

## **Case study 7: A digital coordination tool for increased engagement on the work of the CEDAW Committee and other UN bodies (Paraguay)**

In **Paraguay**, a project originally supported by OHCHR paved the way for the creation of SIMORE, a digital platform that allows parliament, the executive and the judiciary to work together to follow up on recommendations from the CEDAW Committee and other international bodies. SIMORE provides the public with transparent access to information on the status of implementation of recommendations. It clearly indicates the institutions responsible for implementing specific recommendations. A network of focal points, comprising more than 50 State officials from the three government branches working in seven thematic groups, is tasked with identifying public policies and ways to overcome implementation challenges.

Parliamentarians across the board have been empowered by the success of SIMORE, which in turn has triggered increased international engagement: since 2016, five Paraguayan MPs have taken part in delegations to UN bodies.

Paraguay is currently supporting the development of similar institutional coordination mechanisms and platforms in other countries.

<sup>268</sup> For detailed information and guidance on NMIRFs (formerly referred to as national mechanisms for reporting and follow-up), see OHCHR, [National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#), (New York and Geneva: United Nations, 2016). See also UN Human Rights Council, [Regional consultations on experiences and good practices relating to the establishment and development of national mechanisms for implementation, reporting and follow-up: Report of the Office of the United Nations High Commissioner for Human Rights](#), A/HRC/50/64, 4 May 2022, which contains a collection of good practices of these mechanisms, including how they engage with parliaments.

### **III.4.2 Concluding observations**

Concluding observations are important resources for the advancement of gender equality by all concerned stakeholders at the national level. They provide authoritative guidance as to what CEDAW requires in the given country context and recommend necessary reforms in the States parties reviewed. Concluding observations often recommend the adoption or amendment of laws, policies and programmes, the reinforcement or establishment of institutions or organs to ensure CEDAW implementation, and other relevant measures.

Concluding observations normally include:

- an acknowledgement of positive steps taken by the State to comply with its obligations
- a summary of factors and difficulties affecting the implementation of the Convention for the State party
- identified issues of concern that require further action by the State party to implement its obligations under the Convention
- recommended measures that the State could take in order to improve its implementation of the Convention
- specific recommendations that the Committee considers to be urgent, a priority and implementable, which the State is requested to report on within two years or exceptionally, within one year through the follow-up procedure

In its concluding observations, the CEDAW Committee advises that States parties widely disseminate its recommendations in order to ensure that all branches of the government and civil society are made aware of them.

#### **Case study 8: Parliament oversees follow-up to CEDAW Committee recommendations (Brazil)**

In **Brazil**, the Human and Minority Rights Committee of the Chamber of Deputies houses a Parliamentary Observatory on the UPR. As part of the Observatory's mandate, an assessment of the implementation of UPR recommendations focusing on combating gender-based violence was carried out following the 2017 review of Brazil. The assessment report is based on a public hearing held in July 2021, as well as interviews with stakeholders and a desk review of official statistics and reports by CSOs. One of the recommendations that was followed up on focused on gender training for all judges who have the competence to hear complaints under Law 11.340/2006 on gender-based violence (known as the "Maria da Penha Law"). The official decision to implement this mandatory training was grounded in the CEDAW Committee's general recommendation No. 35.<sup>269</sup>

<sup>269</sup> See Chamber of Deputies of Brazil, "[Observatório Da Revisão Periódica Da ONU De Direitos Humanos: Avaliação Das Recomendações](#)".

### III.4.3 Consultation with NHRIs and CSOs

States parties are encouraged to prepare their reports on the implementation of human rights treaties in broad **consultation** with NHRIs and civil society, so as to make the reporting process as participatory and inclusive as possible. At the same time, the CEDAW Committee invites NHRIs and CSOs to make their own submissions for a State party review, often referred to as alternative or shadow reports.

#### Box 24: The role of NHRIs and CSOs in the review of State party reports

Parliamentarians work closely with NHRIs and CSOs. Many of them have direct roles within NHRIs or CSOs, or are associated with them.

NHRIs have an important role to play in encouraging their respective States to meet their reporting obligations. They can provide the CEDAW Committee with independent information on national human rights situations, and promote the implementation of the Convention and the Committee's concluding observations. They can review State reports and discuss them with parliament, as well as prepare their own reports and submit them to the Committee. Engaging with NHRIs also helps parliaments identify issues and recommendations for follow-up.

Producing country-specific alternative or shadow reports provides CSOs, including women's human rights organizations, with an opportunity to comment on the implementation of CEDAW in their country and to present their perspective to the CEDAW Committee. The Committee values timely alternative/shadow reports by CSOs for consideration by the Committee's pre-session working group (PSWG), which produces the LOI or the LOIPR, as well as for the plenary session at which the dialogue takes place. It also welcomes oral presentations by CSOs at the PSWG meeting and at the plenary session. CSOs also play an essential role in ensuring follow-up to the Committee's concluding observations.<sup>270</sup>

<sup>270</sup> For further information about the role of CSOs, see CEDAW Committee, [Statement by the Committee on the Elimination of Discrimination against Women on its relationship with non-governmental organizations](#), 45th session of the CEDAW Committee, 2010.

### **III.4.4 The role of parliaments in the reporting cycle to the CEDAW Committee**

As part of the State apparatus, parliaments have a role to play at all stages of the reporting cycle. In its statement on the relationship between the Committee and parliamentarians,<sup>271</sup> the CEDAW Committee explains the role of parliaments at the various reporting and implementation stages, as shown in Figure 2 below. The statement contains the following recommendations, among others:

- Governments should **inform and involve parliaments throughout the reporting cycle.**
- Governments should include in their reports **information on the work of parliament** to advance the CEDAW Convention at the national level.
- Governments should **include MPs in their delegations.**
- Governments should **cooperate with parliaments in implementing the Convention.**

During CEDAW sessions, the Committee asks State party delegations about the level of parliamentary involvement in the reporting process. The Committee also requests that its concluding observations be presented to the parliament of the State party concerned and calls on parliaments to contribute to the follow-up on the concluding observations.

#### **The approach of the CEDAW Committee 17: The role of parliaments in the State reporting cycle**

Since 2008, all CEDAW Committee's concluding observations have included the following standard paragraph encouraging parliamentary involvement in the implementation of the recommendations:

It invites [name of parliament], in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

The Committee thus stresses the crucial role of the legislative body in ensuring the full implementation of its concluding observations. This important role is also recognized in another standard paragraph (on dissemination) in the CEDAW Committee's concluding observations:

The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, [name of parliament] and the judiciary, to enable their full implementation.

<sup>271</sup> CEDAW Committee, [National parliaments and the Convention on the Elimination of All Forms of Discrimination against Women: Statement on the relationship of the Committee on the Elimination of Discrimination against Women with parliamentarians](#), E/CN.6/2010/CRP.2, 12 February 2010.

**Figure 1:** The reporting cycle to treaty bodies<sup>272</sup>



<sup>272</sup> OHCHR, “[OHCHR Training Package on Reporting to the United Nations Human Rights Treaty Bodies](#)”, Session 4.2: The reporting cycle.

**Figure 2:** The role of parliaments in the State reporting cycle to the CEDAW Committee under the simplified reporting procedure

<b>Before the constructive dialogue between the CEDAW Committee and the State party</b>		<p>Unless a State party has opted out from the simplified reporting procedure, the CEDAW Committee prepares a list of issues prior to the submission of the State report based on its previous concluding observations and information from other sources. The State party has one year from the date of receipt of the list of issues prior to reporting (LOIPR) to submit its replies, which will constitute the report of the State party, to the CEDAW Committee.</p> <ul style="list-style-type: none"> <li>• Parliament contributes to the preparation of the State report by providing information that relates to the role of parliaments and information on legislation and other relevant actions by the parliament (including through NMIRFs, where these exist).</li> <li>• Parliament may also review the State party report before submission.</li> </ul>
<b>During the constructive dialogue with the CEDAW Committee</b>		<p>The constructive dialogue takes place between the CEDAW Committee and the State party delegation.</p> <ul style="list-style-type: none"> <li>• Parliament participates in the State delegation attending the CEDAW session for the constructive dialogue.</li> <li>• MPs respond directly to questions posed by the CEDAW Committee in the dialogue, which relate to parliamentary roles.</li> </ul> <p>The CEDAW Committee issues its concluding observations.</p>
<b>Following the constructive dialogue and the issuance of concluding observations by the Committee</b>		<p>The State party follows up on and implements the concluding observations.</p> <ul style="list-style-type: none"> <li>• Parliament reviews the concluding observations and identifies observations and recommendations that require the adoption or amendment of legislation.</li> <li>• Parliament exercises oversight over the executive branch to ensure that the recommendations are implemented.</li> <li>• Parliament ensures that appropriate budgets are allocated for implementation of the recommendations.</li> <li>• Parliament participates in inter-agency coordination mechanisms for follow-up, such as the NMIRF, where it exists.</li> <li>• Parliament engages in dialogue with NHRIs and CSOs to identify priority recommendations that require its attention.</li> </ul>

**Case study 9:** The role of parliaments in reporting to the CEDAW Committee and following up on its concluding observations (Albania, Germany, Latvia, Lebanon, Maldives, Mexico, Namibia, New Zealand, Pakistan, Republic of Korea, Seychelles, Trinidad and Tobago, Uganda and United Kingdom)

### Parliamentary oversight of reporting to the CEDAW Committee

The Rules of Procedure of the Parliament of **Uganda** provide for parliamentary oversight of State reporting to the international human rights monitoring bodies. Rule 185, paragraph 1 (b) states that one of the functions of the parliamentary Committee on Human Rights is to “monitor Government compliance with national and international human rights instruments to which Uganda is a party and follow up on Government periodic reports to international human rights monitoring bodies”.<sup>273</sup>

### Parliamentary involvement in the preparation of the report to the CEDAW Committee

The Parliament of **Albania** was involved in the preparation of the State report examined by the CEDAW Committee in 2016 as part of the Inter-ministerial Working Group, established by Order of Prime Minister No. 112/2014. Parliamentary advisers and the Chair of the Subcommittee on Human Rights ensured internal coordination of parliament’s input to the working group. Parliament’s contribution to the State report included issues raised during sessions of the “Friends of Children” parliamentary group and the Alliance of Women MPs.<sup>274</sup>

In **Lebanon**, the Women and Children Parliamentary Committee participated in the preparation of the country’s combined fourth and fifth periodic report to the CEDAW Committee. The General Secretariat of parliament provided all the information requested by the National Commission for Lebanese Women, which prepared the State party’s report to the Committee.<sup>275</sup>

The fifth periodic report of **Pakistan** to the CEDAW Committee, which was considered in February 2020, was prepared through a consultative process at the provincial and federal levels. The chairs and members of the relevant parliamentary standing committees (the National Assembly Standing Committee on Human Rights and the Senate Functional Committee on Human Rights) were invited to attend the federal consultation, held in 2017.<sup>276</sup>

In **Seychelles**, the women’s parliamentary caucus provided input to the State report that was considered by the CEDAW Committee in 2019.<sup>277</sup>

### Parliamentary debate on the State report prior to submission to the CEDAW Committee

In the **Republic of Korea**, article 40 (5) of the Framework Act on Gender Equality stipulates that when the government intends to submit a report on implementation of CEDAW, it must submit it to the National Assembly beforehand.<sup>278</sup> Accordingly, the eighth periodic report on the implementation

<sup>273</sup> Parliament of Uganda, [The Rules of Procedure of the Parliament of Uganda](#), 14 May 2021.

<sup>274</sup> Information compiled by the IPU through a questionnaire sent to parliaments.

<sup>275</sup> Information obtained from online consultation with parliamentarians for this handbook, 22 July 2021.

<sup>276</sup> Information compiled by the IPU through a questionnaire sent to parliaments.

<sup>277</sup> Ibid.

<sup>278</sup> Republic of Korea, [“Framework Act on Gender Equality”](#), 2014.

of CEDAW was submitted to parliament prior to its submission to the CEDAW Committee in 2015. In preparation, in 2013, the relevant deputy ministers and assistant ministers briefed the National Assembly on the midterm evaluation at a meeting of the Subcommittee on Monitoring of International Convention Implementation (established under the Standing Committee on Gender Equality and Family), which took stock of progress accomplished and results achieved.<sup>279</sup>

In **Trinidad and Tobago**, State reports to the CEDAW Committee are presented and discussed in parliament before their review by the CEDAW Committee.<sup>280</sup>

In the **United Kingdom**, the Women and Equalities Committee held a session in November 2018 to examine State compliance with the Convention prior to the 2019 review of the State report by the CEDAW Committee. The discussion focused on:

- the government's strategy for implementing CEDAW and accountability for doing so
- women's voice to government, including marginalized groups of women and how the government engages with women's equality experts in developing policies
- whether data collection is adequate to inform policy on sex discrimination, particularly in relation to intersectional issues for particular groups of women such as women belonging to minorities, women impacted by religious laws and disabled women<sup>281</sup>

### **Parliamentary participation in the constructive dialogue with the CEDAW Committee**

In **Germany**, the number of parliamentarians on State delegations to the CEDAW Committee has increased in recent years. Opposition MPs have found this useful for ensuring that parliament provides relevant information to the Committee, and for requiring the government to report on implementation of its obligations under the Convention.<sup>282</sup>

In **Latvia**, the State delegation for the dialogue with the CEDAW Committee for consideration of the country's combined fourth to seventh periodic report in 2020 was headed by the Deputy Speaker of parliament. Generally, parliament is not involved directly in the preparation of reports to human rights treaty bodies, which are drawn up by the Ministry of Foreign Affairs. However, members of parliament's Human Rights and Public Affairs Committee are kept informed of such reports at least once a year through regular hearings with the government representative before international human rights bodies.<sup>283</sup>

In **Maldives**, parliament is traditionally invited to provide input to the State report but not to participate in the delegation to the CEDAW Committee. Recently, however, the Chair of the Human Rights and Gender Committee – which was set up in 2019 – was included in the November 2021 State delegation to the Committee. This was the first time that parliament had taken part in a treaty body review. This participation was important: during the review, the parliamentary representative

279 Information compiled by the IPU through a questionnaire sent to parliaments.

280 Ibid.

281 UK Parliament, “[Convention on the Elimination of all forms of Discrimination Against Women examined](#)”, 14 November 2018.

282 Information obtained from online consultation with CSOs for this handbook, 7 September 2021.

283 Information compiled by the IPU through a questionnaire sent to parliaments.

was asked on numerous occasions to respond directly to questions from CEDAW Committee members. This clearly delineated what was within the purview of government and what was within the purview of parliament. The Chair of the Human Rights and Gender Committee was able to respond to specific questions on plans for legislative reform.<sup>284</sup>

### **Parliamentary follow-up to the CEDAW Committee's concluding observations**

In **Mexico**, the Gender Equality Committee of the Chamber of Deputies issued a statement in 2016 firming up its commitment to harmonizing national legislation with the CEDAW Committee's concluding observations.<sup>285</sup>

In **Namibia**, a parliamentary seminar was held in 2018 bringing together MPs, a CEDAW Committee expert, and representatives from government, civil society and academia. Following this seminar, parliament was invited to join the national mechanism for follow-up coordinated by the executive and was able to include its own priorities in the national follow-up plan.

In **New Zealand**, the national chapter of Commonwealth Women Parliamentarians followed up on specific CEDAW Committee recommendations, including by questioning the government on measures it intended to take to address the pay gap between men and women.

### **Box 25: How the IPU promotes parliament's role in implementing CEDAW Committee recommendations**

The IPU has supported a number of national seminars for MPs and Speakers of parliament. These events, which include input from a CEDAW Committee member, have focused on the role of parliaments in implementing the Convention and the Committee's concluding observations. They have also been attended by civil society and government representatives as a means to foster synergies and stronger parliamentary engagement in implementing CEDAW. Recent seminars have taken place in Namibia (2016), Uganda and Tanzania (2017), and Kenya (2018).

International seminars and webinars also provide information to IPU Member Parliaments from all regions of the world on the CEDAW Convention, the work of the CEDAW Committee and means for parliaments to engage in the State reporting and follow-up processes. In addition, the IPU always shares the Committee's concluding observations with the leadership of parliaments in those States parties whose reports have just been reviewed, encouraging them to ensure adequate follow-up.

<sup>284</sup> Information provided by the Chair of the Human Rights and Gender Committee, Parliament of Maldives, March 2022.

<sup>285</sup> Gender Equality Committee of the Chamber of Deputies of Mexico, [Dictamen: Por el que se exhorta a los tres niveles de gobierno y a los congresos locales, para que asuman las observaciones emitidas del Comité de la Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer para nuestro país, en el marco del IX informe de México sobre el cumplimiento de la 'Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer'](#), 7 April 2016.

## Part IV: Parliaments as agents of change

For parliaments and parliamentarians to play their role in advancing the implementation of the CEDAW Convention alongside other branches of government and stakeholders, it is essential to enhance parliaments' own capacities, internal institutional structures and working methods. This part of the handbook discusses how parliaments can be gender-sensitive institutions, explores the institution's relationship with other stakeholders and examines the challenges and opportunities associated with parliaments and parliamentarians promoting the CEDAW Convention through their work.



IPU Member Parliaments have made bold commitments to become gender-sensitive institutions.  
© IPU/Parliament of Rwanda

## IV.1 Parliaments as gender-sensitive institutions

Gender-sensitive parliaments are those that are aware that their internal rules and norms are not gender-neutral. They are conscious that their institutional culture, composition and capacity influence their deliberations, decisions and policy outcomes, including from a gender perspective. Parliaments must therefore make efforts to pursue gender equality both externally (in the outcome of their work) and internally (through their structure and culture). This requires efforts by both men and women to ensure that their parliaments are gender-sensitive institutions.

The IPU plays a key role in affirming the importance of gender-sensitive parliaments. It defines a gender-sensitive parliament as “a parliament that responds to the needs and interests of both men and women in its structures, operations, methods and work. Gender-sensitive parliaments remove the barriers to women’s full participation and offer a positive example or model to society at large.”<sup>286</sup>

In 2012, IPU Member Parliaments unanimously adopted a Plan of Action for Gender-sensitive Parliaments, which includes guidance on what a gender-sensitive parliament looks like. The Plan of Action is designed to support parliaments in their efforts to become more gender-sensitive. It presents a broad range of strategies in seven action areas that can be implemented by all parliaments, irrespective of the number of women members. Such action must aim to:

- increase the number of women in parliaments and achieve equality in participation and leadership roles
- enact and strengthen gender equality legislation and policy
- mainstream gender equality throughout all parliamentary work
- institute or improve gender-sensitive infrastructure and parliamentary culture
- ensure that responsibility for gender equality is shared by all parliamentarians – men and women
- encourage political parties to be champions of gender equality
- enhance the gender sensitivity of, and gender equality among, parliamentary staff<sup>287</sup>

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<sup>286</sup> IPU, [Plan of Action for Gender-sensitive Parliaments](#) (Geneva: IPU, 2012).

<sup>287</sup> Ibid.

## **Box 26: Key elements of gender-sensitive parliaments**

A gender-sensitive parliament is one that meets the following criteria:

1. It accepts that the responsibility to achieve gender equality, both as a policy outcome and as a process, rests with the parliament as a whole (its women and men members and staff) and with the organizations that drive substantial policy, procedural and normative development (political parties).
2. It is guided by institutional policies and legal frameworks, which allow the parliament to monitor its achievements towards gender equality and allow for follow-up and review.
3. It institutionalizes a gender mainstreaming approach throughout its representational, legislative and oversight work to ensure that all the parliament's outputs consider, and counteract, any potential discrimination against women or men, girls or boys. This element requires a reconsideration of the process and structures of the parliament, including the respective roles and capacities of members of parliament and parliamentary staff.
4. It constantly strives to eliminate institutional cultures that sanction and perpetuate discriminatory, prejudicial norms and attitudes in the workplace against women members and staff.<sup>288</sup>

In transforming parliaments, it is crucial to acknowledge the dual roles they play as both the legislative body of governance and a workplace. For MPs, clerks, administrative staff, security officers and cleaners, parliament is their place of work. As in any other workplace, women's human rights must be protected and gender equality promoted, including by addressing intersecting forms of discrimination against women. This requires that parliament must be a place where all women enjoy equal rights, including young women, older women, women with disabilities, women of colour, women with care responsibilities, women from a range of socioeconomic backgrounds, lesbian, bisexual, transgender and intersex women, and non-binary or gender non-conforming individuals. A gender-sensitive parliament recognizes that MPs and other individuals working in parliament must balance work and family/domestic responsibilities.<sup>289</sup>

<sup>288</sup> Sonia Palmieri, "Gender-Sensitive Parliaments", Oxford Research Encyclopaedia of Politics, 25 June 2018.

<sup>289</sup> Meghan Campbell, "Gender Sensitive Parliaments", University of Birmingham, 24 February 2021.

## **Case study 10: Gender equality bodies in parliaments (Chile, Colombia, Finland, Iraq, Jordan, Mauritania, Morocco, the Philippines and Poland)<sup>290</sup>**

In **Chile**, women's caucuses and groups in the Senate have played a leading role in the adoption of new legislation establishing the Ministry of Women and Gender Equality, providing six-month maternity leave and combating GBVAW. Even where such mechanisms do not enjoy core parliamentary powers, parliaments can still provide support by ensuring access to the necessary resources.<sup>291</sup>

The Women's Equality Commission of the Congress of **Colombia** has promoted a gender-sensitive approach to the country's COVID-19 response since 2020. It requested that violence prevention and response, as well as support to victims, be considered essential services during the crisis and launched a social media campaign under the hashtag #MujeresSinVirusdeViolencia to raise public awareness on how to prevent and respond to gender-based violence. It also held hearings with relevant ministries and the Women's Equality Agency on action to mitigate the economic impact of the crisis on women in the short and medium terms.<sup>292</sup>

In **Finland**, the Network of Finnish Women Members of Parliament has the mandate to draft amendments (such as to the law on gender equality and the law on provision of universal childcare), to review legislation from a gender perspective, to contribute to the development of legislation and the provision of microloans to women entrepreneurs, and to promote the use of gender budgeting.<sup>293</sup>

In **Poland**, the Parliamentary Group of Women is formally recognized by parliament and has been at the forefront of developing quota legislation as well as supporting the Office of the Government Plenipotentiary for Equal Treatment to lobby the government to sign the Council of Europe Convention on Preventing and Combating Violence against Women (the Istanbul Convention).<sup>294</sup>

Several Arab countries have formal or informal specialized women's parliamentary bodies. For example, **Iraq** and **Jordan** both have a formal women's parliamentary caucus. They focus on issues related to GBVAW, the citizenship and nationality rights of women and their children, empowering women politically and economically, defending human rights, individual and collective freedoms, and improving women's image in the media. The House of Representatives of **Morocco** has a Forum of Moroccan Women Parliamentarians, which focuses on defending the legal, political, economic and social rights of all women, on supporting and strengthening women's gains in all areas, and working to enhance them, in the decision-making and legislative fields, and on strengthening cooperation with civil society.<sup>295</sup>

290 For details of gender equality bodies in parliaments, their various powers and examples of their work, see IPU, [Gender-Sensitive Parliaments: A Global Review of Good Practice](#) (Geneva: IPU, 2011), Chapter five – Setting up dedicated gender mainstreaming infrastructure, p. 53.

291 See OECD, [OECD Toolkit for Mainstreaming and Implementing Gender Equality: Implementing the 2015 OECD Recommendation on Gender Equality in Public Life](#) (Paris: OECD, 2018).

292 IPU, "[Country compilation of parliamentary responses to the pandemic](#)", first published in March 2020.

293 See OECD, [OECD Toolkit for Mainstreaming and Implementing Gender Equality: Implementing the 2015 OECD Recommendation on Gender Equality in Public Life](#) (Paris: OECD, 2018).

294 Ibid.

295 IPU Parline, "[Women's Caucus](#)".

Shortly after its establishment in 2015, the women's parliamentary caucus in **Mauritania** forged partnerships with civil society and development partners in the country and became a respected interlocutor and oversight body. The work of the caucus has prompted discussions in parliament on the lived experience of rural populations that were not debated before, by either male or female members. This shift has improved parliament's oversight work and brought the voices of the most disadvantaged to the table. By building on outreach visits to remote areas of the country, where members of the caucus met mostly with women but also with local officials, civil society and public servants, they gave legitimacy to their parliamentary work and fulfilled their representative function fully.<sup>296</sup>

In the **Philippines**, members of the House of Representatives Committee on Women and Gender Equality proposed a bill to ensure gender-responsive and inclusive protocols and programming to address the gender-differentiated needs of women during COVID-19 and other public health concerns, emergencies and disasters.<sup>297</sup>

## What parliaments can do 21: Promoting gender-sensitive parliaments

- Adopt measures to achieve gender parity in the membership of parliament, including through the adoption of statutory gender quotas.
- Promote and achieve equality in numbers of women and men across all parliamentary bodies and internal structures. Ensure that participation rates by sex across the activities of parliament are regularly collected and monitored. Ensure that all committees have women and men members and that committee chairs are equally divided between sexes.
- Mainstream gender equality throughout all of the work of the parliament across processes and outputs, including by institutionalizing gender mainstreaming through policies, rules, dedicated mechanisms and methods of work.
- Establish dedicated gender equality infrastructure, such as a parliamentary committee on gender equality as well as a women's parliamentary caucus. These must have a high profile, with sufficient formal powers and resources. They must be able to coordinate with other committees, and must be respected by other committees and bodies, as well as by members, including parliamentary leaders, and administration managers.

296 See IPU and UN Women, [Gender-responsive law-making](#) (Geneva: IPU and UN Women, 2021), Box 7.

297 IPU, "[Inter-parliamentary Dialogue on gender-responsive recovery post-COVID-19](#)", April 2021.

- Ensure that all parliamentary committees have a mandate that includes gender equality/sensitivity.
- Ensure that any special/ad hoc committees, commissions of inquiry or other such groups/bodies are gender equal in composition and have gender equality/sensitivity mandates in their terms of reference.
- Equip parliamentary staff with the capacity and resources to promote gender equality.
- Ensure that in-house gender expertise is available to all members, committees and staff, supplemented where necessary by external gender experts.
- Acknowledge and build on the contribution made by men MPs who advocate for gender equality.
- Encourage political parties to take a proactive role in the promotion and achievement of gender equality.
- Schedule parliamentary business, sittings and core business hours to reflect parental responsibilities, ensure a balance between work and family life, and ensure that parliamentary recesses match school holidays, to the extent possible. Ensure that parliamentarians and staff are entitled to paid parental leave, that children are welcome and catered for, and that parliamentarians on parental leave can participate in parliamentary business virtually or via proxies.
- Adopt internal rules, policies and legislation to ensure that sexism, harassment, and gender-based violence and discrimination against women are explicitly recognized as prohibited conduct and are not tolerated within the institution or outside, and put in place independent complaints and grievances mechanisms with appropriate penalties for those who violate them.<sup>298</sup>
- Actively encourage the recruitment and retention of women to/in senior positions.

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<sup>298</sup> For additional guidance, see IPU, [Guidelines for the elimination of sexism, harassment and violence against women in parliament](#) (Geneva: IPU, 2019).

## **IV.2. Parliaments and parliamentarians as drivers of public opinion**

The role of parliaments and parliamentarians is not confined to law-making, oversight and budgetary functions. Parliamentarians do not simply reflect social norms in their work: individually, as opinion leaders, they have a key role to play in changing how society perceives and acts on human rights issues, including gender equality. In doing so, parliaments and parliamentarians contribute to making the CEDAW Convention a lived reality.

In their interaction with the public, parliamentarians promote changes in the social norms, traditions, cultures, social stereotypes, beliefs and misconceptions that contribute to ongoing gender-based discrimination between women and men, girls and boys.



Parliamentarians have a key role in building public understanding and support for gender equality.  
© Parliament of Djibouti

This role can also be important when a lack of political will by the government slows change. A groundswell of public opinion can lead to demand for change and support for ratifying CEDAW, lifting reservations, repealing or amending legal provisions that discriminate against women, and taking action on patterns of cases of gender-based violence against women and girls.

Parliaments have an equally important role to play at an institutional level. Public engagement can often lead to measurable changes in public perceptions of parliament and, in some cases, to increased public trust in its work and role.<sup>299</sup> This may therefore increase public commitment to gender equality, if this is defined as a priority area for parliament in its legislative agenda and engagement efforts.

Parliamentarians and parliaments as institutions can therefore play an essential role in raising public awareness about the CEDAW Convention and, consequently, about what women and girls should expect from the government in relation to their rights. Through their oversight role, parliaments shed light on the operations of government by providing a public arena in which its policies and actions are debated and may gain public approval.

Parliamentarians can do this in several ways. They can transform their constituency offices into local information, education and awareness-raising hubs. They can participate in CSO- or NHRI-led initiatives and campaigns against gender-based violence, promote gender equality in general as well as women's public and political participation, and give their public support. They can also organize or participate in public meetings where they can discuss proposed laws and the benefits that the changes in the law can bring.

The engagement of parliamentarians with the public is mutually beneficial. On the one hand, they will be able to raise public awareness and lead change in public opinion in favour of gender equality. On the other hand, such engagement will enable parliamentarians to get closer to the reality of the lives of women and girls in various settings, including those belonging to disadvantaged groups. Through their representation function, parliamentarians can bring these issues and priorities to the attention of parliament, and trigger debates and proposals for change stemming from the State's obligations under the CEDAW Convention.

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<sup>299</sup> See IPU and UNDP, [Global Parliamentary Report 2022](#) (Geneva: IPU and UNDP, 2022).

## IV.3 Gender-responsive parliamentary diplomacy and foreign policy

Parliamentary diplomacy is an essential part of the role of parliaments in international cooperation, helping to build bridges between countries and peoples and fostering mutual understanding and assistance.

The IPU was founded on the importance of parliamentary diplomacy and dialogue. Peacebuilding and mediation is an important role of the IPU, grounded in the values of dialogue, exchange and understanding.<sup>300</sup>

*The International Day of Multilateralism and Diplomacy for Peace is observed on 24 April each year.*

One of the main roles that parliaments play in diplomacy is to seek effective and sustainable solutions to conflicts. To this end, parliamentary diplomacy may have more flexibility than executive diplomacy. For example, parliaments may be able to establish contacts with various local stakeholders, as well as communicate with fewer constraints and on more sensitive issues.<sup>301</sup> Parliaments' role in the WPS agenda is therefore essential (see [section II.1.2.b on the WPS agenda](#)).

It is equally important that gender equality be placed as a central pillar that defines relations between parliaments. Parliamentarians should use their understanding of the CEDAW Convention to promote the rights of women and girls in their relations with other parliamentarians. Parliamentary solidarity has been expressed, for instance, with regard to the situation of women in Afghanistan, especially women MPs facing particular risks.<sup>302</sup>

Parliaments also have an essential role to play in ensuring that a State pursues gender-responsive foreign policy. This concept, also referred to as "feminist foreign policy", was first initiated in 2014 by Sweden, which defined it as follows: "Sweden's feminist foreign policy is a working method and a perspective that takes three Rs as its starting point and is based on a fourth R. The implication was that the Swedish Foreign Service, in all its parts, shall strive to strengthen all women's and girls' Rights, Representation and Resources, based on the Reality in which they live."<sup>303</sup> This approach aimed to contribute to gender equality and to women's and girls' full enjoyment of human rights through foreign diplomacy and international cooperation. This could include engagement through international cooperation in the SDGs or in the WPS agenda (see sections [II.1.2.a on the SDGs](#), and [II.1.2.b on the WPS agenda](#)), through development aid to other States or to civil society, and through foreign relations with other parliaments.

<sup>300</sup> See further IPU, "[IPU Presidential Statement on Parliamentary Diplomacy](#)", 10 April 2019.

<sup>301</sup> See, for example, European Parliament, [Connecting parliamentary and executive diplomacy at EU and Member State level](#), September 2019.

<sup>302</sup> See IPU, "[Press Briefing Note: Voices of strong Afghan women must not be extinguished](#)", 17 November 2014; and IPU, "[Statement on Afghanistan](#)", 30 August 2021.

<sup>303</sup> Swedish Ministry for Foreign Affairs, [Handbook: Sweden's feminist foreign policy](#) (Stockholm: Government of Sweden, 2019).

Adopting such a policy can contribute to supporting, through foreign diplomacy and international relations, specialized programmes and efforts that can lead to positive changes in areas such as women's economic empowerment, combating gender-based violence, and increased representation of women in public or political life.

By virtue of their roles, parliaments can ensure that gender-responsive foreign policies and plans are put in place, well-resourced and implemented. Through their relations with parliaments in other countries that are recipients of international development aid, parliaments will be able to assess if the foreign policy is directed towards the real priorities on the ground, and towards the real needs of women and girls, in order to achieve substantive gender equality.

## IV.4 Relations with important stakeholders

Parliamentarians and parliamentary staff generally do not possess the in-depth specialized expertise needed to work on detailed aspects of women's human rights and gender equality. However, CSOs, academics, NHRIs and NWMs often have this expertise. They can therefore provide input to parliaments to enable them to carry out their legislative, budgetary and oversight roles in a gender-responsive manner.

These organizations and institutions carry out a range of work, including documenting and researching the enjoyment of various rights by women and girls, providing legal and psychological advice, health advice and care, and other services, running shelters, conducting gender impact assessments of laws and policies, and assessing the gender-responsiveness of budgets. They often use the CEDAW Convention and the Committee's recommendations as a framework for their work, and therefore develop expertise in the application of the Convention in the national context. Specialized organizations and institutions can therefore provide relevant expertise to parliaments.

Often, CSOs have established relationships with parliaments and have developed specific proposals for reform. They carry out advocacy to encourage parliamentarians to adopt positions that are consistent with State obligations under international law. Many involve parliamentarians directly in their networks in order to share expertise and to engage in dialogue on laws, policies and practices. Similarly, many of these organizations carry out capacity-building initiatives for parliamentarians, including women parliamentarians and candidates, as well as for political parties and other political leaders.<sup>304</sup>

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<sup>304</sup> See more in UNDP, [A Guide to Civil Society Organizations working on Democratic Governance](#) (New York: UNDP, 2005).

## Case study 11: Parliamentary relations with CSOs (Lebanon, Nepal and the United Kingdom)

The National Assembly of **Lebanon** collaborates with organizations that work on advancing women's issues. For example, in 2014, it enacted the Law on the Protection of Women and Family Members from Domestic Violence following an extensive advocacy campaign led by civil society. In 2017, a Lebanese MP presented a legislative proposal on protecting children from early marriage, which had been prepared by the Lebanese Democratic Women's Gathering. That same year, parliament amended an article of the Penal Code, which had previously exempted rapists from punishment when marrying the victim.<sup>305</sup>

The Federal Parliament of **Nepal** has played an effective role in the implementation of the CEDAW Committee's concluding observations, in coordination with CSOs. In one instance, the Committee recommended that Nepal adopt a law to criminalize harmful practices, particularly those related to menstruation. CSOs collaborated with parliamentarians through discussions and developed proposals on how to translate this into practice. In 2018, Nepal was due to report again to the CEDAW Committee. Just before the reporting, collaboration between civil society and parliamentarians increased. CSOs were instrumental in informing members of parliament of the need to adopt the new law, which eventually led to success.<sup>306</sup>

Gender Action for Peace and Security (GAPS) is a network of 19 organizations working in the **United Kingdom** on the WPS agenda. It also provides the secretariat for the All-Party Parliamentary Group on Women, Peace and Security (APPG-WPS), organizing all related meetings and events. When appropriate, GAPS submits evidence to the International Development Committee, the Foreign Affairs Committee and other committees. It also supports parliamentarians, for example by demonstrating the connection between the CEDAW Convention and the WPS agenda. GAPS gives policy briefings in parliament, enabling parliamentarians to consider endorsing such policies and work within the framework of the CEDAW Convention. Through this, the organization addresses gaps in parliamentary awareness of the CEDAW Convention, the CEDAW Committee and the WPS agenda. Providing the secretariat for the APPG-WPS allows GAPS to work with all political parties. It also produces an annual report on the country's NAP on WPS and makes practical recommendations.<sup>307</sup>

In addition to CSOs, parliaments usually cooperate closely with National Women's Machineries (**NWMs**). Cooperation between parliaments and NWMs is essential to strengthening parliaments' gender-responsive agendas. At the same time, parliaments play an important role in ensuring that NWMs are established, adequately resourced, protected and vested with a strong mandate to carry out their role.

<sup>305</sup> UNDP, UNFPA and UN Women, [Gender-Related Laws, Policies and Practices in Lebanon](#) (Beirut: UNDP, UNFPA and UN Women, 2018).

<sup>306</sup> Information obtained from online consultation with CEDAW Committee members for this handbook, 21 July 2021.

<sup>307</sup> Ibid., 7 September 2021.

### **Box 27: National Women's Machineries (NWMs)**

The Beijing Declaration and Platform for Action defines a “national machinery for the advancement of women” as a “central policy-coordinating unit inside government” whose main task is to “support government-wide mainstreaming of a gender equality perspective in all policy areas”.<sup>308</sup> In performing this essential role, they complement the work of parliaments in this regard. NWMs (also known as National Mechanisms for Gender Equality) are created across the world for the primary purpose of ensuring that the work of governments is gender-responsive. They enable governments to adopt the necessary strategies, policies, programmes and plans, and to work closely with other State institutions to this end. NWMs take diverse forms. They are generally established as part of government. In some cases, however, NWMs are established as a statutory commission outside government or as an advisory body. In some contexts, they are located in the central planning or policy-coordination body of government, with a clear mandate to monitor all policies and ensure gender mainstreaming.<sup>309</sup>

### **Examples of CEDAW Committee recommendations 14: The CEDAW Convention and National Women's Machineries**

In one instance, the CEDAW Committee recommended that a State party increase the human, technical and financial resources of the National Council for Women and give it ministerial rank, so as to make it more visible and enhance its capacity to promote and monitor the implementation of gender equality policies. The Committee also called on the State party to ensure that women's organizations and other CSOs participate in the design and monitoring of the implementation of gender equality policies.<sup>310</sup>

In another instance, the Committee recommended that a State party strengthen the institutional capacity of the national machinery for the advancement of women and provide it with the mandate, decision-making power and human, technical and financial resources necessary to mainstream gender equality throughout all policies of the ministries and in all government offices and for it to be able to open branch offices in all governorates, in particular in rural areas.<sup>311</sup>

In a third example, the Committee noted with concern that the Ministry of Women's Affairs and the Ministry of Human Rights were both abolished in 2015, thereby weakening the implementation of the national strategy on violence against women (2013–2017) and the national strategy for the advancement of women (2014–2018).<sup>312</sup>

<sup>308</sup> UN, [Beijing Declaration and Platform for Action](#), adopted at the Fourth World Conference on Women, Beijing, China, 15 September 1995.

<sup>309</sup> See UN Women, [Directory of National Mechanisms for Gender Equality: May 2021](#) (New York: UN Women, 2021).

<sup>310</sup> CEDAW Committee, [Concluding observations on the seventh periodic report of Argentina](#), CEDAW/C/ARG/CO/7, 25 November 2016.

<sup>311</sup> CEDAW Committee, [Concluding observations on the sixth periodic report of Jordan](#), CEDAW/C/JOR/CO/6, 9 March 2017.

<sup>312</sup> CEDAW Committee, [Concluding observations on the seventh periodic report of Iraq](#), CEDAW/C/IRQ/CO/7, 12 November 2019.

In addition, it is important for parliaments to cooperate with **NHRIs**, which are State institutions established in accordance with the Paris Principles.<sup>313</sup> NHRIs monitor the human rights situation, including in relation to the rights of women and girls. They report their findings to parliament, and contribute to parliament's legislative, oversight and budgetary roles. The Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments reflect the respective roles of these two types of institutions and outline benefits they gain from a mutual relationship. These are important for advancing women's human rights as part of human rights generally. They include the following principles:

- NHRIs should be consulted by parliaments on the content and applicability of proposed new laws with respect to ensuring human rights norms and principles are reflected therein.
- Parliaments should seek to be involved in the process of ratification of international human rights treaties and should consult NHRIs in this process of ratification, and in monitoring the State's compliance with all of its international human rights obligations.
- Parliaments and NHRIs should jointly develop a strategy to follow up systematically the recommendations made by international and regional human rights mechanisms.
- NHRIs and parliaments should work together to improve their respective capacity on human rights and parliamentary processes.
- Parliaments and NHRIs as appropriate should cooperate in monitoring the executive's response to judgments of courts (national and, where appropriate, regional and international) and other administrative tribunals or bodies regarding issues related to human rights.
- NHRIs and parliaments should agree the basis for cooperation, including by establishing a formal framework to discuss human rights issues of common interest.
- Parliaments should identify or establish an appropriate parliamentary committee that will be the NHRI's main point of contact within parliament.
- Parliaments should ensure participation of NHRIs and seek their expert advice in relation to human rights during meetings and proceedings of various parliamentary committees.
- NHRIs should advise and/or make recommendations to parliaments on issues related to human rights, including the State's international human rights obligations.<sup>314</sup>

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<sup>313</sup> OHCHR, [Principles relating to the Status of National Institutions \(The Paris Principles\)](#), adopted by UN General Assembly resolution 48/134 of 20 December 1993.

<sup>314</sup> UN Human Rights Council, "[Belgrade principles on the relationship between national human rights institutions and parliaments](#)" (Belgrade, Serbia 22–23 February 2012), A/HRC/20/9, 1 May 2012, Annex.

## IV.5 Challenges and opportunities for the role of parliaments

### IV.5.1 External challenges

Parliaments face many challenges in advancing gender equality through their work. Some of these challenges are external and relate to the general political, economic, social and cultural environment. Others are internal to the parliament and have to do with its structures, its membership and its approach to its work on gender equality. The previous discussion on gender-sensitive parliaments deals with the internal challenges. This section deals with some of the main external challenges to the work of parliaments on gender equality.<sup>315</sup>

**Political will:** The absence of political will by a government to comply with its obligations under international law is often a major problem. As discussed earlier, international and regional human rights treaties need to be implemented nationally. They require States parties to take the necessary legislative, administrative and policy measures, and to provide appropriate remedies in cases of human rights violations. Gender equality is fundamentally stifled when there is an unwillingness to adopt a holistic approach to gender-based discrimination and to ensure gender equality within society, or to address complex problems with regard to gender roles and relationships and their detrimental impact on women because of their gender. While parliaments may be able to put laws in place, these often need to be complemented by other tools such as strategies, policies, instructions and orders, which are the responsibility of the executive branch of government. The implementation of legislation also often requires the establishment of institutions that are appropriately mandated and resourced by the executive branch. Without these, laws cannot be appropriately implemented.

**Training and awareness:** While good laws may be in place, implementation often lags behind for various reasons. General education and awareness-raising about relevant laws are important to make the public realize how these laws are important tools for advancing women's human rights. Gender stereotypes and bias, including in the media and the judiciary, often pose barriers to the effective implementation of legislation and policies. It is therefore important to carry out ongoing training and awareness-raising campaigns on gender equality and gender-responsiveness, the CEDAW Convention, and human rights law generally. This, in turn, helps to ensure that judges, law enforcement officials, civil servants, health professionals and other relevant stakeholders do not discriminate against women and girls.

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<sup>315</sup> It is impossible to comprehensively review all the challenges that parliaments may face in different contexts. However, this section focuses on selected cross-cutting external challenges that were identified in the consultation meetings with parliamentarians as having a major impact on the role of parliaments in ensuring gender equality through their work.

**Funding:** The realization of gender equality requires gender-responsive budgeting and the allocation of adequate financial resources. It is often the case, however, that NWMs (including gender ministries) and gender-related programmes are underfunded. In fact, these bodies and programmes often receive the lowest allocation from the State budget. Without adequate funding, NWMs cannot fully play their role in developing proposals and working with parliaments, the judiciary and the executive in order to address gender-based violence and gender stereotypes, ensure legislative reform and social protection of women, and so on. Parliaments have a key role to play in redressing this situation through gender-sensitive budgeting.

**Data and research:** A further challenge is posed by a lack of data/statistics and research, which are essential for well-informed, evidence-based decision-making on legislation and policy, and for parliament to be able to play its oversight role. Data disaggregated by sex, age, disability, refugee and asylum status, geographical location, ethnicity and other relevant factors must be collected systematically and analysed as a matter of priority. Measurable indicators must be developed to assess trends in the status of women and the progress made towards the realization of substantive equality of women and men in all areas covered by the CEDAW Convention. It is also essential to collect statistical data on the number of complaints, investigations, prosecutions and sentences imposed in cases of gender-based violence against women and girls, which should be disaggregated by age and by the relationship between the victim and the perpetrator. Furthermore, data provides key insights into the implementation of laws and informs necessary legislative amendments.

**Political context:** The general political situation in a country is another barrier that often pushes women's human rights issues to the backstage. Armed conflict, foreign occupation and internal political strife are often used as justification for de-prioritizing the gender equality agenda. It falls on parliamentarians who are committed to gender equality to ensure that gender is always at the forefront and is mainstreamed in the work of all State bodies and institutions.

**Perception that gender equality is a women's issue:** The perception that the CEDAW Convention is solely of concern to women poses yet another major challenge. Women's caucuses tend to be small and lack the power to advance women's agendas, especially when it comes to voting within parliament. They are often composed almost exclusively of women, as male parliamentarians do not consider women's human rights issues to be their responsibility. CEDAW is not visible and rarely mentioned in parliamentary business and debate. Parliamentary staff often lack the expertise to incorporate the Convention and the Committee's recommendations into their work. Often, ministers or MPs do not refer to the Convention because they consider it a treaty relating to women and do not view it as a common concern. This situation also reflects a problem of understanding of the gender equality agenda and CEDAW within the executive and parliament, which hampers gender-responsive policymaking and budgeting.

**COVID-19:** The pandemic has profoundly affected agendas for achieving gender equality, women's empowerment and the SDGs. The impact of COVID-19 on extreme poverty, employment, health, unpaid care and gender-based violence has reversed many achievements that had been realized for the rights of women and girls.<sup>316</sup> In *Gender and COVID-19: A guidance note for parliaments*, the IPU provides specific recommendations on women's participation and leadership in parliamentary decision-making on COVID-19, on gender-responsive COVID-19 legislation, on overseeing government action on the pandemic from a gender perspective, on the roles of parliamentarians in communicating and raising awareness of COVID-19 and its effects, and on gender-sensitive parliaments in times of contagion.<sup>317</sup>

**Unregulated labour:** Many of the economic activities performed predominantly by women are not regulated by the State, such as work on family farms or in family businesses, domestic and care work, and work in the informal economy. Consequently, these activities are not subject to regulations concerning social security, health and safety standards, minimum pay, or protection against exploitation. Parliaments should make it a priority to ensure that women engaged in such activities are adequately protected. This will require close coordination with the executive authorities, the availability of disaggregated data, and an appropriate institutional infrastructure – including labour inspectorates – to ensure that the legislative framework is properly implemented.

## IV.5.2 Opportunities: The human rights-based approach

The engagement of parliaments in policy development and in cross-cutting issues, including the SDGs (see [section II.1.2.a on the SDGs](#)) and the WPS agenda (see [section II.1.2.b on the WPS agenda](#)), gives parliamentarians the opportunity to engage on a broad range of human rights concerns and considerations. In fact, the daily work of parliaments brings them in direct contact with human rights issues. Parliaments can use the human rights-based approach (HRBA) to respond to many of the challenges their constituents face, and to frame their work.

The HRBA is a conceptual framework based on international human rights standards, which can be used by parliaments to guide their actions. It requires that both the outcome and process are based on and directed towards promoting and protecting human rights. It therefore seeks to analyse obligations, inequalities and vulnerabilities, and to tackle discriminatory practices and unjust distributions of power that impede and undercut the realization of human rights.

The HRBA is a guiding principle of the UN Sustainable Development Cooperation Framework.<sup>318</sup> According to the HRBA, plans, policies and processes of development are anchored in a system of rights and corresponding obligations established under international human rights law, for all human rights, including all civil, cultural, economic, political and social rights, and the right to development.<sup>319</sup>

<sup>316</sup> For an analysis of the impact of COVID-19, including a brief gender analysis, and recommendations on what can be done, see OHCHR, [Covid-19 Guidance](#) (Geneva: OHCHR, 2020).

<sup>317</sup> IPU, [Gender and COVID-19: A guidance note for parliaments](#) (Geneva: IPU, 2020).

<sup>318</sup> UN Sustainable Development Group, [United Nations Sustainable Development Cooperation Framework: Internal Guidance](#), June 2019.

<sup>319</sup> For further discussion, see UN Sustainable Development Group, "[Human Rights-Based Approach](#)".

## **Box 28:** The five principles of the HRBA<sup>320</sup>

1. **Participation:** People should be involved in decisions that affect their rights.
2. **Accountability:** There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong.
3. **Non-Discrimination and Equality:** All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realizing their rights should be prioritized.
4. **Empowerment:** Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.
5. **Legality:** Approaches should be grounded in the legal rights that are set out in domestic and international laws.

These principles do not solely relate to the work of parliaments on gender equality. They aim to ensure that the work of parliaments, as well as of other State bodies and institutions, is grounded in human rights. Considering these principles from the perspective of ensuring gender equality also gives parliaments practical guidance on how to conduct their work.

### *Examples of incorporating the HRBA into the work of parliaments to advance the CEDAW Convention*

Below are some examples of how the five principles of the HRBA can be incorporated into the work of parliaments in relation to gender equality:

- **Participation:** Parliamentarians should consult with women and with women's human rights organizations to ensure that they have well-grounded knowledge of the issues that affect them, and should seek their input on priorities.
- **Accountability:** Implementation of laws must be monitored regularly, laws must impose penalties for violations or abuses of women's human rights by State or non-State actors, and accessible remedies must be provided to women victims/survivors of GBVAW and other violations through accessible justice mechanisms.
- **Non-Discrimination and Equality:** All forms of discrimination against women must be prohibited, prevented, investigated and punished. Women who face the greatest barriers to realizing their rights should be prioritized. Measures for ensuring gender-sensitive parliaments must be put in place.

<sup>320</sup> For further discussion, see Scottish Human Rights Commission (SHRC), [A human rights based approach: an introduction](#) (Edinburgh: SHRC, 2019).

- **Empowerment:** Women must be empowered to approach their parliamentary representatives. They should know what to expect from these representatives and should be made aware of their rights. Parliamentarians and parliamentary staff should be provided with capacity-building to understand that gender equality is a priority and how this is mainstreamed in parliamentary business.
- **Legality:** Parliamentarians and parliamentary staff must understand the nature of States parties' obligations under the CEDAW Convention so that they can reflect these in parliamentary work.<sup>321</sup>

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<sup>321</sup> See further in IPU and UN Women, [Gender-responsive law-making](#) (Geneva: IPU and UN Women, 2021).

## Part V: The role of the IPU

The IPU works closely with parliaments to advance the CEDAW Convention and its Optional Protocol. The CEDAW Committee has a unique relationship with the IPU, which is beneficial for parliaments and to the fulfilment by the Committee of its mandate. This part of the handbook discusses this relationship and the specific role of the IPU in engaging parliaments on the CEDAW Convention.



CEDAW Committee members are often invited to address parliamentarians during IPU events to raise awareness of the Convention. © IPU/Parliament of Bahrain

## V.1 Background on the IPU

The IPU began in 1889 as a small group of parliamentarians, dedicated to promoting peace through parliamentary diplomacy and dialogue. Since then, it has grown into a global organization of national parliaments. As of the end of 2021, the IPU had 178 Member Parliaments and 14 Associate Members (mostly parliaments drawn from groups of nations, or similar bodies).<sup>322</sup> Parliamentarians from all over the world cooperate with the IPU, not just those from its Member Parliaments. The IPU, therefore, has an almost universal reach.

According to article 1.2 of its Statutes, the IPU works for “peace and cooperation among peoples and the solid establishment of representative institutions”. Its mission is to build strong and effective parliaments as a key pathway to safeguarding peace, the environment, fundamental human rights and gender equality, and to achieving sustainable development by leaving no one behind, especially youth and all marginalized sections of society.<sup>323</sup>

The IPU seeks to strengthen national parliaments’ capacity to carry out their core functions – from serving and representing diverse constituents, to law-making, holding their governments accountable at home and abroad, and allocating resources to ensure the well-being of their people.

By bringing together the world’s parliaments, the IPU aims to accelerate progress nationally by connecting parliaments to each other for peer learning, drawing from collective knowledge and experiences, as well as catalysing joint political action on critical global issues that affect the lives of all people everywhere.

The IPU focuses on helping to create a conducive environment in which parliaments, governments, NHRIs, civil society and international partners can work together effectively to promote peace, democracy, sustainable development, human rights and gender equality. It conducts its work through a number of dedicated bodies,<sup>324</sup> some of which are detailed below:

- The Committee on the Human Rights of Parliamentarians is the only international mechanism with the remit of protecting and defending MPs suffering human rights violations.<sup>325</sup>
- The Committee on Democracy and Human Rights is one of the four permanent committees of the IPU. It examines current and developing challenges to democracy and human rights, and proposes parliamentary action through resolutions on these issues, both nationally and internationally.<sup>326</sup>

322 See IPU, “[About the IPU: Members](#)”.

323 See IPU, [IPU 2022–2026 Strategy](#) (Geneva: IPU, 2022).

324 See IPU, “[About the IPU: Structure and governance](#)”.

325 IPU, “[Committee on the Human Rights of Parliamentarians](#)”.

326 IPU, “[Committee on Democracy and Human Rights](#)”.

- The Forum of Women Parliamentarians ensures that the voices and perspectives of women MPs are duly integrated into all deliberations of the IPU and guide the work of the IPU Secretariat on gender equality. It is supported by the Bureau of Women Parliamentarians.<sup>327</sup>
- The Gender Partnership Group is made up of two men and two women members of the IPU Executive Committee. It is tasked with promoting and monitoring progress towards gender parity and gender mainstreaming, both within the IPU and in national parliaments.<sup>328</sup>

The IPU's engagement with parliamentarians on the work of UN bodies in the areas of human rights and gender equality focuses in particular on fostering strong parliamentary input and follow-up to the UN Human Rights Council's UPR, and to the work of treaty bodies, including the CEDAW Committee.

## V.2 The CEDAW Committee, parliaments and the IPU

The CEDAW Committee is the only UN treaty body to have adopted a specific policy on cooperation with parliaments and with the IPU. In its statement *National parliaments and the Convention on the Elimination of All Forms of Discrimination against Women*,<sup>329</sup> the Committee elaborates on the role of parliaments in ratifying the Convention and its Optional Protocol and withdrawing reservations, in implementing the CEDAW Convention, and in drafting reports and following up on the Committee's concluding observations (see [section III.4 on reporting to the CEDAW Committee](#)).

In 2021, the IPU and the CEDAW Committee issued a joint statement and call to action on achieving gender parity in decision-making (see [Box 7: Joint call by the IPU and the CEDAW Committee for gender parity by 2030](#)).<sup>330</sup> The Committee and the IPU have developed strong institutional ties. The Committee has a CEDAW-IPU Focal Point, who meets with the IPU Secretariat at each Committee session. High-level meetings between the IPU's top parliamentarians and CEDAW Committee members are also organized to enhance existing cooperation.

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<sup>327</sup> IPU, "[Forum of Women Parliamentarians](#)".

<sup>328</sup> IPU, "[Gender Partnership Group](#)".

<sup>329</sup> CEDAW Committee, *National parliaments and the Convention on the Elimination of All Forms of Discrimination against Women: Statement on the relationship of the Committee on the Elimination of Discrimination against Women with parliamentarians*, E/CN.6/2010/CRP.2, 12 February 2010.

<sup>330</sup> IPU, "[Joint Call by IPU and CEDAW Committee on International Women's Day 2021](#)", 8 March 2021.

## V.2.1 The IPU and the reporting process to the CEDAW Committee

The IPU plays an active role in promoting the CEDAW Convention and its Optional Protocol within the parliamentary community and, more specifically, in promoting the role of parliaments in the reporting and follow-up processes:

- The IPU Secretariat encourages parliamentarians to keep track of whether their countries have ratified the CEDAW Convention and its Optional Protocol, as well as whether their countries may have issued any reservations, and to take the necessary steps to withdraw them.
- In recognition of the importance and comprehensive nature of CEDAW, the IPU works to ensure that parliaments and their members provide effective oversight of, and contribute to, the full implementation of the Convention.

The IPU promotes **parliamentary engagement in the CEDAW reporting process** as follows:

- Before each session of the CEDAW Committee, the IPU writes to the parliaments of States parties that are presenting their reports at that session. The IPU provides a copy of the CEDAW Committee statement on parliaments, a link to the State party report and a survey questionnaire, which asks about the role of parliaments in the reporting process and seeks updates on recent steps taken to enhance the representation of women in parliament.
- The IPU encourages parliaments to ensure that their members are included in the delegation that appears before the Committee.
- At each Committee session, the IPU presents a report to the CEDAW Committee containing:
  - ↙ the latest **global and regional statistics** on women in parliaments
  - ↙ **country-specific data regarding the States parties under review** (progress in women's participation in parliament and in government, existence or not of gender quotas and the type of quota used, degree of parliamentary involvement in the State reporting procedure, existence or not of a dedicated parliamentary committee on gender equality)
  - ↙ **information obtained through the IPU questionnaire to all parliaments of the countries under review**, including on quotas and parliament's involvement in reporting to the CEDAW Committee and the follow-up of the Committee's recommendations
  - ↙ **information on the initiatives it has taken since the Committee's previous session** to enhance the role of parliaments in overseeing proper implementation of the CEDAW Committee's recommendations.

- After the review of State party reports by the CEDAW Committee, the IPU sends follow-up letters to the Speakers of the relevant parliaments. It provides a copy of the concluding observations, encourages parliamentary debate on the observations and recommendations, and offers its support in this regard.

The IPU also promotes parliamentary awareness, implementation and oversight of CEDAW. In addition to the parliamentary seminars on CEDAW (see [Box 25: How the IPU promotes parliament's role in implementing CEDAW Committee recommendations](#)), the IPU holds global seminars at the margin of Geneva Assemblies and online. These seminars aim to foster a better understanding among parliamentarians and parliamentary staff of the provisions of the Convention and the work of the CEDAW Committee, and how they can better engage in reporting to the CEDAW Committee and the follow-up of the Committee's recommendations. Their ultimate aim is to enhance the role of parliaments in advancing CEDAW implementation, with a particular focus on follow-up to the Committee's latest concluding observations. They are often attended by a member of the CEDAW Committee, as well as by representatives from government, civil society and development partners. Priority areas of action are identified and followed up on nationally.

## **V.2.2 Bringing CEDAW to the work of the IPU**

CEDAW Committee members regularly participate in IPU Assemblies and other events, including the Forum of Women Parliamentarians and the IPU–UN Women Annual Parliamentary Meeting held on the occasion of the CSW.

The IPU ensures that the CEDAW Convention is mainstreamed into parliamentary debates and activities on gender equality, human rights and development, globally, regionally and nationally. For example, the IPU highlights the relevance of CEDAW to other international commitments and processes, such as SDG 5, UN Security Council resolution 1325 on WPS, and human rights procedures such as the UPR of the UN Human Rights Council.

# Annex: Most recent general recommendations of the CEDAW Committee

A compilation of all CEDAW Committee general recommendations can be found on the [dedicated OHCHR web page](#).

A list of the most recent general recommendations (in reverse chronological order) is given below:

- [General recommendation No. 39 \(2022\) on the rights of Indigenous women and girls](#), CEDAW/C/GC/39, 31 October 2022
- [General recommendation No. 38 \(2020\) on trafficking in women and girls in the context of global migration](#), CEDAW/C/GC/38, 20 November 2020
- [General recommendation No. 37 \(2018\) on the gender-related dimensions of disaster risk reduction in the context of climate change](#), CEDAW/C/GC/37, 13 March 2018
- [General recommendation No. 36 \(2017\) on the right of girls and women to education](#), CEDAW/C/GC/36, 27 November 2017
- [General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19](#), CEDAW/C/GC/35, 26 July 2017
- [General recommendation No. 34 \(2016\) on the rights of rural women](#), CEDAW/C/GC/34, 7 March 2016
- [General recommendation No. 33 on women's access to justice](#), CEDAW/C/GC/33, 3 August 2015
- [General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women](#), CEDAW/C/GC/32, 14 November 2014
- [Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices](#), CEDAW/C/GC/31-CRC/C/GC/18, 14 November 2014
- [General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations](#), CEDAW/C/GC/30, 1 November 2013
- [General recommendation on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women \(Economic consequences of marriage, family relations and their dissolution\)](#), CEDAW/C/GC/29, 30 October 2013
- [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December 2010
- [General recommendation No. 27 on older women and protection of their human rights](#), CEDAW/C/GC/27, 16 December 2010
- [General recommendation No. 26 on women migrant workers](#), CEDAW/C/2009/WP.1/R, 5 December 2008
- [General recommendation No. 25: Article 4, paragraph 1, of the Convention \(temporary special measures\)](#), 2004
- [General recommendation No. 24: Article 12 of the Convention \(women and health\)](#), 1999
- [General recommendation No. 23: Political and public life](#), 1997
- [General recommendation No. 22: Amending article 20 of the Convention](#), 1995
- [General recommendation No. 21: Equality in marriage and family relations](#), 1994
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4. Office of the United Nations High Commissioner for Human Rights (OHCHR), "[Committee on the Elimination of Discrimination against Women](#)"
5. OHCHR, "Status of Ratification Interactive Dashboard"
6. OHCHR, "[Training Package on Reporting to the United Nations Human Rights Treaty Bodies](#)"
7. OHCHR, "[Welcome to the Universal Human Rights Index \(UHRI\)](#)"
8. SDG Tracker, "[Gender Equality](#)"
9. UN Women, "[Global Gender Equality Constitutional Database](#)"
10. UN Women, "[UN Women Data Hub](#)"

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12. UN Women, [Progress on the Sustainable Development Goals: The gender snapshot 2022](#) (New York: UN Women, 2022)
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14. IPU, [Guidelines for parliamentarians on budgeting for the SDGs: Making the most of public resources](#) (Geneva: IPU, 2021)
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