

WHAT IS CEDAW?

CEDAW is the **CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN** CEDAW...

It is also known as the:

- ★ International Bill of Rights for Women
- ★ Women's Convention
- ★ United Nations Treaty for the Rights of Women

CEDAW is the first and only international treaty that comprehensively addresses women's rights, not only within civil and political spheres, but also within economic, social, cultural and family life.



HOW OLD IS CEDAW?

CEDAW CAME INTO FORCE ON SEPTEMBER 4, 1981

The Philippines signed CEDAW on July 17, 1980 and ratified it on July 19, 1981.

DID YOU KNOW THAT...

- ★ The Philippines, through Leticia Ramos-Shahani, prepared the first draft of CEDAW adopted by the United Nations as a basic working paper? It was co-sponsored with Russian delegate Tatiana Nikolaeva.

CEDAW has 185 States Parties. A State Party is a government that not only signed, but its lawmaking body ratified CEDAW and is bound to put the provisions of the treaty into practice.



WHY A SEPARATE BILL OF RIGHTS FOR WOMEN?

Existing international human rights treaties had been insufficient to guarantee the protection of women's human rights.

"Discrimination against women violates the principles of equality of rights and respect for human dignity" that hampers women's participation, on equal terms with men, in all fields for development and peace. (CEDAW Preamble)



SO WHAT IF THE PHILIPPINE GOVERNMENT SIGNED AND RATIFIED CEDAW?

As a State Party, the Philippine government recognizes that discrimination against women exists and that there is a need for state action. States Parties are bound to **Respect, Protect** and **Fulfill** women's rights. They are bound to:

- ★ Repeal all discriminatory laws and policies
- ★ Enact anti-discrimination policies and provide effective mechanisms and remedies where women can seek redress for rights violations
- ★ Promote equality through all appropriate means
- ★ Make a national report every four years on measures they have taken to comply with the treaty obligations

WHO CHECKS IF THE STATES PARTIES ARE DOING THEIR PART?

The CEDAW Committee

- ★ Monitors progress for women made in countries that are States Parties to CEDAW
- ★ Reviews periodic reports of CEDAW States Parties on national implementation of CEDAW obligations. The reporting process constitutes a mechanism for accountability at the international level.
- ★ Issues general recommendations, which elaborate the CEDAW Committee's view of the treaty's obligations.

DID YOU KNOW THAT...

- ★ The CEDAW Committee is made up of 23 experts selected by States Parties to monitor compliance to the treaty?



WHAT USE IS CEDAW TO ADVOCATES AND POLICYMAKERS?

- ★ As a reminder of government obligations
- ★ As an argument in domestic litigation
- ★ Rights as targets and indicators in development projects and policies or in the reporting process

WHAT IS DISCRIMINATION AGAINST WOMEN?

It means "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, social, cultural, civil or any other field." (CEDAW, Article 1)



HOW DOES CEDAW AIM TO END DISCRIMINATION?

- ★ It aims to bring about substantive equality of women. This means governments are tasked to bring in actual results in women's lives.
- ★ It carries with it the principle of State Obligation. This means that the State has responsibilities to women from which it cannot withdraw.
- ★ It prohibits actions and policies that put women at a disadvantage whatever its intentions.
- ★ It tasks States Parties not only to prevent women's rights violations by state institutions and government officials, but also by private individuals and groups.
- ★ It recognizes the influence of culture and tradition on restricting women's enjoyment of their rights, and challenges States Parties to change stereotypes, customs and norms that discriminate against women.
- ★ It addresses the need to tackle power relations between women and men at all levels, from family, to community, market and State.
- ★ It discards the distinction between the private and the public spheres, by recognizing violations of women in the private sphere i.e. the home, as violations of women's human rights.



WHAT IS THE OPTIONAL PROTOCOL TO CEDAW?

When a woman has tried to seek redress from the government and exhausted all avenues under the law, she can seek justice at the international level through the Optional Protocol to CEDAW (*OP-CEDAW*).

OP-CEDAW was adopted on October 6, 1999 and came into force on December 22, 2000. The Philippines signed the OP-CEDAW on March 21, 2000 and ratified it on November 12, 2003.

As of June 2007, of the 185 States Parties to CEDAW, 88 have acceded to the Optional Protocol. This is open only to States Parties of CEDAW but optional. Only citizens of OP States Parties can avail of this option.

HOW DOES THE OP-CEDAW WORK?

There are two mechanisms:

1. The **communications** procedure – individuals or groups submit petitions directly to the CEDAW Committee
2. The **inquiry** procedure – the CEDAW Committee investigates serious or systematic abuses of women's rights in member countries



WHERE ARE COMPLAINTS FILED?

Committee on the Elimination of Discrimination against Women

C/o UN Division for the Advancement of Women
Department of Economics and Social Affairs,
United Nations Secretariat
2 United Nations Plaza, DC 2/12th Floor
New York, NY 10017 USA

Fax Number 1-212-963-3463



CEDAW WATCH NETWORK

CEDAW WATCH NETWORK is a multi-sectoral advocacy network of individuals and organizations committed to promote women's human rights through CEDAW and its General Recommendations.

VISION

CEDAW is relevant to the lives of Filipino women in all spheres – civil, political, economic, social and cultural.

MISSION

- ★ Lobbying for full integration in the Philippine legal framework, including the Constitution, and monitoring compliance by the Government of the Philippines of its obligations as State Party
- ★ Sustained public information campaign to all sectors of society

TASK FORCE TEAMS WERE CREATED FOR PRIORITY ACTIVITIES AND PROGRAMS

- ★ Lobbying for gender equality law – Magna Carta of Women
- ★ Addressing poverty and economic justice
- ★ Gender justice training (lawyers in the Supreme Court and Court of Appeals)
- ★ Monitoring Mechanisms
- ★ Public Information Campaign
- ★ Network Expansion – training of new breed of advocates, CEDAW Youth

MEMBERSHIP

More than 100 members nationwide representing government, civil society groups, media, academe and international development organizations. A CEDAW Youth group comprising of 30 young women has been formed.

SECRETARIAT

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CEDAW

MAKING WOMEN'S RIGHTS REAL



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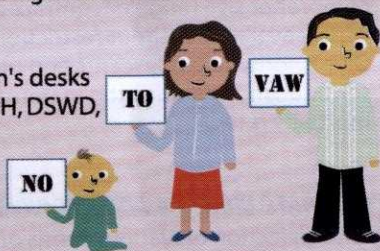
National Commission on the Role of Filipino Women



SINCE RATIFYING CEDAW, WHAT HAVE WE GOT TO SHOW?

LAWS PROTECTING WOMEN FROM VIOLENCE

- ★ RA 7877 Anti-Sexual Harassment Act
- ★ RA 8353 Anti-Rape Law
- ★ RA 8505 Rape Victim Assistance and Protection Act
- ★ RA 9208 Anti-Trafficking in Persons Act
- ★ RA 9262 Anti-Violence Against Women and Children Act
- ★ Family Code
- ★ Women's and children's desks and services (PNP, DOH, DSWD, NBI, CHR, LGUs, etc.)



GENDER AND DEVELOPMENT (GAD) MAINSTREAMING IN GOVERNMENT PLANS, POLICIES AND PROGRAMS

- ★ GAD budget policy: 5% allocation from total budgets for women
- ★ Start of sex-disaggregated data

SPECIAL TEMPORARY MEASURES AT PROTECTING MATERNITY

- ★ Collective bargaining agreements on maternity-related provisions like flexible working hours for pregnant women, relief from heavy work
- ★ Maternity leave, including unmarried civil servants
- ★ Solo Parents Act of 2000



IMPROVING ECONOMIC LIFE

- ★ Information and support services to women overseas workers
- ★ RA 8042 Migrant Workers and Overseas Filipinos Act
- ★ Deployment of social workers and labor attaches
- ★ Comprehensive orientation program for entertainers
- ★ Pre-departure and pre-employment orientation seminars



WHAT RIGHTS ARE GUARANTEED BY CEDAW?

- ★ Right to good quality education (articles 10 and 14)
- ★ Right to comprehensive health services, including on family planning (articles 11, 12 and 14)
- ★ Right to access loans and other forms of financial credits (articles 13 and 14)
- ★ Right to join leisure, sports and cultural activities (articles 10, 13 and 14)
- ★ Right to decide on the number of children and on the number of years between pregnancies (article 16)
- ★ Right to shared parenting responsibilities (articles 5 and 16)
- ★ Right to have equal access to jobs, benefits and social security (articles 11 and 14)
- ★ Right to be paid equally based on the work they do (article 11)
- ★ Right to be free from all forms of violence whether physical, sexual, emotional, mental or economic (General Recommendation 12 and 19)
- ★ Right to be free from all forms of slavery and prostitution (article 6)
- ★ Right to vote, run for election and hold public office (article 7)
- ★ Right to represent the country internationally (article 8)
- ★ Right to acquire, change or retain nationality and citizenship (article 9)



WHAT ARE GENERAL RECOMMENDATIONS?

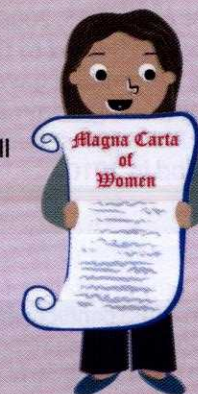
CEDAW is being continually updated to include new insights and new issues that are brought to the CEDAW Committee's attention through the formulation of General Recommendations (GR) by the committee such as GR 12 and 19 on gender-based violence against women.

To date, there are 25 General Recommendations under the CEDAW Convention. The CEDAW Committee is working on a GR on the rights of women migrant workers.



WHAT IS THE MAGNA CARTA OF WOMEN?

The Magna Carta of Women is a proposed omnibus law that aims to translate the spirit and letter of CEDAW to eliminate discrimination against women and to recognize, respect, protect, fulfill and promote all human rights and fundamental freedoms of women, particularly the poor and marginalized.



WHY A MAGNA CARTA OF WOMEN?

- ★ 26 years after the Philippines ratified CEDAW, Filipino women continue to suffer from discrimination and unequal relations
- ★ There is no definition of discrimination in national legislation
- ★ There are existing laws or provisions therein that continue to discriminate against women

WHAT ARE SOME SALIENT POINTS OF THE BILL NOT PRESENT IN EXISTING LAWS?

- ★ Defines discrimination against women based on CEDAW
- ★ Equal treatment before the law
- ★ Equal rights in all matters relating to marriage and family relations
- ★ Participation and representation – 50% women in third level positions in government; in police force, forensics, medico-legal professions; 33% in all development councils from barangay to regional; incentives to political parties and private sector
- ★ Equal access to education – Outlaw expulsion, non-readmission, prohibiting enrolment and other discriminatory acts in schools to unmarried women students due to pregnancy
- ★ Non-derogatory portrayal of women in media and film
- ★ Access to information and services relating to women's health

WHAT ARE THE CONCLUDING COMMENTS OF THE CEDAW COMMITTEE?

Last August 15, 2006, the Philippines presented its Progress Report to the CEDAW Committee in New York. The Committee gave its recommendations or its "Concluding Comments" detailing specific issues which the Philippines must focus on until the next reporting period in 2010.

TRANSLATION OF CEDAW IN NATIONAL LEGISLATION

- ★ Clarify the status of CEDAW in the national legal system to avoid conflict with national laws
- ★ Define discrimination in the national law – it is so defined in the Magna Carta of Women or the Gender Equality Bill

REVISION OF DISCRIMINATORY PROVISIONS IN NATIONAL LAWS

- ★ Revised Penal Code, Articles 333 and 334: Wives can easily be accused of adultery while husbands have to be caught co-habiting and supporting another woman
- ★ Family Code, Articles 96, 124, 211 and 335: In cases of disagreement between husband and wife over community and conjugal partnership property, and the exercise of parental authority and legal guardianship over the person and property of a common child, the husband's decision prevails
- ★ Night work prohibition under the Labor Code
- ★ Code of Muslim Personal Laws: Allows polygamy, early and arranged marriages; Women inherit only half of the inheritance of the male heir
- ★ Anti-Rape Law: A forgiveness clause could extinguish the criminal dimension of marital rape and its penalties, and could perpetuate the cycle of violence
- ★ Review laws relating to abortion to remove punitive provisions imposed on women who undergo abortion



CEDAW CONCLUDING COMMENTS

STRENGTHEN THE NATIONAL MACHINERY OF WOMEN, the National Commission on the Role of Filipino Women, and provide it with authority, decision-making powers, human and financial resources at par with the cabinet level



ELIMINATE GENDER STEREOTYPING which are the root causes of violence against women, disadvantaged position of women in the workplace, political and public life; Conduct education campaigns for the public, including religious leaders

Ensure full and equal participation of women in leadership positions; Establish goals and implement training programs to **ACCELERATE WOMEN'S PARTICIPATION IN PUBLIC AND POLITICAL LIFE**



EVALUATE IMPACT OF FREE TRADE AGREEMENTS ON WOMEN'S SOCIO-ECONOMIC CONDITIONS; Eliminate occupational segregation, enhance the situation of women in informal economy and close the wage gap

Continue with efforts to have bilateral measures to **PROTECT WOMEN MIGRANT WORKERS** and address the root causes of women's migration

LEGISLATE A DIVORCE LAW which allows women to marry after divorce, and grants equal rights to property during marriage and after divorce



CEDAW CONCLUDING COMMENTS

The fact that there is no national reproductive health policy is a form of discrimination in that the absence of a law fails to protect women's human rights

STRENGTHEN MEASURES AGAINST UNWANTED PREGNANCIES by making a comprehensive range of contraceptives widely available without restriction; Give priority to adolescents and provide sex education; Reduce the maternal mortality rate



ELIMINATE VIOLENCE AGAINST WOMEN (VAW) by enhanced data collection on various forms of VAW; Research on prevalence, causes and consequences of domestic violence as basis for intervention collection on various forms of VAW; Research on prevalence, causes and consequences of domestic violence as basis for intervention

IMPLEMENT ANTI-TRAFFICKING IN PERSONS ACT by providing comprehensive info and data; Strengthening bilateral, regional and international cooperation with countries of origin, transit and destination; Address the root causes of trafficking and improve preventive measures

ELIMINATE EXPLOITATION IN PROSTITUTION: Discourage demand; Provide rehabilitation, economic empowerment programs and financial support to NGOs which run shelters and drop-in centers

EMPOWER RURAL, INDIGENOUS AND MUSLIM WOMEN

by paying particular attention to their social, economic and health needs; Provide increased educational opportunities to discourage early marriages; Sex disaggregated data and information on the impact of measures taken and results achieved of policies and program for these women



WIDE DISSEMINATION OF WOMEN'S AGENDA: CEDAW and the Concluding Comments including the Beijing Platform for Action and the Millennium Development Goals