

National Council of Women of New Zealand (NCWNZ)

# CEDAW for beginners

Handout for note-taking

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11/20/2009



Slide 4

**Article Two**

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

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Slide 5

**Article Two**

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

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Slide 6

**Article Two**

- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

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Slide 7

**Article Two**

- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

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Slide 8

**Article Two – Concluding Comments**

- 12. While the Committee appreciates the steps the State party has taken to bring its domestic laws into compliance with its obligations under the Convention, the Committee is concerned that the Convention has not been fully incorporated into domestic law. The Committee is concerned that, although the Human Rights Act of 1993 contains a prohibition against discrimination on the basis of sex and also contains references to maternity and childbearing, the legislation of the State party contains no explicit and comprehensive definition of discrimination against women, in accordance with article 1 of the Convention, encompassing direct and indirect discrimination.

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Slide 9

**Article Two – Concluding comments**

- 13. The Committee urges the State party to take steps to strengthen its prohibitions against direct and indirect discrimination against women in accordance with article 1 of the Convention. It also recommends that the State party undertake efforts to emphasize the comprehensive scope of the Convention in all its efforts aimed at the practical realization of the principle of equality between women and men.

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Slide 16

**Article Three**

- States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

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Slide 17

**Article Four**

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

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Slide 18

**Article Four**

- 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

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Slide 22

**Article Five**

- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

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Slide 23

**Articles Five - Concluding Comments**

- 22. The Committee voices its concern that, apparently, there has been a climate change and "backlash" against the recognition and promotion of women's human rights in the State party, despite the persistence of inequality between women and men. The Committee is concerned that women, especially minority women, continue to be portrayed in a negative, inferior and stereotypical manner in the media and society. The Committee expresses concern that such attitudes and stereotypes present significant impediments to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life.

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Slide 24

**Article Five – Concluding Comments**

- 23. The Committee calls upon the State party to implement a national campaign on the importance of equality between women and men in a democratic society, to increase understanding of the meaning and content of the substantive equality of women and to eliminate negative stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to project non-stereotypical and positive images of women, including minority women, and promote the value of gender equality for society as a whole, including through further measures to sensitize members of the press, television and other media on gender equality issues. The Committee requests that the State party report on measures taken and their impact in its next report.

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Slide 25

**Article Five - Concluding Comments**

- 24. While appreciating the steps taken by the State party, such as the establishment of the Taskforce for Action on Violence within Families and the 2006 report on violence within families, the Committee is concerned about the continued prevalence of violence against women, particularly Maori, Pacific and minority women, and the low rates of prosecution and convictions for crimes of violence against women. The Committee also remains concerned that analysis on issues relating to violence against women remains inadequate for the purposes of identifying the causes of violence against women, monitoring trends and evaluating the appropriateness and impact of policy and law enforcement efforts. The Committee also expresses concern that the number of protective orders granted to women is declining.

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Slide 26

**Article Five – Concluding Comments**

- 25. The Committee calls upon the State party to consistently implement and enforce the Programme of Action on Violence within Families and to revise its Domestic Violence Act of 1995 in order to protect all women victims of violence, including Maori, Pacific, Asian, immigrant, migrant and refugee women, and women with disabilities. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished in line with the Committee's general recommendation 19. The Committee recommends that training be enhanced for the judiciary, public officials, law enforcement personnel and health-service providers in order to ensure that they can adequately respond to it. It calls on the State party to ensure that adequate data is collected on all forms of violence against women and urges the State party to conduct research on the prevalence, causes and consequences of violence against all groups of women to serve as the basis for comprehensive and targeted intervention. In particular, it encourages the State party to study the reasons for the decline in the issuance of protective orders and to consider putting in place additional protective measures for women, such as enabling the police to issue protective orders. It invites the State party to include information on the results of such measures in its next periodic report.

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Slide 27

**Article Five – Concluding Comments**

- 26. The Committee is concerned that violence against women within families and illegal practices relating to marriage on the basis of culture and religion take place within immigrant communities and may not be adequately addressed because of the dependency and isolation of the women concerned.

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**Article Five – Concluding Comments**

- 27. The Committee recommends that the State party undertake proactive outreach measures for the protection of women victims within immigrant communities and cooperate with non-governmental organizations providing services to these women.

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Slide 29

**Article Six**

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

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Slide 30

**Article Six - Concluding Comments**

- 28. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls in New Zealand and the absence of measures taken to address this issue. The Committee is especially concerned that no cases of trafficking in women have been officially reported or prosecuted, despite indications of the existence of trafficking in women in New Zealand. The Committee also expresses concern about the lack of information regarding the nature and extent of prostitution in New Zealand, including about the implementation of the Prostitution Reform Act of 2003. The Committee is also concerned about the exploitation of migrant women and girls in prostitution and the sufficiency of measures to provide protection and assistance for migrant women.

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**Article Six – Concluding Comments**

- 29. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on the number of prosecutions and convictions and on measures taken to combat such activities, including with respect to migrant women and girls, and the impact of such measures. It further calls upon the State party to provide a comprehensive assessment of the Prostitution Reform Act of 2003, including statistical data and steps and measures taken in response to the findings.

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Slide 32

**Article Seven**

- 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;

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Slide 33

**Article Seven**

- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

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Slide 40

**Article Ten**

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

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Slide 41

**Article Ten**

- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

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**Article Ten**

- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

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Slide 43

**Article Ten – Concluding Comments**

- 32. While the Committee commends the State party for its efforts to increase access to free education, the Committee is concerned about the access to education of low-income children and children living in rural areas. In particular, the Committee is concerned about information received that indicates that many schools are pressuring parents to make "donations" to the schools, often without adequately informing parents that such payments are voluntary. The Committee is concerned about the burden this places on low-income and single-parent families, and the disparate impact of these practices on women, who as a whole earn less than men and are more likely to be single parents.

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Slide 44

**Article Ten – Concluding Comments**

- 33. The Committee urges the State party to fund schools adequately and take measures to ensure that children from low-income families and families living in rural areas are not discriminated against in the provision of education. The Committee recommends that the State party undertake efforts to clarify and publicize the voluntary nature of payments requested by schools and monitor schools' practices regarding the collection of fees from parents. The Committee also encourages the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women.

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Slide 45

**Article Eleven**

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
  - (a) The right to work as an inalienable right of all human beings;

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Slide 46

**Article Eleven**

- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

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Slide 47

**Article Eleven**

- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

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Slide 48

**Article Eleven**

- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

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Slide 49

**Article Eleven**

- 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

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Slide 50

**Article Eleven**

- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

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Slide 51

**Article Eleven**

- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
- 3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

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Slide 61

**Article Fourteen**

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

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Slide 62

**Article Fourteen**

- 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - (a) To participate in the elaboration and implementation of development planning at all levels;
  - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;

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**Article Fourteen**

- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

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Slide 64

**Article Fourteen**

- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

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Slide 65

**Article Fifteen**

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

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Slide 66

**Article Fifteen**

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

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**Article Fifteen – Concluding Comments**

- 40. While the Committee welcomes the State party's efforts to expand eligibility requirements for legal aid, the Committee is concerned about the financial, administrative and cultural barriers women face in accessing legal aid and seeking redress in the courts and about the level of awareness among women of their rights and available remedies and services. In particular, the Committee is concerned about whether women are adequately aware of their rights under the revised Property (Relationships) Act, and the lack of research regarding the impact on women of the new property distribution provisions in the Act, which aim to redress economic disparities between partners upon the dissolution of relationships.

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**Article Fifteen – Concluding Comments**

- 41. The Committee requests the State party to analyse and remove impediments women may face in gaining access to justice. The Committee calls upon the State party to provide legal aid services to all women in need and to raise awareness about how to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts. It also encourages the State party to implement gender-sensitivity training to ensure that members of the judiciary, lawyers and prosecutors are fully familiar with applicable legal provisions, sensitized to all forms of discrimination against women and trained to adequately respond to them. It also requests the State party to conduct research and analysis on the impact on women of the new property division provisions in the Property (Relationships) Act and to provide such information in its next report.

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Slide 69

**Article Sixteen**

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;

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Slide 70

**Article Sixteen**

- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

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**Article Sixteen**

- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

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Slide 72

**Article Sixteen**

- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
- 2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

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