



Convention on the Elimination of All Forms of Discrimination Against Women

Strength, Potentials and Obstacles

THE Convention on the Elimination of All Forms of Discrimination Against Women is essentially an international bill of rights for women as well as a framework for women's participation in the development process. Now an international treaty ratified by over 130 countries, the Convention spells out internationally accepted principles and standards for achieving equality between women and men.

The Convention was adopted by the UN General Assembly on December 19, 1979, and came into force as a treaty on December 3, 1981. Ratification or accession obligates governments to pursue a policy of elimination of discrimination against women and to report on progress to that effect to the UN Committee on the Elimination of Discrimination Against Women (CEDAW). Reports from national governments are due within one year after ratification and every four years thereafter.

CEDAW is the only UN treaty which is committed to the principle of equality between men and women. This means equality in their dignity and worth as human beings as well as equality in their rights, opportunities and responsibilities. CEDAW is therefore, a complete and truly non-discriminatory human rights treaty.

Strength and Potentials of Cedaw

The comprehensive Cedaw convention does not only call for equal rights for men and women in all fields. It also delineates effective national actions to implement the provisions of the convention and for the purpose of considering the progress made by the state party in the given period after the ratification; an international body with 23 experts is set up known as Committee on the Elimination of Discrimination Against Women. State parties were urged to ratify the convention rather than signing it which is the case with most other treaties. Signing convention is only symbolic; it simply obligates a government not to do anything in contravention of the principles articulated in the convention. But ratification requires action — it obligates governments to pursue policies to implement it effectively.

The articles of the convention provide for equal rights for women regardless of marital status in all fields: economic, social, cultural, political, civil and public life. It calls for equal access to education, healthcare, employment, guarantee of job security in the event of maternity, equal rights in entering into marriage and its dissolution and equal responsibilities in the context of family life. Other human rights treaties previously addressed women's human rights in a fragmented and superficial way where prohibition of gender discrimination featured as an incidental rather than central concern.

The greatest strength of the convention is emphasis on de facto rather than de jure equality embodying the principles of corrective measures including adoption of appropriate legislative measures to repeal discriminatory provisions and continuous reporting and monitoring procedures on implementations.

Major Obstacles to Implementation of the Convention

The politics of gender and states. Traditionally, the administrative machinery in most countries were indifferent towards integration of women in the system with the assumption that they operate on a gender-neutral

principle and therefore the sex of the policy maker should not make any difference. This was proved grossly incorrect as the development structure and service delivery in most countries were found to be unaware of women's particular needs and concerns. With the failure of the state machinery to integrate women in the development process, CEDAW and other UN Conventions have been emphasising the need to strengthen factors that promote full participation of women in the power structure. However, reluctance continues. Studies show that even in highly developed Western nations which tried to integrate women in the decision-making process, men were seen holding regulatory positions with decision making powers whereas women were holding only advisory positions. In fact this apparent neutrality, upon closer inspection, reveals an implicitly gendered state machinery that unconsciously or reproduces/replicates all kinds of gender inequality at the state level.

In the post 1970's serious attention was paid for the first time the gender dimensions of the formal political, legislative and administrative areas of governments. A case in point in this regard is the failure of newly emerging democratic countries to reflect women's concerns in the agenda of economic and market reform. Women of former communist and socialist countries were hurt more than men by free market reforms and women's concerns are being given too little place in the democratic reshaping of their countries.

Even in highly developed countries structural reforms have further destabilized women's position both in the work place and in the family. With current economic reforms in Japan, greater integration of women in the economy is being emphasised to compensate for the effects of economic recession overlooking the demands of their domestic roles — they have to stay away from family for longer hours. Equal Employment Opportunity laws also in many instances have made working conditions more difficult where employers have only removed the overt sex discrimination but made the job classification and qualification requirement complicated enough to be unsuitable for most women.

This is mainly due to the fact that these nations are building a democratic society where women are excluded from the process of decision making. The most recent UN survey showed an average of 11% inclusion of women in the legislature of the world ranging from about a third or more in half a dozen countries to zero in many others. Reservation to Articles of CEDAW: Out of 130 ratifying countries, 40 countries have either made declarations to the effect that they are not bound by the content of particular articles or part of them and have given their own interpretations with regard to these or have made reservations to particular article or part of them stat-

ing that they are unable to comply with the provisions of the article, which create a great impediment to the implementation of the Convention.

Of the substantive articles to which most countries have made reservations are 2, 7, 11, 15 and 16. Article 16 (whole or part of it which deals with equal rights and obligation of men and women in marriage, divorce, parenthood, personal rights and command over property) has highest number of reservations — 18 countries including 6 Muslim countries have refused to comply with its provisions.

Reservations to substantive articles of CEDAW by state parties especially to Article 2 and 16 is one of the major obstacles in the way of implementation of the convention. Two major trends are observed relating to this — first a number of state parties enter reservation to particular articles or make declaration to the effect (which are often not very specific), that they are not bound by the provisions of those articles. A second group of countries do not enter any reservation to major articles, but at the same time do not take any measures to conform with the provision of those articles. Article 16 is a cause in point. The provisions of this article are very important to women's individual and family right and specifically crucial for women living under Islamic Sharia law which sanctions polygamy and denies women child custody. The convention on the other hand negates polygamy and grants women equal right for child custody. This has led many Muslim countries to enter reservation to it and to that extent the applicability of the convention remains limited.

Article 7 of the Convention calls for equal right of women to vote, stand in election, hold public office, participation in government policy making processes and non-government organizations. A number of countries — including very advanced ones — have entered reservations on substantive parts of Article 7. Austria and Germany have made reservations to 7 (b) concerning the participation of women in armed services. Luxembourg and Belgium's reservation to Article 7 relates to excluding women from royal powers and throne. Israel expresses her reservation to this article with regard to the appointment of women as judges of religious courts.

Reservation to CEDAW by Muslim Countries: Out of 19 Muslim countries (members of Organization of Islamic Countries) who have ratified CEDAW, 3 have made reservations to Article 2 and 4 to Article 16, but for other 15 countries, an undefined gap exists between Sharia law and the provisions of the convention. It is believed that polygamy is practiced in most Islamic countries whether or not they have made any reservation to Article 16 or part of it and application of the concepts embodied in Article 16 are affected by interpretation of its fundamental sources as understood in

the specific context. For example Libya, Indonesia, Yemen, Jordan and Iraq have made no reservation to Article 16, but polygamy is practiced in all these countries.

Reservation made by Bangladesh

Bangladesh has made reservation to 3 articles of CEDAW and 'does not consider as binding upon itself the provisions of articles 2, 13 (a) and 16.1 (e) and (f) as they conflict with Sharia law based on Holy Quran and Sunna'.

The statement made by Bangladesh in defence of her reservation is only partly true since the provisions of both articles 2 and 13 (a) are not in conflict with Sharia law and out of 19 Islamic countries which have ratified the Convention, only four countries have made reservation to Article 2 and none but Bangladesh (Malta, UK and British Virgin Islands have made declaration on Article 23) has made reservation to article 13 (a).

Experts are very concerned about the reservations made by Bangladesh to article 2 because there is an apparent contradiction since equality is granted to women in our constitution. Articles 10, 19, 27, 28 and 29 of Bangladesh constitution grants equality and accord affirmative actions in favour of women and children. Article 2 of CEDAW on the other hand include a) equality in national constitution, b) establish institution to protect women against discrimination and c) abolish all regulations and customs that discriminate against women. If one examines CEDAW article 2, it becomes obvious that though Bangladesh has not been in a position to implement these provisions in de facto, de jure equality in (a) already exists. Besides Muslim Family Law Ordinance of 1961 and some later reforms in Sharia laws like right to divorce (talaq), the Family Court Ordinance of 1985, Dowry Prohibition Act of 1990, and Cruelty to Women (Deterrent Punishment) Act 1983 etc. conform with the requirement to establish legal protection to women through competent tribunals and public institution which are intent to modify or abolish practices which constitute discrimination.

Bangladesh is the only country that has made reservations to Article 13 (a) relating to family benefits (Malta and UK have made declarations on it). It is again in contradiction to its ratification of the convention of Child's Right and adoption of the Decade Action Plan for the Girl child (1991-2000) basic objectives of which are to give girls equal access and benefit in all areas of life for full development. Our Government is also a participant in observance of the International Year of the Family which mandates economic, cultural and social democracy within the family. Similarly the reservation to Article 16 can be impugned because the reforms already made under MFLO and other judicial procedures introduced made it clear that Sharia is not immutable.

In the modern world societies tend to be multi-racial and multi-religious. And people of different faith, origin or ethnicity including indigenous people or minority have a right to their culture and traditional practices, but one should not overlook the fact that the right to life, security of person, health and education are prior to that of culture, religion or ethnic identity, and in instance of conflict between the two, the universality of human rights should take precedence. No nation should be governed by two sets of laws in the area of human rights.



Equal ability makes everyone equal.

— Photo : Shamsuz Zaman

Opening the Windows of the Mind

by Salma Sobhan

IN a country of over a 110 million where only 33 per cent of the population is literate, one might think that there could never be too many initiatives to remedy this deficiency. An NGO mounting a successful literacy programme should meet with general approbation. Not so. The camp followers of the religious right have chosen instead to mount a campaign against BRAC which has received international recognition for developing its Nonformal Primary Education (NFPE) programme which is being replicated outside the country. Interestingly enough, the Grameen Bank, whose runaway successful credit programme for poor women has received worldwide acclaim is also underfire from the same quarters.

There is no shortage of social ills to attack: from violence against women, to the desertion of views and abandoning of children, the trafficking of women and children and dowry demands. Yet, there is a deafening silence on these issues from the religious right which has chosen instead to target two good initiatives. Why is this so? The answer is that this sector is not interested in redressing the ills of society when these ills arise out of or are reinforced by perceptions that women are inferior to men and should remain subordinate to them.

They would contend that women by seeking to challenge these perceptions and by stepping out of the space allotted them bring these ills upon themselves. Thus, the rape victim's alleged provocation is given as the cause of an attack

upon her even where, as sickeningly often is the case, the victim is a child. But the fact that there is no word of condemnation for instance of the husband who deserts his pregnant wife, brothers who hold their share of the parental property from their sisters, brothers-in-law who defraud widowed sisters-in-law and nieces not only goes to show that when women meekly 'keep to their place' they do not fare any better but also exposes the hollow claims of the self-styled custodians of the faith.

The reason why BRAC's NFPE and Grameen's credit programmes are both being attacked is not only because they are seen as challenging the misogynist worldview that the religious right fosters and which they claim is divinely ordained. It goes deeper than that. It turns on what is seen as the function of education.

The root of the world 'education' comes from words meaning to draw out; in this context, therefore, to develop the capacity for analysis and understanding. It is this capacity that would enable men and women to resist domination by those who seek power by an Orwellian species of thought control and would use religion for their own ends rather than the ends ordained by God. They use the access that running an educational programme gives them to exercise control over the minds of their pupils and will naturally resist any educational programme that develops any person's ability to think rationally.

The writer is associated with Ain O Salish Kendra, a human rights and legal aid centre.

Bangladesh Women Get Ready for Beijing

by Shaheen Anam

THE Fourth World conference on women will be held in Beijing from 4 to 15 September 1995. It follows three prior world conferences on women — in Mexico city (1975), Copenhagen (1980), and in Nairobi (1985). The Beijing Conference is a follow-up to the process started in Nairobi where the Forward Looking Strategies for the Advancement of Women to the Year 2000 was adopted.

The overall goals of the Beijing conference are to:

Review and evaluate the advancement of women since the last conference in 1985 in terms of the Forward Looking Strategies.

Mobilize men and women both at the policy-making and grassroots levels to achieve these objectives; and

Adopt a Platform for Action, and official conference document which will outline measures to implement the Forward Looking Strategies.

The last world conference was significant for the advocacy strategies developed by women's groups and different Non-governmental Organizations. To maximise the participation of NGOs and all organizations involved in women's issues, a National NGO Forum Preparatory Committee has been formed with Prof. Sufia Kamal as the Chief Advisor and Prof. Najma Chowdhury as the Chairperson. The Committee comprises of members from dif-

ferent NGOs, women's groups as well as activists in the field. It is the intention of the committee to be as broad based as possible in order to take the concerns of the majority of the women of Bangladesh to the forthcoming conference in Beijing.

Membership to the committee is open to all individuals and organizations interested and committed to the improvement of the situation of women in Bangladesh as well as globally. The time to register is till March 1994 and the cutoff number is 130 members including organizations as well as individuals.

The committee has been divided into 12 working groups based on individual and group interest in order to work on the 12 themes already identified by the Beijing NGO forum in a meeting held in Manila in November 1993. The 12 themes are the following:

Health
Labour Rights
Agriculture
Culture and Education
Political Empowerment
Economic Empowerment
Violence Against Women
Women's Human Rights
Science and Technology
Indigenous Women
Family
Environment
This range of economic, so-

cial and political issues encompasses areas of struggle for transformation particularly in this region.

A steering committee has been selected comprising of 20 members which will be responsible for co-ordinating the work of the national committee. The steering committee is now in the process of drawing up a work plan for the national committee. The dates for the 12 working group meetings have been announced and all members are being informed.

The objective of the National Committee can be summarized as the following:

1) To address the concerns of the majority of the women of Bangladesh to the Beijing conference and beyond.

2) To input effectively into the Government preparation for the Beijing Conference and assist in preparation of the national report now being prepared by the Government.

3) If the report prepared by the Government does not adequately reflect the concerns of women than an alternate report to be prepared and submitted at the Beijing Conference.

4) Inclusion of local, grass-root level women, so that they may participate in all preparations upto the Beijing conference.

5) Encourage broader participation of all people from all

walks of life through wider linkages with the media.

Some interesting points have come to light as the members started to form into groups. It has been observed that certain important issues such as labour, science and technology, agriculture, indigenous women have not been able to attract much interest among the members present.

It has also become evident during the meetings that there is a great need to disseminate information so that the general public have access, or, are informed of the process taking place in preparing for the Beijing conference. The public needs to know the activities of the Government and the Non-government organizations in their attempt to make the conference a success.

Conferences are usually viewed with a lot of skepticism and are generally seen as a ground for creating papers rather than contents. The forthcoming conference will be subject to the same skepticism if we do not take a proactive stand and resolve to make it substantive and effective. It all depends on us, the women of Bangladesh and women all over the world.

An update of the activities of the Preparatory Committee will be provided every month in this paper.

One Girl's Dream Begins to Come True

Michelle Macafee writes from Zimbabwe

THE memories are still fresh in the young girl's mind. Wake at 3 o'clock. Plough the fields. Walk to school. Return to the fields. Study by candlelight.

Two years ago, this was a typical day in Runyararo Mashingaidze's life. Sheer exhaustion sent her grades plummeting and poverty left her future bleak.

Today, the cheerful and talkative girl bubbles with enthusiasm, dressed sharply in the creme blouse and crisp burgundy skirt that is her school uniform.

"I'm going to be a doctor and help improve my family's situation," she says confidently, briefly breaking from her studies at St. Francis of Assisi boarding school, near Chivhu. The fees are about one quarter of her family of ten's annual salary, but Mashingaidze need no longer worry. She is one of 150 teenage girls in Zimbabwe who can dare to dream of a bright future. Womankind Zimbabwe, a British-based organisation, financially supports girls throughout their secondary education who would otherwise be forced to drop out.

Ann Cotton founded the project in 1991, inspired by a visit to rural Zimbabwe that was part of her thesis research at London University. She was struck by two things: the ex-

treme poverty of the area and the commitment of young girls to their education.

Cotton began fund-raising and started Womankind Zimbabwe from her home in Cambridge, under the umbrella of Womankind Worldwide, a London-based agency that supports women and girls. In 1992, there were 32 girls in the programme. This year, there are 150 students and the organisation is branching out

on its own, under the name Camfed — Cambridge Female Education Trust.

In Zimbabwe, and much of Africa, girls have been historically denied a secondary school education on cultural and economic grounds.

"Parents are more likely to support boys if they have to make a choice because they think they are more likely to get jobs," says Cotton, who was recently in Zimbabwe to visit

the students.

A national education report earlier this year found the enrollment of girls in secondary schools in Zimbabwe was often two-thirds the total of boys. Cotton says the gap has widened in the past few years, especially in the rural areas, due to greater hardships caused by drought and economic structural adjustment.

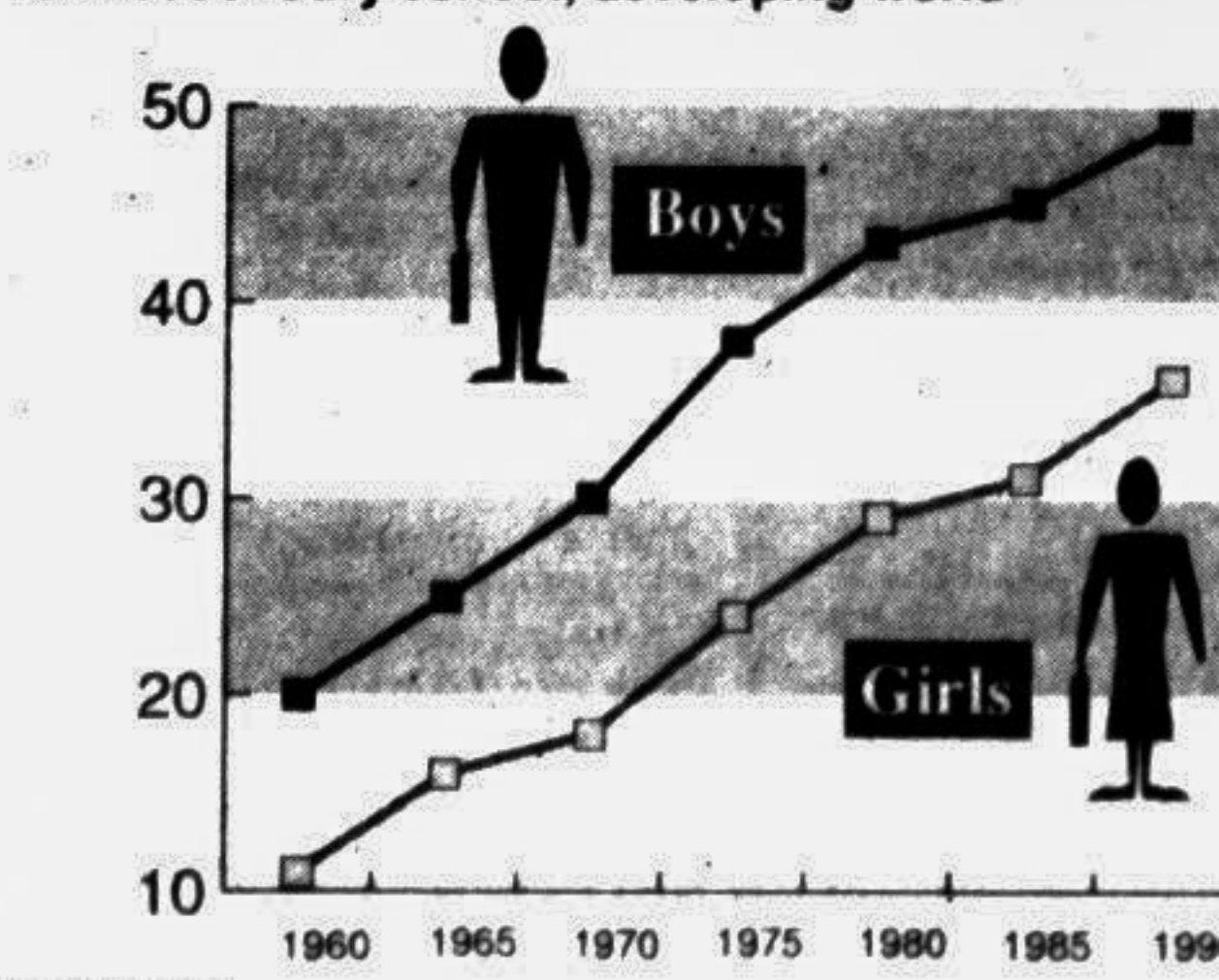
Since there are more girls than resources, Camfed has developed a screening process. The candidates must have financial need, do well on academic tests, have good attendance, be in good health and have the support of their parents.

Five schools now have groups of students in the project. In January more schools and another 90 students will be added and a field worker will be based in Zimbabwe. Young Runyararo Mashingaidze has her goals firmly in sight and they do include going on to university. She knows how lucky she is and is not about to let herself get sidetracked.

"I need to work hard and have friends who also want to work hard, not be lazy," she says. "Then I can have a good life." — Gemini News
MICHELLE MACAFEE is a Canadian journalist visiting Zimbabwe on a grant from the Canadian International Development Agency (CIDA).

Leap in literacy

% in secondary school, developing world



Source: Unesco