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# CEDAW

CONVENTION ON  
THE ELIMINATION  
OF ALL FORMS OF  
DISCRIMINATION  
AGAINST WOMEN

RESTORING RIGHTS TO WOMEN



UNITED NATIONS  
DEVELOPMENT FUND FOR WOMEN  
SOUTH ASIA REGIONAL OFFICE



PARTNERS FOR LAW IN DEVELOPMENT

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## EXPLANATORY NOTE

The term "CEDAW" is commonly used to refer to both the *Convention on the Elimination of all Forms of Discrimination Against Women* and to the Committee on the *Elimination of all Forms of Discrimination Against Women*. However, in this publication the *Convention on the Elimination of all Forms of Discrimination Against Women* has been referred to as "CEDAW" or as "the Convention" whereas "the CEDAW Committee" has been referred to as "the Committee."

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## PREFACE

As the principal treaty on women's human rights, CEDAW is relevant to all work on women's rights, ranging from policy and law on the one hand to field-based programming on the other. It is not surprising then that those working on implementing the Convention should focus on disseminating the information and integrating its normative standards into actual work in the field relating to women's rights. This endeavour has been a struggle in view of the assumptions attached to CEDAW as a law and, more particularly, as an international treaty. Attached to these characteristics is the assumption of technical specialisation and a limited sphere of operation: that of the international arena or the municipal courts. The challenge consequently has been one of transforming CEDAW from a treaty law into a conceptual framework capable of application in different thematic sectors and levels of work.

Given the broad range of actors influencing work on women's rights, from activists working in the community to policy makers, bureaucrats, lawyers and judges, the challenge requires transforming CEDAW from a legal document into an understanding of gender equality whilst retaining its legal underpinnings. The combination of norms and concepts in this publication help define women's human rights and establish normative standards as a starting point in understanding CEDAW. Such a focus provides knowledge and resources on CEDAW that help ground its applications at any level.

This publication is an effort towards building such a resource. It principally aims at enhancing and deepening the understanding on CEDAW, its coverage and potential. It therefore covers conceptual, substantive and contextual issues, addressing complexities within each, to provide information as well as encourage dynamic inquiry and application of the Convention. Maintaining a focus necessarily limits



coverage of the Convention; as a result, this publication does not cover the review mechanisms, domestic application and Optional Protocol of CEDAW, although all these are relevant dimensions of the Convention. Instead, this publication serves as a foundational knowledge on CEDAW that connects with and leads to knowledge on other specialized dimensions in relation to its implementation and monitoring.

The focus on concepts and principles cuts across sectors and fields of application to make this publication relevant for a wide user range. Effort has been made to lucidly and coherently structure the content such that it serves as a reference and resource book. Importantly, the presentation helps build a holistic understanding of women's human rights with references to the Articles that correspond and contribute to the perspective outlined rather than follow an Article-wise presentation of information.

The publication is divided into four principal parts with sub-sections. The first part contextualises CEDAW as a women's human rights document, drawing attention to its relevance by contrasting it with the dominant human rights framework. The second part outlines the progression of women's rights in international law and introduces CEDAW. The third examines three foundational principles embodied in CEDAW: equality, non-discrimination and state obligation - which together constitute the framework of women's human rights. Finally, the fourth section looks at the substantive coverage of the Convention first through the thematic scope of its Articles, followed by a more complex look at the features that expand their substantive scope. This section moves beyond a simplistic reading of single Articles in isolation to develop an interactive and integrated reading of the provisions of the Convention - drawing attention to issues of conflict of rights and CEDAW's capacity to address emerging and cross-cutting concerns. In doing so, this publication encourages and provides tools that expand the application and frontiers of CEDAW, to emphasise and affirm its dynamic nature and potential in every level of work on women's rights.

*Madhu Mehra*  
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