CHAPTER - IV

THE CONVENTION: IMPLEMENTATION MACHINERY

Genesis

The question of setting up a machinery to monitor the implementation of the Convention led to intensive and protracted debate. One key issue was the desirability of having any implementation machinery - some of the members were of the view that States Parties acceding to the Convention were themselves willingly accepting the responsibility of implementing its provisions - and the other issue was that socio-legal conditions differ from State to State and therefore have different demands, different approaches and processes for implementation. As such, there were differences of opinion on whether there was need of an international machinery or regional/national would be more appropriate. Some members suggested temporary arrangements so that an appropriate machinery could be set up on the basis of the experience gained. Other suggestions included having a non-governmental one instead of an inter-governmental machinery at various levels - national, regional, international.

The first formal official proposal made was contained in the 1976 version of the draft Convention which recommended that the Convention should have the Commission on the Status of Women establish an ad hoc group to consider the progress made in the implementation of the Convention.

Another proposal was made that same year in December, by the Commission on the Status of Women while considering the draft Convention. The Commission proposed the establishment of national mechanisms to oversee
the implementation of the Convention, along with the implementation of the Programme for the United Nations Decade for Women. Following this up, it passed a draft resolution by which it proposed that the ECOSOC should urge Governments to establish inter-disciplinary and multi-sectoral machinery to ensure the proper implementation of the Convention once it came into force, along with ensuring the effectiveness of the Decade for Women. At the same time, the Commission also recommended that the non-governmental organisations should be involved in the implementation of the Convention and also of the World Plan of Action. These two recommendations, as part of the text of the draft Convention, were approved by the Commission and sent to the ECOSOC for adoption. The ECOSOC in turn submitted the whole draft Convention to the General Assembly for its consideration. But these recommendations were not passed.¹

After further considerations and discussions by the Third Committee of the General Assembly, which was acting as the working group to consider and finalise the draft Convention, the proposal forwarded by Sweden was approved and agreed upon by consensus in 1979. The Swedish proposal suggested for the establishment of a Committee for the Elimination of Discrimination Against Women (CEDAW), consisting initially of eighteen and later twenty-three members who should be experts in the field and they were to be nominated and elected by the States Parties. This proposal was included in the final draft of the Convention as a set of articles - Arts. 17 to 22 - and was adopted by the General Assembly on December 18, 1979.²

¹ For details see U.N. Year Book, 1976.
² For details see U.N. Year Book, 1979.
The CEDAW was finally set up in April 1982, six months after the Convention came into force, as stipulated in the Convention under Art.17(1) which called for an election of eighteen members of the CEDAW, and after the ratification of or accession to the Convention by the thirty-fifth State Party, twenty-three members.

Thus for the first time a committee was established for the sole purpose of over-seeing the elimination of discrimination against women. The establishment of the CEDAW was a big boost in the advancement of women and gave more impetus and new hope in this direction.

**Nature and Composition**

The nature and composition of the CEDAW is given in Art. 17, the first article of Part-V of the Convention. It lays down the method of election, the term of office of the members and the method of filling up vacancies. As regards the method of election of the members to the CEDAW, each State Party is entitled to nominate one of its nationals of "high moral standing and competence in the field covered by the Convention". For this, the Secretary-General sends a letter to the States Parties at least three months before the date of the election, inviting them to submit their nominations within two months. Once the States Parties send their nominations the Secretary-General makes a list of these names in alphabetical order indicating the States Parties that nominated them, and submits this list to all the States Parties. The States Parties then, at a meeting convened by the Secretary-General at the U.N. Headquarters, choose or elect by secret ballot, from this list, twenty-three experts taking into account the equitable geographical distribution and the
representation of different forms of civilizations as well as the principal legal systems. The persons who obtain the largest number of votes and an absolute majority of the votes of the representatives of the State Parties present and voting will become the members of the CEDAW.

Once elected as members, the persons serve the Committee in their individual capacity and not as the representative of their government and country. Thus the CEDAW is not accountable to any government or country and neither are the members, even individually. The members remain in office for a term of four years and they can be re-elected any number of times. The Committee elects its own office bearers, which are a chairperson, three vice-chairpersons and a rapporteur. These persons serve in this capacity for a term of two years. Among those first elected, nine members chosen by lot by the Chairman served only for two years, and once the thirty-fifth ratification or accession was signed and five additional members were elected, two of these members chosen by lot by the Chairman, served for two years. Thereafter all the members serve for four years. One very noticeable and exceptional fact regarding the composition of the CEDAW is that since its inception, with only one exception, the members have been only women.

As regards filling up of casual vacancies the procedure followed is that whenever there is such a vacancy due to a member's failure in functioning for whatever reasons, the State Party whose expert has ceased to function as a member appoints another expert from its national in place of the out-going one, subject to the approval of Secretary-General. The members receive their emoluments from the United Nations resources subject to the terms and conditions as decided by the General Assembly in accordance to the Committee's importance and responsibilities.
The CEDAW meets once every year for a period of not more than two weeks. These annual meetings are held at the two U.N. headquarters, New York and Vienna, alternately, or at any other convenient place which is decided beforehand by the Committee.

The staff and facilities required by the CEDAW are provided by the Secretary-General.

**Functions and Powers**

The functions and powers of the CEDAW are given in Part V of the Convention in the Arts.18, 19, 21 and 22. As is evident from its name, the main function of the CEDAW is to monitor the compliance to, and progress of, the Convention. In this connection the CEDAW has the power not only to consider the reports submitted by the States Parties on the legislative, judicial, administrative and other measures they have adopted to give effect to the provisions of the Convention and the progress they have made in this respect [(Art.18 (i)], but it can also request the States Parties to submit such reports whenever it thinks it is required, and this request of the CEDAW is binding on the States Parties. Besides, the CEDAW can also request the specialised agencies to submit reports to it, in their areas of competence (Art. 22).

The CEDAW also makes general recommendations - it has made twenty so far - to State Parties regarding the implementation of the Convention and their reporting obligations. It is also empowered to make suggestions and recommendations, based on the reports and information received from the State Parties, to the General Assembly and to the ECOSOC, requesting these organs
to take the necessary action (Art. 21). Above all these, the CEDAW has the power to make its own rules and procedures, without intervention from the other organs (Art. 19). This enhances the role and powers of the CEDAW very much.

The functions and powers of the CEDAW have enlarged since its first session in 1982, and the CEDAW itself has also redefined its terms of reference a lot since then. By developing an extensive practice of making recommendations and other contributions the CEDAW has assumed an important role in the international scene regarding treaty interpretation as well as contribution to policy development for the advancement of women.

The Evolving Working Procedures and Processes

The working procedure of the CEDAW is given in Arts. 18 to 20 of Part V of the Convention. In accordance with Art.19 of the Convention the CEDAW has adopted its own rules of procedure in its first session in 1982 and has thus framed its system of working. These rules have established that the meetings of the CEDAW are generally held in public; that 12 members constitute a quorum; and that the presence of two-thirds of the members is required for taking a decision. The rules also establish that the CEDAW shall endeavour to reach its decisions by consensus.

3. The CEDAW adopted its Rules of Procedures at its 9th meeting in its first session in 1982.

The CEDAW has also established two working groups in order to facilitate its working:

(a) **Pre-Sessional Working Group** - This was set up to solve the problems arising due to lack of time and resources and to consider the States Parties' reports properly. Therefore, the work of this working group was to prepare the consideration of second and subsequent periodic reports, and to prepare a list of issues and sets of questions to be sent in advance to the reporting States. The pre-sessional working group consists of five members of the CEDAW.

(b) **Two Standing Working Groups** - These were set up at its sixth session in 1987. Working Group I was to consider and suggest ways and means of expediting the work of the Committee, and Working Group II was to consider ways and means of implementing Art.21 of the Convention. These working groups were to meet during the Committee's sessions. It was decided in the Committee's seventh session in 1988 to keep the membership of the working groups flexible.

In addition, the CEDAW has, to date, adopted a number of general recommendations, observations and suggestions in accordance with Art.21. These are mostly concerning certain articles or specific subjects of the Convention. In general, they deal with matters that gave rise to particular concern in the Committee after the consideration of reports. Therefore, these general recommendations, observations and suggestions recommend to States Parties to take certain actions in the implementation of an article or to submit certain kinds of information while reporting to the Committee.
Consideration of Reports by the CEDAW

Art. 18 of the Convention requires every State Party to submit to the Secretary-General for consideration by the CEDAW, a written report of the legislative, judicial, administrative or other measures that it has adopted while implementing the provisions of the Convention, and on the progress made in this respect. The first report is to be submitted within one year after the entry into force of the Convention in the State concerned. Thereafter, the State Party has to submit such a report every four years or whenever the CEDAW so requests. All this is a binding obligation for the States Parties. The Secretariat of the CEDAW notifies the States Parties about the date their reports are due. Once the reports are received by the Secretary-General on behalf of the CEDAW, they are scheduled for discussion at the annual meeting of the CEDAW, with due regard to geographical distribution, levels of development and socio-economic systems of the reporting States.

In its second session in August 1983 the CEDAW drew up and adopted guidelines on the form, content and dates of the reports of the States Parties. This was done in order to assist the State Parties in fulfilling their obligations of submitting their reports under Art. 18, as well as to enable the CEDAW and the State Parties to have a complete picture of implementation of the Convention, of the problems encountered during the implementation and of the progress made.5

The guideline provides for a report in two parts. Part I should describe:

(a) As concisely as possible the actual general, social, economic, political and legal framework within which a State Party approaches the elimination of discrimination against women in all its forms, as defined in the Convention;

(b) Any legal and other measures adopted to implement the Convention or their absence as well as any effects which ratification of the Convention has had on the State Party's actual general, social, economic, political and legal framework since entry into force of the Convention for the reporting State;

(c) Whether there are any institutions or authorities which have the task of ensuring the principle of equality between men and women, and if this is complied with in practice, and what remedies are available to women who have suffered discrimination;

(d) The means used to promote and ensure full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms in all fields on a basis of equality with men;

(e) Whether the provisions of the Convention can be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities or whether the provisions of the Convention have to be implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.
Thus the first part of the report should provide the general background information about the situation of women and the implementation of the Convention in the State, giving a detailed catalogue of issues that need to be addressed, so as to enable the Committee to get a comprehensive picture of the facts that determine the situation of women in that State.

Part II of the report should contain specific information regarding the provisions of the Convention. Some of the more important ones are:

(a) Constitutional, legislative, administrative, and other measures in force related to equal rights between men and women;
(b) Developments that have taken place and the programmes and institutions that have been established since the entry into force of the Convention in the State;
(c) Any restrictions or limitations, even of a temporary nature, imposed by law or practice or in any other manner, on the enjoyment of each right defined in the Convention;
(d) Any other factors or difficulties in the exercise of the right and;
(e) Other information on the progress made in the fulfillment of each right.

Information on the above mentioned issues should be given on an article-by-article basis.

The reports should reveal the obstacles encountered in the participation of women on an equal footing with men in the political, social, economic and culture life of their countries, and also give information on the types and frequencies of cases of non-compliance with the principle of equal rights. The reports should also pay due attention to the role of women and their full participation in solving problems and issues referred in the Preamble, but which
have not been covered by the articles of the Convention. Apart from all this, the reports should also give a general background of the status of women in the State upto the first year of operation of the Convention so as to serve as baseline information while determining the progress made under the Convention.

The reports must be accompanied by copies of principal legislative, judicial, administrative and other texts, and should also include information on actual conditions that are prevailing in the State. Besides, whenever possible, empirical data on these realities and conditions should be given, with a breakdown of statistics on the basis of gender. So as to give a clear understanding of the position of women and any improvements to it in accordance with the provisions of the Convention. In this regard, the Committee in its eighth session in 1989 adopted the Recommendation No. 9 entitled Statistical Data Concerning the Situation of Women. This recommendation states that statistical information is "absolutely necessary" for the understanding of the real situation of women in the reporting States, but that many of the reports received do not provide statistics. The Committee therefore "recommends that States Parties should make every effort to ensure that their national statistics services responsible for planning national censuses and other social and economic surveys formulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in particular sectors in which they are interested".6

In 1991, in its twelveth session, the Committee decided that States Parties should be offered the opportunity to provide a revised or a new report in place of the reports they had already submitted, if the national situation had changed sufficiently to warrant the substitution. If such a substitution was made, then the CEDAW would review only the revised or new report and would disregard the earlier report as it would be considered out-dated. It was further decided by the Committee that a Pre-Session Working Group should be convened before each session. The task of this body was to prepare issues and questions relating to the second and subsequent periodic report for transmission to the representatives of the States Parties before the meetings at which their reports were scheduled to be discussed.

The reports and the supplementary documents should be in one of the working languages of the Committee, i.e. Arabic, Chinese, English, French, Russian or Spanish.

Once the written reports are received by the Committee, texts of these are distributed to all members. The members are then informed as to which reports will be taken up and the State Party/Parties concerned is informed about it. At the meeting the report is introduced by the representative of the State Party whose report is being considered. The introduction generally contains additional information to the written report. Once the report has been introduced, the Committee takes over the discussion. The representatives of the State Party can participate and answer the questions during the discussion (according to Rule
49), or they can also furnish data requested by the Committee at the date scheduled for the replies, or they can give the information sought in a subsequent report.

The CEDAW will then prepare the concluding comments on the reports which will then be put in its final report. In this connection the CEDAW decided at its thirteenth session, in 1994, that these comments should deal with the most important matters or points and emphasise the positive aspects of a State's report as well as the lapses or drawback over which the CEDAW had expressed concern, and it should also indicate what the State Party should include in its next report.

**Reporting on Substantive Provisions**

As cited above, the CEDAW has laid down general rules on reporting. Besides this the reports should also be based on the various general recommendation adopted by the Committee in accordance with Art. 21 for the implementation of the substantive provisions.

**Article 1:** States Parties are expected to report on their activities regarding the implementation of the Convention in the light of the definition of "discrimination against women" as given in this article. This means that the report should give information on any practices, intentional as well as unintentional, in all the fields which constitute discrimination against women.

**Article 2:** Reports of this article should give all the practical measures taken by the State Party for creating a legal basis for the implementation of the
Convention. This should include information on:

(a) the existence of the principles of equality and of non-discrimination in the Constitution, the relationship between the provisions of the Convention and national laws, and the position of the Convention in the hierarchy of the national legal system;

(b) whether a public body exists for the promotion and protection of women in the State, including if there is any national machinery to oversee the implementation of the Convention;

(c) the existence of legal remedies against discrimination and their effectiveness, and available sanctions in case of non-compliance;

(d) who has the right to institute court or other legal proceedings on cases involving discrimination and also give information about the decisions handed down in such cases.

Apart from all this, States Parties should also report about the continuing existence of discriminatory laws, regulations, policies or practices, and the timetable that might have been established to modify or repeal such laws including any other related activities currently under way.

Article 3: Reports on this article should give the relevant information on the adoption of legislative or other measures in the implementation of the Convention. The reports should also identify the priority areas that have been chosen to improve the status of women.

Article 4: While reporting on this article, the general recommendation no.5 (adopted by the CEDAW in its seventh session in 1988) which, "recommends
that State Parties make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education, the economy, politics and employment", should be fully considered. Therefore, reports on this article should give a detailed description of:

(a) any temporary special measures, including preferential treatment, quota systems, etc., that the State has adopted;

(b) the existing discriminatory practices the special measures are supposed to remedy;

(c) policy statements, guidelines or similar measures issued in areas where inequality most often exists, such as in education, the access to employment, and political and economic activities.

Added to this, the report should also include information about the effectiveness of the measures taken, about their enforceability and the procedures established for that purpose.

Article 5: The general recommendation no.3, adopted by the Committee in its sixth session in 1987, while dealing with this article states that the consideration of reports has shown the existence of stereotyped conceptions of women caused by socio-cultural factors perpetuating discrimination based on sex and hampering the implementation of this article. Therefore, the Committee, in the recommendation, "urges all State Parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women."
So accordingly, the report on this article should contain information about:

(a) the existing stereotyped roles of men and women in the State that hamper the advancement of women;

(b) any past or on-going efforts to revise school textbooks regarding sexual stereotyping, the continuation of gender-specific task assignments in schools and in the family, and the obstacles encountered in their elimination;

(c) the continuing existence of gender-specific job advertising and hiring practices, any laws or customs excluding women from holding certain jobs, existing or planned activities to remedy the situation;

(d) existence of stereotyping in the media and the number and influence of women on decision-making levels of the mass media and advertising industries.

Most important, the reports should give detailed information on any measures undertaken by the government or any other social organisation to combat stereotyping according to traditional sex roles. This should include information on campaigns, policy statements and directives, or any other measures aiming to modify the social and cultural behaviour patterns of men and women, and of sexual stereotyping.

Article 6: Reports of this article should describe the existing laws dealing with prostitution and traffic in women. Regarding prostitution, the reports should give the legal situation in detail - it should specify whether prostitution as such is
criminalised, or whether only the exploitation of prostitution of others is outlawed; what sanctions are imposed; and whether the laws are strictly enforced. In addition to this, the reports should also indicate the extent of prostitution existing in the State, including the prostitution or procurement of minors, and whether there exists any so-called sex-tourism. Violence against and rape of prostitutes are to be reported too. Furthermore, and most important, information on efforts to reintegrate prostitutes into the society should be provided in the report, in particular the availability of job training.

Article 7: Reports on this article should give an assessment of the participation of women in the overall political and public life of the country. This should include the percentage of women voters and voting, data on the percentage of women in parliament, the various levels of central and local government bodies, in public elected and appointed offices, in the judicial system, their participation and position in political parties, in management positions, in trade unions, and other traditionally male fields, as well as in other civic organisations. Information on any gender restrictions regarding such posts, or whether quotas have been set for women employees or appointees should also be given. The reports should also discuss employee performance appraisal systems and their gender neutrality, as well as promotion rates, including whether pregnancy or maternity leave influences such schemes.
Article 8: Based on the two general recommendations (no. 8 and no. 10).\textsuperscript{7} adopted by the CEDAW for the implementation of the provisions of this article, reports on this article should provide:

(a) information on whether women have \textit{de jure} equal access to diplomatic and international posts with men;

(b) the percentage of women at various levels of the diplomatic service;

(c) information on possibilities for joint postings for spouses in the diplomatic service;

(d) statistical information on women heading diplomatic missions and delegations;

(e) the percentage of women participating in delegations to international meetings and conferences, including their level of seniority;

(f) percentage of women proposed by the State to fill vacancies within the United Nations system and other regional organisations;

(g) information on any special measures or programmes already adopted or to be adopted in the State to increase the number of women in these functions and the results of such actions.

\textsuperscript{7} General recommendation no.8 adopted in the seventh session in 1988 which recommends that States Parties make use of temporary special measures as envisaged by article 4 of the Convention "to ensure the full implementation of article 8 of the Convention and to ensure to women on equal terms with men and without any discrimination the opportunities to represent their Governments at the international level and to participate in the work of international organisations" and

(ii) general recommendation no.10 adopted in the eighth session in 1989 at the occasion of the tenth anniversary of the adoption of the Convention, which recommends, among others, that States Parties should consider "encouraging action to ensure the full implementation of the principles of the Convention, and in particular article 8, which relates to the participation of women at all levels of activity of the United Nations and the United Nations system."
Article 9: Reports on this article should address in detail all aspects of the equal or differential treatment of men and women on the issue of nationality under the national law of the State. This should include information on the ability of either spouse to confer his/her nationality upon a foreign spouse, information on automatic change or loss of nationality upon marriage with a foreigner and the procedure for acquiring the spouse's nationality. The reports should also provide detailed information on the ability of the mother to confer her nationality on the children on an equal footing with the father, the ability of minors to travel on the mother's passport, and a woman's right and ability to obtain a passport without her husband's permission. In connection to all this, the reports should include information on whether any discriminatory law still exists, and whether steps have been taken, or are being taken to remedy the situation.

Article 10: Reports on this article should give the specific situation regarding each individual paragraph of the article and provide detailed information on the de jure and de facto situation with statistical information broken down gender-wise. The reports should include information on:

(a) the equality of access to and on the number of students at the primary, secondary and university levels, and the percentage of females among them;

(b) whether education is compulsory, and to what grade;

(c) the access to vocational training and technical education for girls;

(d) representation of girls in traditionally male dominated sectors, including information on programme to encourage girls and women to pursue unconventional careers;
(e) any recent or on-going revisions of school text-books and curricula regarding the elimination of sexual stereotyping;

(f) any programmes created or structures and procedures established to ensure the on-going monitoring of teaching materials and methods;

(g) allocation of grants and scholarships with the purpose of eliminating discriminatory practices and stereotyped behaviour;

(h) the overall illiteracy rate in the State, the percentage of illiterate women, as well as the drop-out rates of girls compared to those of boys and causes of drop-outs;

(i) comparison between urban and rural areas regarding (h);

(j) any programmes planned or under-way to combat illiteracy and reverse early school drop-outs, including information on the existence of functional literacy and adult education programmes for girls and women;

(k) women's share in the pursuance of life-long education;

(l) the availability of educational information about the health and well-being of families, including information on the means and channels used to spread such information and the extent to which it is specially geared towards and accessible to women.

Article 11: Two general recommendations adopted by the Committee in its eighth session in 1989, deals with this article:

(i) General recommendation no. 12 on violence against women which recommends that States Parties include in their periodic reports information about the legislation and other measures adopted to protect women against the incidence of all kinds of violence in everyday life, including at work place (besides other areas of life);
(ii) general recommendation no. 13, entitled *Equal Remuneration for Work of Equal Value*, which recommend to the States Parties to:

1. ratify the ILO Convention on Equal Remuneration for Men and Women for Work of Equal Value, in order to implement the CEDAW Convention fully;

2. consider the study, development and adoption of job evaluation systems based on gender-neutral criteria that would facilitate the comparison of the value of those jobs in which women presently predominate with those jobs in which men presently predominate, and give the results of such studies in their reports to the Committee;

3. support, as far as practicable, the creation of implementation machinery and encourage efforts of the parties to collective agreements to ensure the application of the principle for equal remuneration for work of equal value.

Following these recommendations, the States Parties in their reports on this article should endeavour to provide detailed information on the legal situation and the situation in practice of women in every aspect covered by this article.

Article 12: This article is dealt by general recommendation no. 14 and no.15 adopted by the Committee in its ninth session in 1990. General recommendation no.14, entitled *Female Circumcision* addresses the matter of the continuation of female circumcision and other traditional practices harmful to the health of women and recommends to the States Parties to take appropriate and effective measures to eradicate such practices. General recommendation no.15 entitled
Avoidance of Discrimination Against Women in National Strategies for the Prevention and Control of Acquired Immunodeficiency Syndrome (AIDS) deals with this specific health issue and its repercussion on women, and recommends States Parties to intensify efforts, especially among women and children, to increase public awareness about this disease; to give special attention to women and children in the AIDS combating programmes; and to ensure active participation of women in primary health care by adopting measures that enhance women's role as health-care providers, health workers and educators in the prevention of HIV infection and AIDS.

The reports on this article should therefore be in accordance to these recommendations and give all information in this matter. Besides this the reports should discuss and give information on:
(a) the health policy of the State; (b) the overall health protection of the population including the life expectancy of men and women; (c) the availability of general and specialised health care to women on a non discriminatory basis; (d) distribution of basic health faculties between the urban and rural areas; (e) the existence of special services for women; (f) whether any programmes exist to further sensitize the people, particularly women, to the role of hygiene and family health care; (g) progress made in providing health care facilities; (h) the legal regulation regarding abortion and any court cases registered in this regard; (i) the number of teenage pregnancies, including the age brackets of teenage mothers; (j) the availability of family planning advice, its cost, its accessibility to women and whether women alone can decide on the spacing of births; (k) mortality and morbidity rates of mothers and children, the average number of
live births per women; (l) incidences of work accidents and work related
diseases among women; (m) health needs of migrant women; and (n) drug
addiction among women and related problems, including the programmes to
prevent and combat this.

Article 13: Reports on this article should provide information on the
availability of social services and allowances to single mothers, and women's
rights to financial services, such as credits and loans, including whether they can
get such services alone or need the consent of males, either their fathers or
husbands. The reports should include information on whether women can freely
participate in sports and other aspects of cultural life.

Article 14: While reporting on this article the States Parties should include the
following information, in accordance to a general observation adopted by the
Committee in its session in 1986 :-

(a) status of women in the rural areas;
(b) changes and developments in this status due to the implementation of the
Convention;
(c) programmes or legislative and administrative measures of general policy
adopted in order to comply with this article.

In addition to all this, the reports should also include information on :

(i) the percentage of women in agriculture, including the availability of
agricultural extension programmes designed especially for women;
(ii) the percentage of women heads of households in rural areas;
(iii) the structures and procedures established or planned in order to facilitate the participation of rural women in the economic, political, social and cultural life of their communities and the country;

(iv) the measures taken to enable rural women to participate in development planning, and their full integration into the development process of the country;

(v) statistics to show the balance between rural and urban population and the migration rate for both men and women;

(vi) difference between rural and urban women's access to education, employment and health care;

(vii) the different rates of progress of women in the rural and urban areas.

Article 15: Reports on this article should first describe the legal position of women as compared to men in the areas covered by the article. This should be followed by information on the actual situation prevalent, such as treatment of women in the courts and other public bodies, the practical ability of women to enter into contracts alone and in their own rights, their ability to independently administer their property, and to choose their residence and domicile, etc. The reports should also give information about the number of cases of disagreement between the spouses in the above-mentioned matters, that have been or are being dealt with, in the court or by any other means, and the results in such cases. In addition, the reports should also include information on women's ability to appear in court as attorneys, judges, juries, witnesses, and the weight given to their testimony.
Article 16: General recommendation no. 12 on violence against women states that States Parties are required to act to protect women against any kind of violence occurring, among other places, in the family. Therefore, the reports on this article should include the following information:

(a) legislation in force to protect women against all kind of violence in the family;

(b) other measures adopted to stop this violence;

(c) existence of any kind of support services and programmes for women who have been victims of violence;

(d) statistical data on the incidence of violence of all kinds against women.

Besides this the reports should also contain information on:

(i) the legal situation and its enforcement with regard to the other aspects covered by the article;

(ii) the State's policy on the institution of family;

(iii) policies and programmes underway to remedy persisting discriminatory situations and practices;

(iv) the factors or difficulties encountered in implementing such policies and programmes;

(v) the practical realities regarding the sharing of responsibilities in the family and the home;

(vi) the legal rights and the de facto situation of unmarried women living with their partners, and their rights upon the partner's death;

(vii) existence of polygamy;
(viii) women's position regarding divorce procedures and the division of
property upon divorce;
(ix) women's rights to remarry, to custody of children and to child support;
(x) women's and wife's rights to inheritance;
(xi) women's rights of children born in and out of wed-lock;
(xii) the minimum age of marriage for males and females;
(xiii) existence of the practice of betrothal, dowry, and similar practices, and
on any steps taken to repeal them.

Thus each specific provision given under the various articles are to be
dealt with and reported by the States Parties according to the guidelines laid
down by the Committee. This makes the reports more uniform and thus easier
to evaluate the progress made by the reporting States
Parties in the implementation of the Convention as a whole as well as of any
particular article.

Implementation and Monitoring at the National Level

Under the Convention the States Parties bind themselves to pursue, by all
appropriate ways and means and without delay, a policy of eliminating
discrimination against women in all fields regardless of their marital status.
Therefore, the legislatures will have to adopt measures to carry out these
obligations, if none have been adopted yet and even where such measure have
been adopted, there exists a wide gap between the letter of enacted laws, be they
constitutional, legislative, administrative or any other, and their actual
implementation.
Since the measures adopted or to be adopted range from the fundamental law to other positive enactments adopted by national as well as local legislative and administrative bodies, it will involve the executive organ to carry out the legislative measures, as well as the judiciary to see to its application in practice.\footnote{WINAP, n.5, p.65.} Thus the implementation of the measures adopted for fulfilling the provisions of the Convention involves the whole governmental system of the States Parties.

Besides the non-governmental organizations too have an important role in the implementation, both in the private sector and the public sector, for two important reasons: (1) not only \textit{de jure} discrimination but also \textit{de facto} discrimination has to be covered, and (2) the effort is to modify the social and cultural patterns of conduct of both men and women in society. As is well known the non-governmental organisations are the only ones that can go to the grass-roots and reach all levels of society and thus make a significant contribution.

Once these measures are adopted and ready for implementation, it is very necessary to monitor their implementation. This task of monitoring falls upon the specially created national machinery, if there is one, or on whatever national agency that has been changed with women's issues.

Therefore, it is vitally essential that some sort of an implementation and monitoring machinery is set up at the national level. Taking into consideration the importance of the existence of national machinery and publicity in the implementation of the Convention, the Committee in its seventh session in 1988 adopted the recommendation no.6, entitled \textit{Effective National Machinery and Publicity}. This recommends the States Parties to

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\footnote{WINAP, n.5, p.65.}
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1. Establish and/or strengthen effective national machinery, institutions and procedures, at a high level of Government, and with adequate resources, commitment and authority to:

(a) advice on the impact on women of all government policies;

(b) monitor the situation of women comprehensively;

(c) help formulate new policies and effectively carry out strategies and measures to eliminate discrimination".

The monitoring agency in order to carry out its task efficiently and positively should take certain basic steps, such as:

(i) It should have a thorough knowledge of the actual conditions in the areas covered by the Convention. One of the things it could do for this is establish a data bank on women.

(ii) There should be a good network and communication between the various agencies, public and private, that are involved. This will make the accumulation and retrieval of data more efficient for monitoring purpose and also for policy makers, scholars, researchers, and others interested in information on women. In this matter, the assistance of appropriate U.N. agencies and other international organisations such as UNESCO, WHO, UNICEF, ESCAP, ILO, etc. can be obtained.

(iii) It should keep tabs on every measure taken, whether by the government or non-governmental organisations, that contribute to the elimination of all forms of discrimination against women.

(iv) It should make periodic assessment and evaluation of the progress made. This is necessary to determine if progress is being made and at
the same time, to indicate the direction to be taken in the implementation.

On the basis of the reports of such an agency the State Party can make its report which it submits to the CEDAW. It is then the task of the CEDAW to assess the progress made and to make the necessary suggestions and recommendations.

Summary Observation

The CEDAW, along with the Convention, is one of the most significant achievements of the United Nations in its efforts for the advancement of women and their equal rights. With the establishment of the CEDAW began a new chapter in the long struggle for equality and integration of women into the process of development. For the first time a Committee was set up at the international level to implement and monitor the progress made in the elimination of discrimination against women. The international community welcomed it with much enthusiasm, barring a few reservations, as a much-desired and necessary step.

For the first time the CEDAW provided a common platform where the States Parties could engage in constructive dialogue, exchange ideas and experiences, and encourage new endeavours. It also provided for an occasion where there could be a genuine review and re-examination of national laws, policies and practices. CEDAW's experience in examining the reports of the States Parties has now made it easier to identify grey areas regarding women's issues in the States Parties. This has helped and led the governments to take
special care and adopt corrective measures. At the same time, the questioning during the presentation of a State Party's report has occasionally provoked minor changes in national law. The CEDAW is also a reservoir of information on women, which if properly utilized and made available can serve a most useful purpose.

However, the CEDAW has several major limitations due to which its activities and achievements are curtailed severely. Its recommendations and suggestions are not binding to the States Parties. Therefore, unless the States Party is sincerely committed to the provisions of the Convention, the CEDAW can do little. Added to this, the CEDAW does not have its own national units in the States Parties which report to it directly, instead it has to depend on the national governments for information and reports, based on which it has to make its recommendations and suggestions. Besides, the CEDAW itself has a major draw-back in its working which poses as an obstacle: The documentation placed in the hands of the CEDAW members, which could be used for forming a network in various geographic areas, political and economic systems and stages of development among the countries, is not used properly because except for the annual reports of the CEDAW to the General Assembly, all the information is of limited circulation (for members only). Furthermore, the composition of the CEDAW changes after the biennial elections and the information received by the out-going members are not passed on to the in-coming members. Thus all the vast resources is hardly of much use.

No doubt, the CEDAW has gone quite a way in the effort to eliminate discrimination against women and give them equal rights. But the fact cannot be
ignored that it, along with the Convention, is seriously handicapped by the States Parties' final authority. Therefore, unless the States Parties commit themselves sincerely to the principle of equal rights, the Convention and the efforts of the CEDAW will not be enough.