CHAPTER - III

THE CONVENTION

The International Bill of Human Rights\(^1\) was the first comprehensive instrument covering all facets of human rights and obligating States Parties to ensure the implementation and respect for their universal observance without distinction of any kind, including sex/gender. Thus women were placed in full equality with men and it was expected that implementation of the provisions of the International Bill would lead to elimination of all forms of discrimination against women. However, many advocates of women's rights had the view that these provisions were not sufficient. Since women constitute the most vulnerable section of the society and have been discriminated against for centuries, many argued that special measures be directed to specifically promote and protect human rights of women.

It was difficult for the entire membership of the United Nations to reach a decision, therefore piece-meal steps were taken while the international covenants were in the process of formulation. One of the first international measures adopted was the Convention on the Political Rights of Women adopted on 20 Dec. 1952, giving women equal political rights, and urging Member States to give this right to women.

\(^1\) The International Bill of Human Rights is a term used to refer collectively to three instruments: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.
This was followed by the Convention on the Nationality of Married Women adopted in 1957, providing women equal status and treatment as men in case of marriage to foreigners. After this the United Nations adopted the Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage in 1962. This Convention, by prescribing certain conditions for marriage, provided protection to women from being married off at an early age as well as from being forcefully married off.

In 1967 the International Convents were ready and adopted. The Convention on Civil and Political Rights undertakes to ensure the equal rights of men and women in the political sphere and the Covenant on Economic, Social and Cultural Rights ensures equal rights of men and women in the economic, social and cultural spheres. Thus the Covenants, for the first time, covered all spheres of life.

Following this, that same year on November 7, as a prelude to an international instrument that would be binding to the Member States, the United Nations adopted the Declaration on the Elimination of Discrimination Against Women. The Declaration encourages the elimination of discrimination against women in a wide range of areas - legal, political, property rights, personal, etc. Thus this Declaration became the first specific comprehensive measure defining the concept of equal rights between men and women in all spheres of life. But, since it was not binding to the Member States the Declaration did not have the effect that was hoped for. Therefore, after some years the need for a more stronger and binding instrument of this kind was felt. It was this need that led to the idea of formulating and adopting an international convention of this kind, of
which the Member States would be parties to in order to eliminate all forms of
discrimination against women.

Preparatory Work

(a) *The Commission:*

As mentioned above, despite the adoption of comprehensive conventions
and declarations such as the Universal Declaration of Human Rights, the
Convention on the Political Rights of Women, the Covenants on the Civil and
Political Rights, the Declaration on the Elimination of Discrimination Against
Women, etc. it was realised that women still faced a lot of discrimination and
that further stronger measures were required if all women were to gain equality
in this world. As such, in 1972 the Secretary-General requested the Member
States to give their views regarding the form and content of a possible
international instrument on the human rights of women. The following year, a
working group was appointed by the ECOSOC to consider the elaboration of
such a convention. On January 24, 1974 the Commission on the Status of
Women decided, in principle, that a single comprehensive draft convention on
the elimination of discrimination against women should be prepared without
prejudice to the preparation of any future instrument or instruments, which
might be elaborated, either by the United Nations or by the specialised agencies
dealing with discrimination in specific fields.

The following year, 1975, the World Conference of the International
Women's Year, held in Mexico City from June 19 to July 2, considered it
necessary to speed up the drafting of the Convention which, it stated, would
ensure in practice the full equality of men and women in all fields. The Conference called upon the ECOSOC to request the Commission on the Status of Women to submit a draft of the Convention to the ECOSOC and the General Assembly. Following this the General Assembly too, on December 15, by resolution 3521 (XXX) requested the Commission to complete the elaboration of the draft convention in 1976 and submit it to the Assembly and the ECOSOC.

Accordingly, the Commission considered the draft text of the convention in 1976 and made the first elaboration on it. While discussing this draft convention, the Commission had before it a working paper based on comments received from forty governments, four specialised agencies and ten non-governmental organisations having consultative status in the ECOSOC, which analysed the replies received on different parts and articles of the draft convention. The elaborated draft convention, by its general provisions, defined discrimination against women "as any distinction, exclusion or restriction made on the basis of sex, which had the effect of or the purpose of impairing or nullifying the recognition, enjoyment or exercise by women, on a basis of equality with men, of human rights and fundamental freedoms in the political, economic, social, cultural and any other field of public life." The draft convention also provided the Commission to establish an ad hoc group to consider progress made in the implementation of the Convention, and requested the ECOSOC to submit to the General Assembly periodic reports on information received and progress made in achieving full observance of the recognised rights. It was decided that the Convention, which was to be open for signature.
to all States, was to enter into force on the thirtieth day after the day of deposit of the twentieth instrument of ratification or accession.

This elaborated text of the draft convention was approved by the Commission on December 17 and was then submitted to the ECOSOC for action. Meanwhile, on April 20, 1977 the Social Committee approved this draft convention without a vote.\(^2\) The ECOSOC, in its turn, commending the Commission's work in the drafting of the Convention, on May 12, 1977 submitted the draft Convention to the General Assembly, recommending that it be considered as a matter of urgency and that it should be adopted at the Assembly's regular 1977 session. The ECOSOC also invited Member States and specialised agencies to make comments on the draft convention.

(b) **Consideration by the General Assembly:**

The General Assembly, while considering the draft convention, had before it a report from the Secretary-General presenting an analysis of the text based on the comments from twenty-seven governments and four specialised agencies. Meanwhile on October 19, the General Assembly's Third (Social, Humanitarian and Cultural) Committee established a Working Group of the whole to consider and finalise the draft convention. This Working Group held twelve meetings and then sent its report to the General Assembly. On December

\(^2\) The sponsors of the draft Convention in the Social Committee were: Argentina, Austria, Bangladesh, Bolivia, Bulgaria, Denmark, Iran, Jamaica, Kenya, Malaysia, Mexico, New Zealand, Nigeria, Norway, Pakistan, the Philippines, Poland, the Syrian Arab Republic, Togo, The Ukranian SSR, the USSR and the U.K.
16, the Assembly recommended that a working group be again established at the outset of its regular 1978 session to continue the work. Subsequently, a working group of the whole was established once again by the Third Committee at the regular 1978 session of the General Assembly. This working group held twenty-one meetings at the U.N. Headquarters in New York between September 29 and December 6, and submitted its report to the Assembly at the end of the session. Since the work had still not been completed, the Assembly once again recommended that a working group be established again at the beginning of its 1979 session. So on September 24, 1979 the Third Committee re-established the working group of the whole to complete the work on the draft convention. The working group held twelve meetings from September 26 to November 29, during which it considered Part V dealing with the establishment of a body to consider the progress made in implementing the Convention, and Part VI, containing the final provisions. The working group approved the title of the Convention as the "Convention on the Elimination of All Forms of Discrimination against Women" and also decided on texts for a number of other provision on which agreement had not been reached at the earlier sessions.

On November the working group established a Style Committee composed of Canada, China, Spain, the Syrian Arab Republic, the USSR and the United Kingdom, and later joined by France, to consider the technical framework and the style of the Convention. This Committee made a number of amendments, including a recommendation that the Convention be divided into six parts without titles. The working group approved the text of the draft
convention as amended by the Style Committee and then submitted the same to the Third Committee.

The Third Committee considered this text of the draft convention at four meetings and approved a number of amendments to it. It also approved the tentative wording proposed by the working group to two preambular paragraphs: one, emphasizing that the eradication of a number of policies and practices was essential to the full enjoyment of the rights of men and women, and the other, affirming policies and principles which would promote social progress and development and contribute to the attainment of full equality between men and women. The Committee also approved, as articles 17 to 22, a set of articles proposed by Sweden providing for a Committee on the Elimination of Discrimination Against Women (CEDAW), consisting initially of eighteen and later twenty-three members who were to be experts nominated by the States Parties. These articles also set forth the method of electing these experts to the CEDAW, their terms of office and the method of filling casual vacancies.

The Committee then approved the draft convention as a whole on December 6 by 104 votes to 1, with 10 absentations. Then on December 7, by a recorded vote of 112 to 1, with 13 absentations, the Committee approved a resolution to have the General Assembly adopt the Convention at its current session.

3. The various parts of the draft Convention were approved and voted for separately before the Convention was approved as a whole.

4. This move was requested by Italy and the resolution was sponsored by Australia, the Bahamas, India, Jamaica, Kenya, the Netherlands, Norway, Papua, New Guinea, the Philippines, Sao Tome and Principe, Romania and Yugoslavia.
(c) *Adoption and Signing/Ratification:*

The long struggle of the United Nations, specially of the Commission on the Status of Women, bore fruit in December 1979, when on the 18th of that month the General Assembly by resolution 34/180 adopted the text of the Convention on the Elimination of All Forms Discrimination against Women as approved by the Third Committee on December 6. By a separate recorded vote, the Assembly adopted the Convention itself by 130 votes to 0, with 11 abstentions. The Convention was the opened for signature, ratification and accession on March 1, 1980. At the same time, the General Assembly asked the Secretary-General to present the text of the Convention to the 1980 World Conference of the United Nations Decade for Women for its information, and by another resolution the Assembly asked the Secretary-General to submit a report to it at the end of year on the status of the Convention under an agenda item on that subject.5 Following this, the Working Committee, by resolution 28, called on all States to sign and ratify the Convention, to take all necessary measures for its implementation and to publicize it, and asked the specialised agencies and non-governmental organisations to take part in national and international publicity activities. The resolution was adopted without a vote.6

5. This resolution was sponsored by Australia, Bulgaria, Canada, Finland, India, the Netherlands, Norway and the Philippines.

6. Although the resolution was adopted without a vote Pakistan and Haiti had reservations: Pakistan's reservations was regarding some articles of the Convention and Haiti's reservation was regarding a preambular reference to the need for co-operation among all women "irrespective of their social and economic systems".
At the signing ceremony in Copenhagen on July 17, 1980, fifty-two States signed the Convention and two States deposited instruments of ratification. Twelve other countries signed the Convention during the Working Committee's session. As in other conventions, many States had their reservations on various articles and references of the Convention but inspite of this, at the end of the year 1980, there were eighty-one signatories, ten of which were followed by deposit of instruments of ratification and there was also one accession.

The Convention came into force on September 3, 1981, on the thirtieth day after the date of deposit, with the Secretary-General, of the twentieth instrument of ratification on accession, as stipulated under article 27.

Provisions

The Convention consists of a preamble and thirty articles, which are divided into six untitled parts. By the preamble the States Parties to the Convention note the various international instruments reaffirming the principle of equal rights of men and women, despite which extensive discrimination against women continues to exist in every society of the world. The States Parties, convinced that the establishment of the new international economic order based on equality and justice would contribute significantly towards the promotion of equality between the sexes, emphasize that eradication of apartheid, racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination, and interference in the internal affairs of States was essential to the full enjoyment of men's and women's rights. States Parties further affirm that the strengthening of international peace and
security, the relaxation of international tension, mutual co-operation among all States, general and complete disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in inter-State relations and the realisation of the rights of the peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as request for national sovereignty and territorial integrity, would promote social progress and development, and contribute to the attainment of full equality between men and women. Furthermore, bearing in mind the great contribution of women to the welfare of the family and to the development of society, and also aware that women's role in procreation should not be a basis for discrimination and that a change in the traditional roles of men as well as women in society and in the family was required to achieve full equality, the States Parties express their determination to implement the principles set forth in the 1976 Declaration on the Elimination of Discrimination Against Women and adopt measures needed to eliminate such discrimination in all its form and manifestations.

Arts. 1 to 6 form Part I to the Convention and deals with women's social position. Art. 1 defines the term "discrimination against women" and states what is comprehended by it. It establishes that the Convention deals with discrimination directed against women, and not with discrimination based on sex. In its definition of discrimination against women the article establishes the practices which constitute discrimination and also gives the fields in which discrimination is forbidden. Further, the article also covers intentional and unintentional as well as private and public discriminatory actions.
Art. 2 condemns discrimination against women in all forms. State Parties agree to pursue policies to eliminate discrimination without delay; they also undertake to ensure realisation of the principle of equality of men and women through laws and other such means like adoption of legislation to prohibit such discrimination, establishing legal protection of women's rights on equal basis with men to ensure them against discriminatory acts, modifying or abolishing existing laws, regulations, customs and practices that constitute discrimination against women and, repealing of all national penal provisions which discriminate against women. Thus the purpose of this article is to ensure the existence of an appropriate constitutional and legal structure, to guarantee equality, to provide remedies and sanctions for public and private acts of discrimination and to repeal or reform discriminatory laws.

By Art. 3 States Parties pledge to take all appropriate measures in all fields, including legislation, to ensure women full development and advancement, to guarantee them human rights and fundamental freedom on the basis of equality with men. This article makes equality between men and women a precondition for women's full enjoyment of these rights and freedoms.

Art. 4, elaborating the provisions in Art. 3, states that temporary special measures adopted by State Parties aimed at accelerating equality between men and women and protecting maternity were not to be considered discriminatory. In this way, the Convention recognizes that in order that women achieve true de facto equality, it is of utmost necessity to remove discriminatory barriers as well as to promote equality by positive action.
Art. 5 lays down that appropriate measures would be taken to modify social and cultural patterns of conduct in order to eliminate prejudices and practices based on the idea of inferiority or superiority of either of the sexes or on the stereotyped roles. This should include family education with a proper understanding of maternity as a social function and a recognition of the common responsibility of men and women in the up-bringing and development of their children. The provisions of this article is a crucial one to bring about the equality and the full participation of women in society.

Art. 6 calls for legislative and other measures to suppress all forms of traffic in women and the exploitation of prostitution of women.

Part II consists of three articles, Arts. 7, 8 and 9, which deal with the political and public life of women. Art. 7, reaffirming the principle of the Convention of the Political Rights of Women, 1952, which declares that women have the same political rights as men concerning the right to vote and to be elected, provides for elimination of discrimination against women in the political and public life of the country and ensures them the right of full political and public life on equal terms with men. Further, the article also grants women the right to vote in all public referenda and widens the scope of political rights of women by adding the right "to participate in the formulation of government policy and the implementation thereof".

Art. 8 addresses a specific aspect of the political rights of women: the international sphere. It ensures their right to represent their Governments at the international level and to participate in the work of international organisations.
By Art. 9, women are to be granted equal rights with men in matters relating to their nationality and the nationality of their children. Women are granted, on an equal footing with men, the right to acquire, change or retain their nationality, and they are also granted the same rights as men regarding the nationality of their children. The States Parties are obliged to establish a formal legal equality between men and women in this matter.

Arts.10 to 14 constitute Part III of the Convention and it deals with women's rights in education, health-care and other economic and social aspects of life. Art. 10 which is comprehensive and detailed, recognizes the importance of education in enabling women and men to participate on an equal footing in all aspects of life of their countries. It provides for elimination of discrimination against women in the field of education, training, etc. and ensures them equal rights and conditions with men in this field. It further provides that special measures are necessary to ensure that these opportunities are available, and that they are taken, and to provide for the needs of those women, who in the past did not have such opportunity.

Art. 11 ensures these same rights in employment, including benefits, social security and safe working conditions; it further lays down that measures should be taken to prevent discrimination against women on grounds of marriage or maternity, and relevant protective legislation should be up-dated periodically in the light of technological knowledge.

Recognizing the importance of women's role as health-care providers to their families and also as users of health-care, Art. 12 protects women from discrimination in the field of health-care by ensuring them access to such
services as those relating to family planning, pregnancy confinement and post-natal care, free where necessary, and nutrition.

By Art. 13 women are protected from discrimination in other areas of economic and social life by ensuring them equal rights in family benefits, bank loans, mortgages and other forms of financial credit, and participation in recreational activities, sports and cultural life. In this way the Convention obligates the States Parties to eliminate discrimination and facilitate women's access to benefits, rights and activities which might be denied to them otherwise.

Art. 14 states that all the provisions of the Convention - equal rights, opportunities and conditions in all fields - applies to rural women also. With this article the Convention recognizes rural women as a group with their own special problems and needs that deserve special attention. This is the first time ever that this group of women were given such recognition in any international human rights instrument. Further, by such a step the States Parties recognize the importance of the work and role of rural women in their contribution to the well-being of their families, the society and economy of their countries.

Part IV of the Convention, dealing with law and marriage, consists of Arts. 15 and 16. Art. 15 ensures women equality with men before law. It specifies the areas of civil law in which women, especially married women, have traditionally been, and still are in a lot of cases, discriminated against, namely regarding concluding contracts, administering property, freedom to travel and to choose place of residence and domicile.
Art. 16 covers the sensitive areas of private law which are most often based on traditional or religious practices and on the concept of distinctive roles and rights of men and women. Thus the article ensures the absence of discrimination in matters relating to marriage and family relations. This article also lays down that the betrothal and marriage of a child would have no legal effect, and action should be taken by States Parties to specify a minimum age for marriage and make marriage registration compulsory.

Part V of the Convention deals with the details of the implementation machinery of the Convention. This part consists of six articles - Arts. 17 to 22. Art. 17 provides for the establishment of a committee - the Committee on the Elimination of Discrimination Against (CEDAW) - by the States Parties, to consider progress made in the implementation of the Convention, with a full staff, facilities and emoluments for the members to be provided by the United Nations. The article also gives details of the Committee - number of members, mode of election, term of office, filling up of vacancies, etc. By Art. 18 the State Parties are to report to the Secretary-General the legislative, judicial, administrative, and other measures adopted by them to give effect to the provisions of the Convention and on progress made in this respect. It lays down that the reports are to be submitted within one year after the entry into force of the Convention in the State concerned, and thereafter at least every four years and also whenever the Committee requests so. Art. 19 provides that the Committee can adopt its own rules and procedures and that it elect its officers for a term of two years. Art. 20 states that the Committee meet annually for a period of not more than two weeks and that these annual meetings be held
alternately at the two U.N. headquarters, New York and Vienna, or at any other place as pre-determined by the Committee. Art. 21 gives the Committee the right to make suggestions and general recommendations on the reports and information received from the States Parties. It is further provided that such suggestions and recommendations be included in the Committee's reports, which are to be submitted to the Commission on the Status of Women by the Secretary-General, along with comments, if any, from the States Parties. Art. 22 entitles the specialised agencies to be represented at the consideration of the implementation of such provisions of the Convention which fall within the scope of their activities. It also entitles the Committee to invite the specialised agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

The remaining eight articles - Arts. 23 to 30 - form Part VI of the Convention, which deal with technical provisions for the operation of the Convention. Art. 23 states that the Convention's provisions should not supersede any other state policy or legislation or other conventions or agreements in force, whose terms are conducive to the achievement of equality between men and women. Under Art. 24, States Parties undertake to adopt all necessary national measures aimed at achieving the full realization of the rights recognised in the Convention. Art. 25 opens the Convention for signature to all States and designates the Secretary-General as the depository of the Convention. It also declares that the instruments of ratification should be deposited with the Secretary-General. Art. 26 provides that any State Party may make requests for revision of the Convention at any time, by means of a notification addressed to
the Secretary-General, and that the General Assembly would decide upon the step, if any, to be taken regarding such request. Art. 27 declares that the Convention will come into force on the thirtieth day after the day of deposit of the twentieth instrument of ratification or accession with the Secretary-General. The article goes on to provide that, for each State ratifying the Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession. Art. 28 provides for the Secretary-General to receive and circulate to all States the text of reservations made by the States at the time of ratification or accession. It also provides that the Secretary-General shall inform States Parties of any reservation withdrawn by notification. Art. 24 lays down that in case of any dispute between two or more States Parties about the interpretation or application of the Convention, which is not settled by negotiations, shall be submitted to arbitration at the request of any one of them. If the parties are unable to agree on the organisation of the arbitration within six months from the date of request for arbitration, then any one of the parties can refer the dispute to the International Court of Justice by request according to the Statute of the Court. The article also gives each State Party the right to declare itself not bound by paragraph 1 of the article, at the time of signature or ratification, and that the State Party doing this may withdraw the reservation any time by notifying the Secretary-General. Art. 30 states Arabic, Chinese, English, French, Russian and Spanish as the official language of the Convention.
Thus the provisions of the Convention on the Elimination of All Forms of Discrimination against Women cover the full range of issues related to the role and position of women in society and in the family. In this way, the Convention has combined the various international conventions concerning the status of women, which had been adopted earlier, in a single international instrument. Further, the provisions of the Convention are not confined to the respect of equal rights per se, since these are also guaranteed under the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, but instead they ensure the enjoyment of these rights. Thus the provisions are an affirmative action programme requiring measures by States Parties to ensure that internationally recognised human rights are equally applied to women.

**CEDAW Convention Provisions and Other Major Conventions on Women**

Many provisions of the Convention are found in earlier conventions on women that have been adopted. But even in such cases where the same provisions are reiterated, the provisions of the CEDAW Convention are more specific and go further.

The provision for the political rights of women laid down in Art. 7 of the CEDAW convention reiterates the same right as provided by the Convention on Political Rights of Women, 1952, and the Covenant on Civil and Political Rights: the right of women to have the same political rights as men to vote and stand for election and, to participate in referenda. But the CEDAW Convention provision goes further to ensure the "right to participate in the formulation of the government policies and the implementation thereof". Furthermore, the
CEDAW Convention in Art. 14 para 2(a) provides that women in rural areas shall be ensured the right "to participate in the elaboration and implementation of development planning at all levels." Thus it was this Convention which for the first time included women, especially rural women, in this field.

The CEDAW Convention is more specific regarding the right to nationality also. The Universal Declaration of Human Rights provides the "everyone has the right to a nationality"; and the 1957 Convention on the Nationality of Married Women provides that neither marriage nor dissolution nor change of nationality of husband should automatically change the nationality of the wife. The CEDAW Convention too reiterates the same provision that men and women have equal right to acquire, change on retain their nationality - but, at the same time it goes further and makes a specific provision under Art. 9, para (d) on the nationality of children in relation to the mother. This is the first instant that such a provision was ever made.

Regarding matters pertaining to marriage and family relations the CEDAW Convention in Art. 16 repeats the provisions of the 1962 Convention on the Consent to Marriage, and it also incorporates the provision of Art. 23 of the International Covenant on Civil and Political Rights. But the CEDAW Convention provision goes further as it incorporates, for the first time, provisions on single parents in Art. 16 para (d) and on family planning in para(e).

Besides these, the CEDAW Convention even where it merely repeats provisions of previous conventions to which a State may already be a party, the reiteration places emphasis on the rights provided and thus reinforces and at the
same time ensures them. Thus the CEDAW Convention not only combines the various international conventions adopted earlier on the rights of women, but it also goes further, covering every aspect and sphere of life and ensuring these rights.

Implementation Machinery

The Convention by Art. 17 provides for the establishment of an implementation machinery named the Committee on the Elimination of Discrimination Against Women (CEDAW) for the purpose of considering the progress made in the implementation of the provisions of the Convention. The article gives all details of the Committee. Para 1 provides that the Committee will consist of eighteen members, at the time of entry into force of the Committee and that this number should be increased to twenty-three after ratification or accession to the Convention by the thirty-fifth State Party. Para 2, 3 and 4 give details of the election of the members: the members are to be elected by secret ballot from a list of persons nominated by States Parties (para 2); the initial election shall be held six months after the date of entry into force of the Convention and the Secretary-General shall invite the States Parties three months before the election, to submit their nominations within two months (para 3); the election shall be held at a meeting of the States Parties convened by the Secretary-General at the U.N. headquarters, in which two-thirds of the States Parties shall constitute a quorum and those nominees obtaining the largest numbers of votes and an absolute majority of the votes of the representatives of States Parties present and voting shall be the members of the Committee (para
4). Para 5 provides that the terms of office of the members shall be four years, but the terms of nine of the original members, whose names would be chosen by lot by the Chairman, shall expire after two years. Para 6 states that after the thirty-fifth ratification or accession, five additional members shall be elected and out of them the terms of office of two members, whose names would be chosen by lot by the Chairman, shall expire after two year. Para 7, dealing with the filling-up of casual vacancies, provides that the State Party whose member has ceased to function shall nominate another member. Para 8 provides that the members of Committee shall receive their emoluments from United Nations' resources on terms and conditions decided by the General Assembly; and the final paragraph, para 9, states that the Committee be provided with the necessary staff and facilities by the Secretary-General.

The implementation machinery - the CEDAW - is dealt in detail in the following chapter.

Summary Observations:

The Convention on the Elimination of All Forms of Discrimination against Women is the first international legal instrument which covers the full range of issues related to the role and position of women in society and in the family. It not only combines the various existing international conventions concerning the status of women in a single international instrument, but also includes many of the recommendations which the United Nations Commission on the Status of Women has adopted over the years to define the sphere of women's rights.
However, the Convention has proven to be subject to more reservations than any other major international human rights instrument. One major reason for this is the fact that the Convention itself permits reservations at the time of accession or ratification. Although it specifies that reservations incompatible with the purpose of the Convention shall not be permitted, it does not indicate which reservations should be considered incompatible or who should decide such questions. Still, as of January 1995 the Convention had received 13 ratification, accession or successions.

But in spite of the adoption of and ratification or accession to the Convention by so many States it is evident that the Convention has not been successful in either achieving or ensuring the rights of women and eliminating discrimination against them. Some of the factors responsible for the Convention not being so successful could be:

Firstly, although the Convention comprehensively covers areas of discrimination against women and the States Parties undertake to eliminate all forms of discrimination it does not impose on them the obligation to do this all at once and in all areas. As a result, legislative provisions which discriminate against women still exist in many countries denying them equal rights with men.

Secondly, the poor conditions and the lack of material resources, specially in the developing countries, is another obstacle encountered in the implementation and enforcement of the provisions of the Convention. The governments of such countries cannot establish adequate development and assistance programmes, health services, and educational and training facilities and job opportunities for women. The lack of material resources, which many
developing countries face, leads to serious difficulty in planning and executing projects for the advancement. Even in more developed countries there may not be sufficient material resources to meet the special needs of women or to train adequate numbers of girls and women for skilled and responsible positions. In addition to this, the developing countries, due to the lack of financial resources, find themselves unable to accept assistance for the advancement of women under international technical co-operation programme because the recipient governments are expected to contribute, sometimes substantially, to the implementation of projects for which they are receiving aid. In such cases where the national resources are limited there is a lot of competition as to which projects should get the assistance and, the result is always that women's issues are given a back seat. As a UNESCO study has pointed out, "the authorities often have to make a heart-rending choice between the various projects for which they desire assistance. In the ensuing competition, activities of interest to women are often the losers."7

Another major obstacle is the deep-rooted traditional and persistent attitudes which is still prevalent in both the developed and developing countries, regarding the subordinate status of women. Traditional social belief that women's place is "in the house" still persists in many places leading to the confinement of women in areas such as maternal and child welfare and home economics. Consequently, programmes for the advancement of women is generally restricted to matters relating to children and the family, and the fact that women's abilities might also be placed at the service of the community and

nation tends to get ignored. The distinction between "man's work" and "woman's work" persists in many countries, and it is still difficult for individuals to cross the line of demarcation, which is established at different points in different countries and shifts within countries over a period of time. Women are, in general, thought to be incapable of sharing in the planning and organisation of community affairs, of administering property or of making significant contribution to culture. Such social attitudes act as a barrier to the advancement of women in all fields - political, legal, social, economic and cultural.

Nevertheless, the Convention has had some concrete positive effect in the advancement of women. It has shifted the emphasis from the prevention of discrimination in particular areas to the promotion of equality of opportunity and treatment for women in positive terms in general. It has showed that steps must be directed towards ensuring that all forms of discrimination against women are fully and finally ended. Due to the Convention many States are beginning to make use of positive action as a method of reducing the gap between discrimination in law and in practice, but as noted by the Commission on the Status of Women in its report, which is largely based on an analysis of information provided to the CEDAW by States Parties and on other analyses of state practice, there is a certain lack of clarity in conceptualization of these positive action. These positive action is based on the theory that present consequences of past discrimination can impede women from fully exercising their rights in the present and can also threaten full exercise of those rights in the future.

future. Therefore, in order to permit women the exercising of their rights in the
present and the future, special temporary measures are taken in the form of
positive action by the State. Some of the most common types of action are:
education and training, employment and career development, participation in
politics and programmes to provide special training for women in fields where
they have traditionally been excluded from, and the use of public incentives to
encourage the employment of women.

Thus the positive effects of the Convention cannot be denied but the fact
remains that the great hopes and expectations with which it was adopted have not
been realised even after so many years. The provision of the Convention is still
only on paper with hardly any concrete results in the daily lives of women.