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CEDAW
and the
Human Rights
Based
Approach
to
Programming

A UNIFEM GUIDE

United Nations Development Fund for Women



UNIFEM is the women's fund at the United Nations. It provides financial and technical assistance to innovative programmes and strategies to foster women's empowerment and gender equality. Placing the advancement of women's human rights at the centre of all of its efforts, UNIFEM focuses its activities on four strategic areas:

- Reducing feminized poverty;
- Ending violence against women;
- Reversing the spread of HIV/AIDS among women and girls;
- Achieving gender equality in democratic governance in times of peace as well as war.

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CEDAW and the Human Rights Based Approach to Programming

Index

- 1 INTRODUCTION
- 2 SECTION 1 Gender Equality as a Human Right
- 16 SECTION 2 UNIFEM and the HRBA
- 26 SECTION 3 Applying the HRBA Principles
- 38 SECTION 4 The HRBA and Results-Based Management
- 50 SECTION 5 Women's Human Rights In-Depth
- 78 SECTION 6 Programming Resource Materials

Introduction

Promoting universal respect for human rights has been one of the fundamental goals of the United Nations since its creation, and the development of a comprehensive international human rights normative and standard-setting system within the United Nations was one of the great achievements of the 20th century. A more recent development, and one with great potential for further enhancing the impact of these human rights standards on the ground, is the adoption of the human rights-based approach (HRBA) to programming by United Nations agencies, funds and programmes.

Especially over the past decade, the UN system's commitment to the HRBA intensified. Following the lead of innovators such as UNICEF, many other agencies, funds and programmes, such as WHO, UNFPA, UNDP, and UNIFEM have paid increasing attention to human rights. Of particular note is the adoption in 2003 of the UN Inter-Agency Common Understanding on the human rights-based approach to programming, and the roll-out of Action II of the Secretary-General's reform programme. These two initiatives are making a substantial contribution to clarifying and focusing a UN system-wide approach to integrating human rights

considerations into programme support. The principle that development cooperation should further the realization of human rights has now gained wide acceptance.

At the current stage of the HRBA's evolution, the UN is tackling the challenge of fully translating this commitment into concrete, operational programming terms. What does the HRBA really mean for programming priorities, design, implementation, monitoring and evaluation? And—to be even more concrete—what does the HRBA tell us about the expectations that people themselves should rightly have of the UN's programming support?

The United Nations Development Fund for Women has worked for gender equality and women's empowerment for over 30 years, and since the 1990s the organization has placed a particular emphasis on supporting implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This guide consolidates insights and experiences gained by UNIFEM to date, to assist staff in further deepening the HRBA within programming. It's a contribution we share with partners in our common effort to advance women's human rights.

SECTION 1

Gender Equality as a Human Right

“Women have a right to gender equality.” It’s a simple and true statement, but its implications for how development assistance should be conducted are many and far-reaching. Before we begin addressing the nuts and bolts of the HRBA (Section 2), it is worth taking some time to explore just what it means, and why it matters, to approach gender equality as a human right.

What are International Human Rights?

The international human rights system is a creation of the 20th century. The impetus to institute a global order to protect human rights came from the same source as the impetus to create the United Nations itself. In response to the devastation and inhumanity inflicted by World War II, there was consensus that rules and standards should be established which would, in the future, uphold human dignity and protect all people from such harm. The first step was the UN General Assembly’s adoption, in 1948, of the **Universal Declaration of Human Rights** (UDHR).

A treaty system was then introduced, allowing any Member State of the United Nations to undertake legal obligations to respect, protect and fulfill the most important human rights. In 1966, the first two treaties, the **International Covenant on Civil and Political Rights** (ICCPR) and the **International Covenant on Economic, Social and Cultural Rights** (ICESCR), were opened for ratification. The other core human rights treaties followed:

- **Convention on the Elimination of All Forms of Racial Discrimination** (CERD) 1965
- **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW) 1979

- **Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** (CAT) 1984
- **Convention on the Rights of the Child** (CRC) 1989
- **Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (CMW) 1990

Two new conventions—on the rights of persons affected by disabilities, and on protection from enforced disappearance—were adopted by the General Assembly in 2006. These conventions are waiting to receive the number of ratifications from Member States that will allow them to come into force.

The work to codify human rights into international law took many decades, and drew on the collective efforts of governments, non-governmental organizations, lawyers and academics from around the world, as well as the United Nations bodies. The result is that we now have a comprehensive normative and legal framework for human rights, which clearly identifies the content of these rights and the steps that should be taken to realize them. This framework has achieved global endorsement. The number of UN Member States that are parties to the treaties has grown continuously. By 2007 all States had ratified at least one of the treaties, and 80% had ratified four or more. The two most broadly endorsed human rights treaties—CEDAW and the CRC—have each been ratified by more than 90% of the UN membership.

Gender Equality within the Human Rights Framework

The human rights obligation to eliminate sex-based discrimination against women in order to achieve

gender equality has been at the centre of international human rights from the beginning. The UDHR, ICCPR, ICESCR, and other core treaties contain clear statements on women's right to be free from discrimination. The centrality of this concern was made abundantly clear by the adoption of CEDAW. The core international human rights standards, taken together, provide a powerful normative framework for advancing gender equality.

In 1993, the Vienna World Conference on Human Rights took the centrality of women's rights to the international human rights regime as one of its primary concerns. As stated in the Vienna Declaration and Programme of Action, and reaffirmed many times since, including in the Beijing Platform:

- *The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights.*
- *The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.*
- *The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.*

What are Women's Human Rights under CEDAW?

Provisions protecting women's human rights exist in all of the core international human rights treaties. But it is in CEDAW that the specifics of women's human right to

gender equality are set down in detail, and the broad range of actions that must be taken to achieve gender equality are mapped out. It is also in CEDAW that the international human rights system's understanding of the nature and meaning of sex-based discrimination and gender equality is most clearly articulated.

CEDAW's Approach to Achieving Gender Equality

CEDAW is an "anti-discrimination" treaty, meaning that in CEDAW gender inequalities are understood to have been produced by sex-based discrimination. The State obligations imposed by CEDAW are primarily obligations to eliminate the many different forms of gender-based discrimination women face. CEDAW in that sense embodies both a theory of women's subordination, and a strategy for overcoming this subordination.

CEDAW is also informed by a particular understanding of what counts as equality, often called "substantive equality" or "equality of results." CEDAW takes a very concrete and three-dimensional view of equality. Rather than considering equality in formal and legalistic terms, and saying that laws and policies ensure equality between women and men simply by being gender-neutral, CEDAW requires that their actual impact and effect also be considered. Under CEDAW, the State has to do more than just make sure there are no existing laws that directly discriminate against women. It must also make sure that all of the necessary arrangements are put in place that will allow women to actually experience equality in their lives.

Finally, CEDAW makes States responsible not just for their own actions, but also for eliminating discrimination

that is being perpetrated by private individuals and organizations. CEDAW recognizes that discrimination is often most deeply rooted in spheres of life such as culture, the family, and interpersonal relations, and that if change does not take place at those levels, efforts to achieve gender equality will be frustrated.

The Articles of CEDAW

The articles of CEDAW fall into three main groups. The first set of articles explains the nature and scope of the State's obligations. The second set of articles targets specific forms of discrimination and outlines measures that the State must undertake to eliminate discrimination in each of these areas. The last set of articles governs procedural and administrative matters, such as the composition of the CEDAW Committee and the way in which the reporting process operates.

Article 1: definition of discrimination against women

Articles 2-5: the full range of measures the State must take to eliminate discrimination and achieve gender equality



Article 6: trafficking and the exploitation of prostitution

Article 7: public and political life

Article 8: international affairs

Article 9: nationality

Article 10: education

Article 11: employment

Article 12: health care

Article 13: economic and social life

Article 14: rural women

Article 15: equality before the law

Article 16: equality in marriage and family life



Articles 17-22: the CEDAW Committee and the reporting process

Articles 23-30: ratification, reservations and other procedural matters

How is CEDAW Monitored?

The CEDAW Committee

Like all of the core international human rights treaties, CEDAW is overseen by a treaty body. The Committee on the Elimination of Discrimination against Women is a group of 23 gender equality experts. They are elected by the States parties to CEDAW, but once elected they serve in an independent capacity, not as representatives of their countries. The Committee membership is regionally representative, and at present has members from Algeria, Bangladesh, Brazil, China, Croatia, Cuba, Egypt, France, Germany, Ghana, Israel, Italy, Jamaica, Japan, the Republic of Korea, Malaysia, Mauritius, the Netherlands, Portugal, Singapore, Slovenia, South Africa, and Thailand. The Committee members bring a broad range of relevant expertise to bear, drawing from their careers as gender equality experts in law, academia, the private sector, government, and non-governmental organizations.

The Committee is responsible for reviewing each State

party's progress, as well as the challenges they are experiencing in implementing the Convention. After reviewing progress and challenges, the Committee issues its Concluding Comments, which provide specific guidance on how this performance could be improved in national context. The Committee is also responsible for developing jurisprudence, a body of legal interpretation, primarily through the issuing of General Recommendations (GRs) and decisions under CEDAW's Optional Protocol. This jurisprudence helps clarify how the Convention applies to specific situations and emerging issues.

In the past, all of the other treaty bodies met in Geneva and received secretariat support from the Office of the High Commissioner for Human Rights (OHCHR), but the CEDAW Committee met in New York, and the Division for the Advancement of Women (DAW) served as its secretariat. Beginning in 2008, CEDAW will meet in Geneva and will be supported by the OHCHR.

The CEDAW Reporting Process

States that are parties to CEDAW must submit regular reports to the CEDAW Committee. These reports contain detailed information about legislative, judicial, administrative and other measures that have been undertaken to implement CEDAW, as well as about obstacles that have been encountered. The reports need to provide a fairly comprehensive mapping of progress in achieving gender equality, and States will often call on DAW, the OHCHR and other UN organizations for assistance when drafting them.

The reports are reviewed during the CEDAW Committee's sessions, which are held several times a year in New York. The reporting State sends a govern-

ment delegation, including the heads of women's machineries and other key officials such as those responsible for foreign affairs and the administration of justice, to engage in a dialogue with the Committee members. When the Committee is considering the reports, it will also draw on information provided by UN agencies and women's NGOs from the reporting countries. There are specific meeting times set aside during the sessions for the Committee to hold discussions with the UN agencies, and with the women's NGOs. Women's NGOs can also submit alternative reports on their countries' progress—often called “shadow reports” —to the Committee.

The Committee places great value on hearing from women themselves about the situation in their countries. UNIFEM has for many years supported women's NGOs to attend the CEDAW sessions and present shadow reports through the “Global to Local” programme. The programme is run by the International Women's Rights Action Watch (IWRAP) Asia Pacific, an NGO based in Malaysia, and while initially supported only by UNIFEM, it is now also receiving support from UNFPA. Over the past decade, more than 80% of the women's NGOs from around the world that have attended the CEDAW sessions were sponsored by the Global to Local programme.

When the CEDAW session is completed, the Committee issues its concluding comments on each State party's report. They note successful steps that have been taken to achieve gender equality, then identify the most critical measures that need to be taken in the future to implement the Convention. The Concluding Comments are very important resources for gender equality work. First, they provide authoritative guidance about what CEDAW requires in specific national contexts: through the

Concluding Comments, the fairly general language of the Convention is given more concrete, real-life meaning. Second, the Concluding Comments are valuable advocacy tools for use by gender equality advocates to press for needed changes at the national level.

For more information about CEDAW, and links to helpful resources, see Section 9 “Women’s Human Rights In-Depth.”

Summing Up: Gender Equality as a Human Right

Not everyone who works to advance gender equality approaches it as a human right. For example, it can be treated exclusively as a development concern. From that view, gender equality has importance because of its instrumental value in furthering development—because a country’s development objectives cannot be reached unless the situations of both men and women are significantly improved, attention must be paid to the challenges women face.

What is gained by understanding gender equality as a human right? As outlined above, the human rights framework has a number of distinctive contributions to make:

- 1.** It provides the highest level of normative authority. Human rights are the only values on which there is global consensus. Political and economic regimes and cultural and religious traditions vary widely around the world, and questions about which system is right and which system is wrong are unanswerable. But common elements from all of these sources were brought together in the development of the international human rights framework. There is now a shared agreement, at least at the level of human

values, which allows us to have meaningful and productive discussions across our differences about how people should be treated.

One of the central principles human rights law has established is that all human beings, women included, are equal and should not be subjected to discrimination. Once gender equality is understood as a human right it needs no additional justification, and the legitimacy of work to advance gender equality does not depend on proving its usefulness for other purposes, such as those of development, or economic growth.

- 2.** It provides the definitive certainty of law. International human rights standards are not “law” in the same sense as, for example, a nation’s criminal code is law—their enforcement is a more complex matter. But one of the common characteristics of both international human rights law and national law is that obligations—what must be done, what must not be done, and who has responsibility for these actions—are very clearly defined. By becoming a party to CEDAW, for example, a State undertakes to implement a long series of specific measures to advance gender equality. The content of these obligations is not open to alteration by individual governments or organizations.
- 3.** At the same time, it responds to country realities and emerging issues. A universal set of detailed gender equality requirements could actually be an obstacle rather than an asset for gender equality work, if it was too abstract or rigid. The challenges women face vary so much from country to country, and even within a country they can change significantly over time. Fortunately, the international human rights system is designed to be responsive and flexible.

Country-specific perspectives are, for example, built into CEDAW in multiple ways: the text of the Convention was drafted and negotiated by people from all parts of the world; the CEDAW Committee's membership is regionally balanced; and in addition to the government's own regular reports, the Committee considers the views expressed by women's groups in the country, and information available from UN organizations working there. All of these combine to make CEDAW's Concluding Comments quite a useful source of guidance about what the current priorities for gender equality work should be in individual country contexts.

Through the Concluding Comments, the General Recommendations, and decisions under CEDAW's Optional Protocol, the Committee takes the opportunity to explore how the Convention should apply to new issues that weren't in the minds of CEDAW's drafters, such as HIV/AIDS, for example, or economic globalization.

For UNIFEM, one of the main advantages of the human rights-based approach is that it helps us to strengthen our programming by making systematic use of the benefits that come from gender equality's status as a human right. The sections that follow explore the ways in which UNIFEM has already implemented the HRBA in our programmes, and ways in which this approach can be deepened.

SECTION 2

UNIFEM and the HRBA

The United Nations and the Human Rights-Based Approach

The HRBA is by no means a new programming approach for the UN system. For many years, UN agencies, programmes and funds have, each in their own way, been exploring and developing human rights-based approaches to their programming. A number of UN organizations were particularly engaged with human rights because they saw a very direct link to their individual mandates (such as UNICEF's with the Convention on the Rights of the Child, and UNIFEM's with CEDAW). In 1997, interest in implementing the HRBA increased significantly, as the Secretary-General called on all UN organizations to mainstream human rights into their work in the context of the UN programme for reform.

What is relatively new is the UN system's adoption of a standard approach to the HRBA. In 2003, at the Stamford Inter-Agency Workshop on a Human Rights-Based Approach, a "Common Understanding" of the HRBA was negotiated for the UN system as a whole. The UN Common Understanding was then endorsed by the UN Development Group (UNDG), and incorporated into the Common Country Assessment/UN Development Assistance Framework (CCA/UNDAF) Guidelines. In the second stage of the Secretary-General's UN reforms, an initiative called Action II was created. Action II is a global programme to strengthen the UN's support for the promotion and protection of human rights, led by a core task force composed of OHCHR, UNDP, UNFPA, UNICEF, UNIFEM, UNDG and OCHA. It is focused on strengthening the human rights-related programming capacities of UN country teams (UNCTs), so that they can support Member States to realize human rights in line with the Millennium Development Goals (MDGs). Human rights trainings for

the UNCTs will be rolled out by Action II in 2007, and these trainings take their guidance on the HRBA from the UN Common Understanding.

The UN Common Understanding on the HRBA is a short document that sets out three main points of agreement about the HRBA, then provides basic explanations of each of these points.

UN Common Understanding

- 1** All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
- 2** Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
- 3** Development cooperation contributes to the development of the capacities of "duty-bearers" to meet their obligations and/or of "rights-holders" to claim their rights.

UNIFEM's 2004-7 Multi-Year Funding Framework and the HRBA

The Common Understanding's three points of agreement are framed in fairly general and abstract terms, and the concrete implications really only become clear once they're interpreted in light of an organization's mandate. What does the Common Understanding actually imply for UNIFEM's work? This section will highlight some of the key implications. In Section 3, the Common Understanding's human rights principles will be explored in greater depth, and in connection with our own programming experiences.

1. All programming should further the realization of human rights

There is virtually no aspect of development cooperation that doesn't make at least some contribution to the realization of human rights. For example, anything done to improve access to water may help realize the right to health, and anything done to improve access to education can help realize the right to education. In the earlier stages of the UN system's use of the rights-based approach, there was a tendency to simply repackage existing programming and programming approaches by inserting human rights language into documents. But the HRBA should not be treated as an exercise in rights rhetoric.

The Common Understanding commits UN organizations to engaging with human rights in a more systematic, deliberate and purposeful way. The Common Understanding notes that programming activities which "incidentally" contribute to rights realization don't qualify as implementing the HRBA. Rather, programmes must be consciously designed with the intention of realizing

human rights—they must identify and support the actual changes on the ground that will further the realization of rights.

This first point of agreement in the Common Understanding also underlines that work to further the realization of human rights is not something that should be treated as its own discrete sector. In the past, many UN organizations, including UNIFEM, have located their human rights work only in specific programmes, or as a discrete organizational goal. To implement the HRBA, however, programming in all sectors must be designed to realize rights.

How was the first point of the Common Understanding reflected in UNIFEM's 2004-7 Multi-Year Funding Framework (MYFF)? Rather than having a separate goal on women's human rights, achieving gender equality is an overarching goal of all programming. The absence of a specific MYFF goal on human rights does not mean that there can't be any human rights programmes, and we are indeed currently implementing many of these programmes. What the framework implies is that there should not be programmes in any of our MYFF goal areas—reducing feminized poverty, ending violence against women, halting and reversing the spread of HIV/AIDS, and achieving gender equality in democratic governance—that are not designed to help realize the relevant human rights for women.

There are rights under CEDAW directly corresponding to each of our MYFF goal areas. In the chart that follows, some of the key rights under CEDAW are identified, as well as General Recommendations of the CEDAW Committee that provide additional guidance on the State's obligations in these areas.

MYFF Goal	CEDAW
Goal 1: Reduce feminized poverty and exclusion	Article 11: employment Article 13: economic and social life Article 14: rural women GR 13: equal remuneration GR 16: unpaid women workers
Goal 2: End violence against women	Article 6: trafficking and prostitution Article 5: customary and other practices Article 16: marriage and family relations GR 19: violence against women
Goal 3: Halt and reverse the spread of HIV/AIDS among women and girls	Article 12: healthcare GR 15: HIV/AIDS GR 24 : health
Goal 4: Achieve gender equality in democratic governance in times of peace and in recovery from war	Article 2: constitutional and other legal reform Article 7: public and political life GR 23: public and political life GR 25: temporary special measures

2. Human rights standards and principles should guide all aspects of programming

As discussed in Section 1, the human rights standards in treaties such as CEDAW are a source of quite detailed guidance on the measures that need to be taken to realize women’s human rights. The Common Understanding’s second point of agreement is underlining that programming should make very conscious use of this guidance. In order to implement the HRBA properly, programming should be informed by knowledge of the specific human rights standards that apply, and of the measures that should be taken to further them. This information is found in the articles of the human rights treaties, in their Committee’s General Recommendations, and in the Committee’s application of the standards to country situations in their concluding comments.

Some of the uses that should be made of human rights standards are highlighted in the UNIFEM MYFF. For example, ensuring that “legislation and policies are formulated and implemented to promote and protect women’s human rights” is the MYFF’s first outcome level result. Among the indicators accompanying this outcome are the removal of discriminatory provisions from legislation and policies, the incorporation of gender equality provisions into national constitutions, and the reflection of gender equality commitments in poverty reduction strategies. However, human rights standards are more than a tool for legislative review and reform. As the second point of the Common Understanding stresses, they provide guidance that applies to all programming areas—i.e. they are just as useful when supporting women’s political participation, or improved services relating to violence against women.

The most helpful first step for ensuring that a programme will further the realization of women's human rights is to incorporate a careful review of the application of human rights standards into the situation analysis. If you begin with an accurate picture of what CEDAW actually entitles women to in your programme context, and what measures the government is obligated to implement under CEDAW in that context, your ability to set objectives, outcomes and activities that will be most effective for realizing the right is greatly increased.

Investment at this initial level of analysis will benefit the programme throughout its lifetime. Some of UNIFEM's larger programmes, such as the land rights programme in the CIS sub-region, or Asia Pacific's migration programme, were able to invest the resources needed to conduct very comprehensive human rights analysis at the programme design stage. These studies continued to be drawn on throughout the programmes' implementation periods. The land rights analysis, for example, assisted in the drafting of legislative amendments in several countries to better secure women's land ownership. The migration rights analysis supported advocacy for the creation of a standard contract for migrant domestic workers in Jordan, has been used in university curricula in Southeast Asia, and was provided to support the drafting of the CEDAW Committee's General Recommendation on migration.

3. Programming should support development of the capacities of duty-bearers to meet their obligations, and of rights-holders to claim their rights

The third point of agreement is underlining that human rights are essentially about a relationship between

governments and people. Once human rights obligations have been undertaken (through the ratification of treaties such as CEDAW), governments are responsible for their implementation so that people can fully enjoy their rights. And people are entitled to claim these rights, demanding that governments make good on their obligations.

You'll notice that this relationship is not one in which the UN figures prominently. In earlier models of development that were not based on rights, it may have been acceptable for UN organizations to understand their work as directly providing for the needs of people in developing countries. The HRBA is certainly not a service delivery model for programming. Rather, it's a capacity-building model. According to the HRBA's capacity-building model, the UN has a more supporting role, of facilitating the conditions necessary in a country for rights to be realized. The primary actors, the agents of change, are always the rights-holders and duty-bearers.

In the MYFF outcome areas, UNIFEM has identified three levels at which our programming supports capacity development for both duty-bearers and rights-holders:

- At the macro level, support is provided for improvements to legislative and policy frameworks
- At the meso level, we are concerned with supporting gender responsiveness in mainstream institutions and enhanced ability of gender equality advocates to influence policy agendas
- At the micro level, support is provided for eliminating discriminatory attitudes and stereotypes

SECTION 3

Applying the HRBA Principles

Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.

The second point of agreement in the UN Common Understanding says that human rights standards and principles should guide programming. The human rights standards can be found in the treaties, but what are the human rights principles? The Common Understanding provides a list:

- Universality and inalienability
- Indivisibility
- Interdependence and interrelatedness
- Equality and non-discrimination
- Participation and inclusion
- Accountability and the rule of law

Some of the most important programming requirements for implementing the HRBA are contained in these human rights principles. Their implications for UNIFEM's work are discussed below.

Universality and Inalienability

The first article of the Universal Declaration of Human Rights states: "All human beings are born free and equal in dignity and rights." All people everywhere in the world are entitled to human rights—the person who

possesses rights cannot voluntarily give them up, and others cannot take them away.

Women are one of the groups of people whose very entitlement to their human rights is most often challenged or ignored. There are situations in which their rights can often be treated as irrelevant—as, for example, where governments consider internal family relations as private, and beyond the law's reach. Even within human rights and development work itself, the reality that half of the people concerned are women, with specific rights of their own that must be respected, has often been overlooked. As Radhika Coomaraswamy, the former Special Rapporteur on violence against women has observed, women frequently face a culture of impunity, and the failure of the rule of law, where their human rights are concerned.

How has UNIFEM responded to this fundamental challenge under the MYFF? Considerable programme support has been devoted to ensuring that the so-called "private realm" is not a zone where women's rights are violated. The famous slogan "Women's Rights are Human Rights" was first associated with campaigns to ensure that women received protection from gender-based violence, and UNIFEM sub-regional offices have supported groundbreaking work in this area. These programmes have, for example, led to the adoption of a country's first domestic violence laws, and the criminalization of rape within marriage for the first time.

Indivisibility

The principle of indivisibility reminds us not to proceed as if there was a hierarchy among human rights, with some being more important or more critical than others. All human rights have equal status. The need for such a

principle became apparent during the cold war stage of the human rights system's evolution, when one bloc pressed for priority attention to civil and political rights, and the other insisted on the precedence of economic, social and cultural rights. The equal status of civil and political rights and economic, social and cultural rights is now widely accepted in the human rights world. But the principle of indivisibility still has relevance, especially as a reminder of the importance of attending to the rights of groups subjected to discrimination and disadvantage, under treaties such as CEDAW, CERD and the CRC.

While it is not acceptable to give one set of human rights priority over another, it has been recognized that some rights may necessarily take more time to be realized than others. Some of the social, economic and cultural rights, for example, may take more time to realize than some of the civil and political rights, because they require a greater investment of resources, or the accomplishment of more substantial structural changes. Where a State cannot realistically be expected to achieve a right immediately, its obligation is understood to be "progressive," and can be satisfied by genuine efforts producing incremental progress to rights realization. It should be noted, though, that the obligation to not discriminate—against women or any other group—is not progressive, it is always immediate.

Interdependence and Interrelatedness

The realization of one right will often very much depend on the realization of other rights as well. The principles of interdependence and interrelatedness remind us of the importance of a comprehensive and holistic programming vision.

When the HRBA advises us to programme with a very clear idea in mind of the right to be furthered, this is not a call to develop tunnel vision around that right; quite the opposite. The actual realization of a right can be a complex and long-term matter—most rights cannot be realized within the scope and time frame of an individual project or programme. In order to programme in a way that effectively serves to advance a human right you don't have to adopt unrealistically bold objectives. What is needed is attention to the possibility that other rights must also be realized, and awareness of the various stages that must be reached before a right can be realized. With this picture in mind, the real contribution the programme can make—as connected with efforts of other actors, and work that must follow after the completion of the programme—can be identified.

These principles again underline the importance of strong situation analysis. Rights realization always takes time, but it will take less time if the full set of challenges involved is understood from the outset.

For example, it's better to support the drafting of a new law already knowing that chronic gender-based discrimination in budgetary processes is hampering the implementation of existing laws, and to factor this challenge into programme design, than to discover such an obstacle after programme completion.

Equality and Non-Discrimination

As the UN Common Understanding explains these principles: "All individuals are equal as human beings and by virtue of the inherent dignity of each person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other

opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.”

Equality and non-discrimination are two sides of the same coin. People are entitled to equality. Inequality is understood in the human rights framework as the product of discrimination. People are therefore also entitled to the elimination of discrimination—in whatever form it takes, sexual, racial, religious, or on other grounds—as a means to achieve equality.

It should be noted that there is no closed, permanent list of the prohibited grounds of discrimination. New forms of discrimination can develop over time—for example, discrimination against migrant workers only becomes a major human rights problem once migration for work becomes a widespread phenomenon. And situations and treatment that have in the past been considered natural, if perhaps unfortunate, can come to be recognized as discriminatory. Sex-based discrimination is a classic example. While it may once have been common sense to think that women weren’t suited by nature to exercising political power, entering into contracts, owning property, and so on, it is now clearly recognized in human rights law that depriving women of these entitlements is just as serious as singling out a racial or religious minority for such treatment.

As the UN Common Understanding points out, the treaty bodies are often the first place that a new prohibited ground of discrimination is identified. For example, in a recent General Comment, the Committee on Economic, Social and Cultural Rights recognized sexual orientation as a prohibited ground of discrimination.

Gender has unequivocal recognition from the human rights system as a prohibited ground of discrimination,

and one of the core human rights treaties is exclusively concerned with gender-based discrimination. While this is certainly a good thing, it creates a potential blind spot for people who are programming on gender. It would be easy, and comfortable, to assume that the HRBA principles of equality and non-discrimination are not a concern for programmes that directly address gender inequality. The UN Common Understanding is a reminder that we need to be alert to the multiple forms of discrimination women may face. A variety of UNIFEM programmes—including those focusing on migrant women workers, women living with HIV/AIDS, and women from ethnic and racial minority groups—are engaging with the intersection of different forms of discrimination.

Participation and Inclusion

According to the UN Common Understanding, “Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.” The principles of participation and inclusion direct our attention both to the objectives of programming, and to programming processes.

The Office of the High Commissioner for Human Rights has identified a series of measures that may be required to realize the right to participation:

- Building the capacity of civil society organizations to engage with duty-bearers
- Increasing transparency of policies and processes
- Creating new channels and mechanisms for participation of marginalized groups

- Civic education and human rights awareness-raising
- Media and communication campaigns
- Advocacy for and capacity-building of networks
- Broadening alliances across civil society organizations

Source: OHCHR, “Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation” (2006)

The principle of participation and inclusion requires, at the level of programme objectives, that programmes support the empowerment of people to be active citizens with genuine ownership and control over their countries’ development. There are multiple sources of the right to participation in human rights law, including in the ICCPR, the UN Declaration on the Right to Development and Articles 7, 8 and 14 of CEDAW. The political empowerment of women has long been a central focus for UNIFEM, and is strongly reflected in the 2004-7 MYFF. Examples of UNIFEM initiatives include support for bringing women to the peace table, supporting women’s ability to stand for election, support for the formation of civil society organizations and networks, and support for gender-budgeting exercises.

At the level of programming process, the Common Understanding is drawing our attention to the fact that it is not enough to programme for women, we must also be programming with women. The priorities and views of the women affected should be reflected in our programming choices, and their active involvement should be sought at all programming stages. UNIFEM’s long history of partnerships with and support for women’s NGOs is a good example of the participation principle in action. But beyond the partnerships themselves, attention should be paid to enhancing

and expanding women’s direct involvement in specific programming stages, such as programme design and monitoring and evaluation.

Accountability and the Rule of Law

The necessary legal procedures and mechanisms must be in place within a country that will hold duty-bearers accountable for their human rights obligations. According to the UN Common Understanding, “States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.”

The UN Common Understanding places a great deal of emphasis on ensuring that human rights standards are actionable through domestic legal systems. This is a critical means of fostering human rights accountability, and is reflected in the first outcome level result of UNIFEM’s 2004-7 MYFF: “Legislation and policies are formulated and implemented to promote and protect women’s human rights.” All of UNIFEM’s offices are supporting legal reform initiatives, to ensure that the standards set by CEDAW and the other human treaties are given legal force at the national level, in areas ranging from violence against women, to land ownership, to electoral processes.

One of the most powerful ways in which human rights standards can gain domestic legal force is through their integration into national constitutions. The constitution is a nation’s highest law, and all other laws must conform

with its requirements. The inclusion of gender equality and other women's human rights provisions within a constitution is the best long-term guarantee that the country's legal framework will respect women's human rights.

Where constitutions have come up for revision, UNIFEM has supported women's groups to press for important changes. Some of the biggest opportunities to advance gender equality arise when a new constitution is being drafted, as often occurs in the context of post-conflict reconstruction. UNIFEM provided support for the inclusion of constitutional guarantees of gender equality and women's human rights in several new constitutions during the 2004-7 period. It should also be noted, though, that constitutional reform can be an especially challenging area for advancing women's human rights, as the political stakes in the negotiations will be high for all sectors of the society. Where competing interests and agendas are strong, even the best efforts may fail to produce the desired results.

Apart from the legal framework, there are other critically necessary components to ensuring accountability. Government institutions and officials need to be responsive to women's human rights entitlements. The second outcome level result of UNIFEM's MYFF is focused on ensuring that "Mainstream institutions demonstrate leadership, commitment, technical capacity and accountability to support gender equality and women's empowerment." When it comes to getting governmental institutions to recognize and have political will for women's human rights, have the technical knowledge to put them into practice, and set up the mechanisms and procedures that will make this possible, there's no standard procedure or rulebook to follow. Some approaches, such as judicial or police

trainings, are common to most of the UN's HRBA programming. But there are challenges that are specific to women's human rights. For example, many governments approach CEDAW implementation as the exclusive responsibility of their women's machineries. The obligation to implement CEDAW rests with the State as a whole, and in Africa UNIFEM has introduced an innovative programme to engage all sectors of government in the implementation of the Convention. It's important to keep in mind that institutional buy-in for women's human rights can be increased through much less confrontational methods than the language of the Common Understanding might suggest. In South Asia for example, UNIFEM-supported intergovernmental roundtables on CEDAW have allowed governments in the region to share positive experiences and successes in implementing the Convention, and these roundtables have led to improved institutional arrangements in a number of countries.

Finally, the UN Common Understanding highlights an additional dimension of accountability in the capacity of rights-holders to make claims against duty-bearers. UNIFEM's work in this regard has already been mentioned above, under the principle of participation. While the reference to rights-holder capacity in the Common Understanding places a major emphasis on the ability of individuals to advance their claims through the courts, it should be noted that the most important accountability-related capacity rights-holders can have is their capacity to work together. Women's NGOs, NGO networks and civil society organizations have always been the true driving force behind the realization of women's human rights, and support for these organizations is an essential component of the HRBA.

SECTION 4

The HRBA and Results-Based Management

Results-Based Management in UNIFEM: Essential Guide

In 2005, UNIFEM introduced its Essential Guide to Results-Based Management. The Guide is intended to assist UNIFEM staff and our partners, and training based on the manual began in 2006. We decided to approach results-based management (RBM) from a rights-based perspective because the HRBA is central to our programming, and in particular because the HRBA is, at heart, concerned with achieving a particular type of result: the realization of human rights. As the UN Common Understanding underlines, programming should very consciously further rights realization, and we felt that the most effective way to ensure this happens consistently would be to factor human rights considerations into our standard programming procedures.

What follows are highlights from the human rights components of the Essential Guide. Note that these highlights are being provided only to help explain the meaning of the rights-based approach. When designing programmes, the full RBM guide should always be used as the core reference.

Introduction and Overview

The concrete programming implications of the HRBA include:

- Programmes should be oriented towards developing the capacities of rights-holders and duty-bearers to realize human rights. National actors are to be supported in their own efforts to achieve accountability for human rights obligations. Programming should not follow a “service delivery” model in which we try to meet national needs ourselves.

- Programming should be based on a clear understanding of what women’s human rights entitlements actually are in the given area. The treaties, especially CEDAW, and any relevant General Recommendations and Concluding Comments, should be core references at all stages of programming, including in the development of indicators.
- Priority should be placed on programming for those people whose rights are most denied and violated. This includes women as a whole, but also, especially, groups of women who are particularly disadvantaged, such as the poor and members of racial and ethnic minorities.
- Women’s participation and empowerment is not only an important objective of programming, but should inform a programme’s own processes—the “programming modality”—as well.
- Programmes should be informed by a mapping of the broader social transformations needed for rights realization. The task of fully realizing a right can be a very long-term matter, and individual projects and programmes may be able to accomplish only a step in this process. It is also important to factor into programme design what roles need to be played by other actors, and what work may need to continue after programme completion.

Context/Situation Analysis

A good context/situation analysis is crucial in identifying strategic areas of intervention and capacity strengths/gaps, and eventually, in developing a programme that is focused, relevant and builds on the comparative advantage of UNIFEM vis-à-vis other institutions. It identifies

the specific gender equality issue to be addressed, not the whole gamut of development challenges that a country, for example, needs to confront. It takes into account the added value that UNIFEM can bring and the synergy that can be generated through strategic partnerships between UNIFEM and other key institutions. It analyzes risks that will eventually have to be considered in the design of the programme.

A well-done context/situation analysis helps in defining clearly the intended results of the programme and how progress towards achieving these results is to be measured and assessed. Using relevant information from existing documents (e.g., CCA, UNDAF, MDG report, CEDAW report), it presents a good quantitative and qualitative description of the situation on a given issue. The information may constitute the baseline and provide the basis for developing or refining indicators against which progress is to be assessed when the programme is implemented and completed.

Conducting a context/situation analysis following the HRBA means addressing the following two areas:

- **Identification of the specific right to be furthered.**
Identify the specific treaty rights being denied, and the concrete obligations the State has in relation to these rights. CEDAW should be your first reference point. It is especially important to look at the articles and General Recommendations of the Convention. Read also any Concluding Comments the Committee may have issued for your country or sub-region. In many cases there will be important rights in other treaties that could also be considered.
- **Identification of the capacity gaps to be filled.**
“Capacity” under HRBA encompasses all of the conditions that need to exist to achieve rights realiza-

tion. In relation to the rights and obligations identified in the first step, identify the specific capacity gaps of the duty-bearers to meet their obligations and of rights-holders to claim their rights that are currently preventing progress. When you conceptualize expected results and develop indicators, much of your work will be related to determining the extent to which you can support the development of these capacities, and how this is to be measured.

Some of the capacities that might have to be developed through programme support for duty-bearers include: having appropriate constitutional and legislative frameworks; institutional infrastructure; political will; data; and resource allocation. For rights-holders, capacities to strengthen could include the ability to organize; to establish national and international coalitions; to network; to advocate and communicate with policymakers; and to analyze policies.

Questions for Context/Situation Analysis

- What are the key human rights issues the programme is attempting to address?
- What guidance does the human rights system offer on the human rights standards and obligations relating to these issues (e.g. in CEDAW and its General Recommendations)?
- How are different groups of women being affected? Are some facing special or additional obstacles to enjoying their rights?
- To what extent are these rights currently being either denied or supported by existing laws, policies, plans, budgetary allocations and cultural practices?

- What capacities already exist to support the realization of these rights, and what capacities still need to be developed?
- What are other organizations, including UN agencies, doing to support these rights, and how will the programme link to their work?
- What is the baseline against which you will measure progress? What benchmark data is already available, including from government and NGO reports to the CEDAW Committee, and in the Committee’s Concluding Comments?

Developing Expected Results: The Results Chain

HRBA and results. Under the HRBA, expected results should be framed in terms of specific rights to be furthered; this is more likely to be at the outcome level. At the output level, they should be framed in terms of enhanced capacity of *duty-bearers* to meet their obligations in relation to this right, and of *rights-holders* to claim their rights. For an example of the many different types of capacities that may need to be further developed, see the CEDAW Committee General Recommendation No. 12 on violence against women, which provides a list of recommended measures for eliminating this form of discrimination. Among the many capacity gaps the General Recommendation notes is that duty-bearers may need increased capacity to provide appropriate protective and support services for victims of violence; and rights-holders may need increased information in order to access such services.

Changes in the human rights situation may take a long time. Time needed for achievement is one of the key features that separates outputs from outcomes and

from goals. The types of structural, attitudinal and behavioral changes being sought by UNIFEM and women’s rights organizations take a long time. As mentioned earlier in the introduction to HRBA in Sec. 1.6, realizing a right requires a major structural transformation that involves a significant length of time to implement.

The value of a participatory process. Try to establish a results approach to programming that emphasizes and values the processes or approaches (participatory, integrated/holistic, and sustainable) used as much as the specific results formulated. RBM should support a process in which all key stakeholders contribute to programming to the extent feasible, rather than an individual working on programme results in isolation. Again, this will be in line with the participation principle of the HRBA.

UNIFEM’s catalytic role. UNIFEM results statements need to reflect UNIFEM’s catalytic role in achieving human rights. This may require specifically stating that UNIFEM is acting as a catalyst. For example, you could phrase an expected result on violence against women as follows: “Civil society participation in key policy debates on violence against women acts as a catalyst leading to required changes in legislation.”

Making the links in the results chain: social transformation in the fight against violence against women.

UNIFEM and partners can show that they have directly achieved the passage of a law criminalizing domestic violence. But a great many other changes will have to be put in place—including in terms of how the police behave, how judiciaries make decisions, and how

violence against women is publicly perceived—before we can expect to see actual reductions in the level of domestic violence. It is this actual reduction which would constitute a realization of women’s right to be free from violence. All of the intervening changes have no value in themselves unless, in the end, they successfully combine to produce this result. There are many anti-violence laws in existence that have made little actual contribution to the realization of women’s rights because other factors have not been addressed. So when developing your results chain, you will need to very consciously map your programme onto the larger process of social transformation to which you envisage contributing. This will involve articulating both how you understand social change being accomplished in the area in which you are working, and how you see the contributions of other actors combining with programme efforts to achieve the result of furthering rights realization in the area in which you are working.

Developing Rights-Based Indicators

Indicators help in determining whether results are achieved. Thus the challenge you face is to come up with indicators that measure improvements in the capacities of rights-holders and duty-bearers to realize rights, and improvements in the enjoyment of rights. UNIFEM programmes are generally innovative, attempting to lead to significant changes in rights, but most traditional indicators have not focused on measuring this kind of transformative change. For example, many of the obligations that States take on when ratifying a treaty such as CEDAW are not that easy to quantify, partly because they deal with process.

Remember these points when developing indicators:

- At the outcome level, the indicators in your log-frame should be the same as those in the MYFF.
- At the national level, you can often use existing data from CEDAW reports, administrative records and special surveys without having to invest in your own data collection.
- At the output level, and in some cases also for the outcome level, you may want to commission modest surveys or conduct interviews as part of your regular monitoring and reporting.
- It may not always be possible to find a direct measure of the expected result, in which case an indirect or proxy measure can be used. For example, an ideal indicator of the influence of women’s organizations on legislation targeting violence against women is the extent to which their proposed measures are actually incorporated into the law. However, pending the actual passage of law that could lend itself to such analysis, a proxy indicator of women’s influence could be the number of parliamentarians reported by media as supporting the views of women’s organizations on proposed legislation.

Combining Quantitative and Qualitative Indicators

Quantitative indicators measure progress or results in terms of quantity, e.g., number of women victimized by domestic abuse or amount of budget allocation for gender justice programmes at the national level. They are usually drawn from censuses or administrative records and often analyzed in a formal way, for example, by statistical analysis.

Qualitative indicators can be defined as people's perceptions about a subject. They are usually generated by attitude surveys, interviews or participatory techniques, and are often analyzed less formally and more descriptively.

Ideally, quantitative and qualitative indicators should be used together to complement each other. Sometimes quantitative indicators by themselves alone might not be sufficient to give a good picture of the results reported on. Qualitative indicators may provide additional information to help explain certain results that are described by quantitative indicators. Doing this means that you will be drawing on different sources of data to show whether results have been achieved. This is now generally considered good practice in RBM. You will also be able to cover most aspects of reporting. For example, if your programme aims to increase the capacity of judges to render decisions that comply with international human rights treaties, a quantitative indicator will tell you the number of times judges refer to a human rights treaty provision in their decisions or rulings. To complement this indicator, an indicator on the quality of the decision rendered will make your analysis more meaningful. A content analysis of the decisions rendered will tell you whether in fact the decisions comply with, and embody the true spirit of, the human rights treaty provision and that judges are not merely making references to said provision.

Qualitative indicators are also important for hearing the voices of those who often remain silent in development discourse—poor and marginalized women. You may want to consider conducting a participatory survey of these women as part of your reporting process, for example, to feed into your reports. A good qualitative indicator might be: “Views of marginalized women on x programme.”

SECTION 5

Women's Human Rights In-Depth

The Convention on the Elimination of All Forms of Discrimination against Women

CEDAW is the international human rights treaty that is exclusively devoted to gender equality. As mentioned earlier, CEDAW provides a valuable supplement to the gender equality guarantees in the ICCPR and ICESCR, offering detailed guidance to States. But CEDAW does much more than provide additional information. It is in CEDAW that the international human rights system's philosophy of gender equality is expressed.

CEDAW embodies what is often called the “*substantive*” model of equality. The substantive model of equality developed as people grappled with the troubling effects of the formal model of equality that has prevailed in many nations' legal orders. The formal model of equality is simple: equality exists where the law treats people the same. There's certainly some element of truth and justice to this approach. Many of the most egregious instances of discrimination involve laws that directly single out particular groups for inferior treatment—such as laws that prohibit women, but not men, from voting or holding political office. The formal model of equality has been fairly effective in undoing this sort of discrimination. However, the formal approach is not nearly comprehensive enough to create conditions of actual equality in women's lives. The factors that discriminate against women, and hold them in subordinate positions, extend far beyond the problems posed by overtly discriminatory laws.

The fundamental innovation of the substantive model of equality is to use the conditions of women's actual lives, rather than that the wording used in laws, as the true measure of whether equality has been achieved. Under CEDAW, the State is required to take “all necessary

measures” to eliminate discrimination against women. This includes overturning bad laws, but extends much further—to introducing new gender-sensitive laws and policies, changing the attitudes, practices and procedures within government, ensuring that private organizations and individual citizens do not discriminate against women, and changing harmful cultural stereotypes. Sometimes, in areas in which the long-term effects of discrimination have seriously disadvantaged women, this may require laws that give women—not just formally equal treatment with men—but preferential treatment. As CEDAW's Article 4 provides, “*temporary special measures*” (such as quota laws for political representation) may be required for a period of time, in order to speed up the achievement of equality.

It's important to note that in requiring this wide range of actions by the State, CEDAW conforms to the theory of State obligation that informs the international human rights system as a whole. Under each of the core human rights treaties, States parties have the three-fold obligation to respect, protect and fulfill human rights. To “respect,” the State must abstain from any conduct or activity of its own that violates human rights. To “protect,” the State must prevent violations by non-state actors, including individuals, groups, institutions and corporations. And to “fulfill,” the State must take whatever measures are needed to move towards the full realization of human rights.

Second, CEDAW makes very clear that these responsibilities extend to *private life as well as public life*. Historically, one of the biggest obstacles to realizing women's rights in many countries has been the perception that the State should not interfere in the “private” realm of family relations. CEDAW recognizes that unequal power relations within the private sphere

contribute very significantly to gender inequality in all aspects of women's lives, and it directs States to take measures that will correct this power imbalance. For example, one of the key obligations the State has regarding private life—as CEDAW's General Recommendation #19 specifies—is to take steps to ensure that women are not subjected to violence at the hands of their partners.

The Articles of CEDAW

The articles of CEDAW fall into three main groups. The first set of articles explains the nature and scope of the State's obligations. The second set of articles targets specific forms of discrimination and outlines measures that the State must undertake to eliminate discrimination in each of these areas. The last set of articles governs procedural and administrative matters, such as the composition of the CEDAW Committee and the way in which the reporting process operates.

For the full text of CEDAW, in official UN languages:
<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

The Scope of State Obligation

Article 1 provides CEDAW's definition of discrimination against women. Under CEDAW this includes not just direct or intentional discrimination, but any act that has the effect of creating or perpetuating inequality between men and women.

Article 2 sets out a range of general measures the State must take to eliminate discrimination against women, with a strong focus on legal protections. Article 2 makes clear that the State has both the obligation not to discriminate itself, and also, crucially, to prevent dis-

crimination by private individuals and organizations.

The State must:

- enshrine the principle of gender equality in *national constitutions*
- enact *legislation prohibiting discrimination against women*
- ensure *effective legal protection* for the right to be free from discrimination, including through the creation of national tribunals and other institutional mechanisms
- ensure that no *public authority* discriminates against women
- ensure that no *private individual or organization* discriminates against women
- *abolish existing discriminatory laws, customs and practices*

Article 3 directs the State to take the positive measures needed to ensure the realization of women's human rights on the basis of equality with men. Especially in the political, social, economic and cultural fields, the State must take whatever steps are needed to ensure the full advancement and development of women.

Article 4 directs the State to take temporary special measures where they are needed to speed up the process of achieving equality. Article 4 makes clear that measures that temporarily favour women over men, or impose different standards, are not a form of discrimination if they are being implemented as a means of speeding up the achievement of gender equality.

Article 5 underlines that the State has responsibility for eliminating discrimination in social and cultural life, and

so must take measures to eliminate prejudices and customary and other practices that are based on notions of women’s inferiority or stereotypes.

Specific Forms of Discrimination

The obligations set out in the first part of CEDAW are comprehensive—there is no form of discrimination against women that the State may allow to continue. But for greater clarity, more detailed requirements are set out in Articles 6 to 16, covering many of the main areas in which women have experienced discrimination.

The fact that a form of discrimination does not have a special CEDAW article dedicated to it does not mean that the Convention doesn’t apply. It means that the text of the Convention doesn’t provide a blueprint for these areas. There is some additional guidance available, though, through the CEDAW Committee’s General Recommendations. For example, in its *General Recommendation 19 on Violence against Women*, the Committee made clear that violence against women (VAW) is a form of discrimination covered by CEDAW, and set out a wide range of measures that States may need to take. The Committee also provides country-specific guidance in its concluding comments on measures that need to be taken.

For CEDAW’s GR #19 on VAW:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

Articles 6 to 16 of CEDAW identify anti-discrimination measures that should be taken in the areas of trafficking and prostitution, public and political life, international affairs, nationality, education, employment, health care, economic and social life, rural life, equality before the law, and marriage and family life.

Article 6: Trafficking and Prostitution

States are required to take all necessary measures to “suppress trafficking in women and the exploitation of prostitution.”

Article 7: Public and Political Life

States are required to eliminate discrimination in public and political life, and especially ensure the rights to:

- vote and be eligible for election
- participate in the formulation and implementation of government policy
- hold public office and perform public functions at all levels
- participate in non-governmental and civil society organizations

Article 8: International Affairs

States are required to ensure women the equal opportunity to represent their governments at the international level, and to participate in the work of international organizations.

For CEDAW’s General Recommendation on public and political life:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom23>

Article 9: Nationality

States are required to ensure that women have equal rights with men regarding nationality, and the nationality of their children. CEDAW underlines in particular that a woman’s nationality should not be determined by the nationality of her husband.

Article 10: Education

States are required to eliminate discrimination in educa-

tion. States should take measures especially in the areas of:

- equality in access to study and achieving diplomas at all levels of education
- equality in curricula, teaching and school facilities
- elimination of gender-based stereotypes in teaching
- equal opportunity for scholarships and grants
- equal access to continuing education, and programmes to reduce gender gaps in education
- reduction of female drop-out rates, and programmes for women and girls who have left school
- equal opportunities in sports and physical education
- access to specific information on family health and family planning

Article 11: Employment

States are required to eliminate discrimination in employment. In particular they should ensure that women have equality with men regarding the rights to:

- work
- employment and selection for employment
- choice of profession
- promotion, job security and benefits
- vocational training
- equal pay for work of equal value
- social security and paid leave

Discrimination relating to pregnancy is given special attention. In this area States must, in particular:

- prohibit dismissal on the grounds of pregnancy or maternity leave
- prohibit discriminatory dismissal on the grounds of marital status
- provide for maternity leave
- encourage support for parents with family obligations, including through child care facilities
- provide special protection for pregnant women in dangerous areas of work

Article 12: Health Care

States are required to eliminate discrimination in the field of health care. Women should be ensured equal access to health care services, including family planning. States must also ensure that women receive appropriate services relating to maternity, including free services where needed, and adequate nutrition.

For CEDAW's General Recommendation on health:
<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom24>

Article 13: Economic and Social Life

States are required to eliminate discrimination in other areas of economic and social life. Article 13 highlights in particular the need to ensure equal rights to family benefits, bank loans, mortgages and other forms of credit, and participation in recreation and all aspects of cultural life.

Article 14: Rural Women

States are required to pay special attention to the situation of rural women. They should ensure rural

women's equal rights to:

- participate in development planning
- access health care including family planning
- obtain education and training, including literacy training
- organize groups and cooperatives to pursue economic opportunities
- participate in community activities
- access agricultural credit and loans
- access marketing facilities and technology
- enjoy equal treatment in land and agrarian reform, and land resettlement
- have adequate living conditions, including regarding housing and water supply

Article 15: Equality Before the Law

States are required to ensure that women are given equality before the law. In particular, women must have the same legal capacity as men to enter into contracts and to own property, and they must be given equal treatment in the courts. No contract that attempts to limit a woman's legal capacity will be enforced. Laws regarding freedom of movement within the country and choice of residence must treat men and women equally.

Article 16: Marriage and Family Life

States are required to eliminate discrimination against women in marriage and family life. In particular, States must ensure that men and women enjoy the same rights in the areas of:

- entry into marriage

- choice of a spouse and consent to marriage
- responsibilities during marriage
- dissolution of marriage
- parental rights and responsibilities
- decisions on the number and spacing of children, and access to information in this regard
- guardianship and adoption
- choice of family name, profession and occupation
- property ownership

Regarding child marriage, Article 16 requires States to ensure that the betrothal and marriage of a child has no legal effect. They must also set a minimum age for marriage, and require marriages to be officially registered.

For CEDAW's General Recommendation on marriage and family relations:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21>

Monitoring CEDAW's Implementation

The remaining articles of CEDAW (17 to 30) deal with procedural and administrative matters. These include the Convention's coming into force, the means by which States can become parties, the entering of reservations, and resolution of disputes between States regarding CEDAW. Perhaps most important for our purposes are the articles that govern the operation of the CEDAW Committee, and reporting on implementation of the Convention.

Article 17: The CEDAW Committee

Article 17 created the CEDAW Committee. It is composed of 23 experts in the fields covered by the Convention. While the experts are nominated and elected by States parties to the Convention, they serve in an independent, personal capacity. Care is taken to ensure geographical and other forms of balance in the membership. The Committee members serve for a four-year period, and can be re-elected. The United Nations provides secretariat services for the Committee.

For a list of the current members of the CEDAW Committee:

<http://www.un.org/womenwatch/daw/cedaw/members.htm>

Article 18: States Parties' Reports to CEDAW

States that are parties to CEDAW must submit reports on their progress in implementing the Convention, which are considered by the Committee. The first report is due one year after the State has taken on the legal obligation to implement CEDAW. Following this, reports are due every four years.

The text of CEDAW doesn't provide a great deal of detail about what should be contained in these reports. However, the Committee has issued some guidance. The UN system has also produced resource materials to assist in report drafting.

For the Committee's reporting guidelines:

<http://www.un.org/womenwatch/daw/cedaw/reporting.htm>

For the UN Manual on Human Rights Reporting:

http://www.ohchr.org/english/about/publications/docs/manual_hrr.pdf

For Assessing the Status of Women, a Guide to Reporting Under CEDAW:

<http://iwwraw.igc.org/publications.htm>

For the list of States parties to CEDAW:

<http://www.un.org/womenwatch/daw/cedaw/states.htm>

For reports and reporting status:

<http://www.un.org/womenwatch/daw/cedaw/reports.htm>

Article 19: The Committee's Rules of Procedure – NGO Shadow Reports

Article 18 empowers the Committee to adopt its own rules of procedure. One of the important matters covered by the Rules of Procedure that were adopted in 2001 is the Committee's recognition of the role of NGOs in the monitoring of the Convention's implementation, which wasn't addressed in the text of CEDAW. Under Rule 47, the Committee may invite members of NGOs to provide documentation and make statements to the Committee during its sessions. The Committee now sets aside time for separate meetings with NGOs during the CEDAW sessions, to hear their views on progress on implementation in reporting countries. Many NGOs also submit alternative or "shadow" reports on their countries' progress to the Committee.

For the Committee's Rules of Procedure:

<http://www.un.org/womenwatch/daw/cedaw/cedawreport-a5638-RulesOfProcedure.htm>

For IWRAW Asia Pacific's shadow reporting guidelines:

http://www.iwwraw-ap.org/using_cedaw/report_guidelines.htm

For copies of shadow reports from previous CEDAW sessions:

http://www.iwraw-ap.org/resources/shadow_reports.htm

Article 20: The CEDAW Sessions

Article 20 provides that the Committee will “normally” meet for two weeks each year to consider reports by States parties on their progress in implementing the Convention. The Committee will meet at United Nations headquarters.

It should be noted that actual practice has changed significantly since CEDAW first came into force. The Committee currently meets more often, and for longer periods of time. This became necessary because of the high number of CEDAW ratifications. Earlier, when CEDAW had roughly the same number of States parties as the ICCPR or ICESCR, one session a year might have been adequate. But now, when more than 90% of UN Member States have become parties, additional time is urgently needed to prevent a backlog of unheard reports. In both 2006 and 2007 the Committee scheduled three sessions—in January, May and August.

For the schedules of upcoming CEDAW sessions:

<http://www.un.org/womenwatch/daw/cedaw/35sess.htm>

Article 21: Oversight of CEDAW

Article 21 provides that the Committee will report annually to the General Assembly, through the Economic and Social Council. The reports include updates on the Committee’s activities as well as the recommendations it has made based on reviewing State progress in implementation. The Commission on the Status of Women receives the Committee’s reports for information.

Article 21: General Recommendations

Article 21 also provides that the Committee may make “General Recommendations” based on its examination of reports and information received from States parties.

As of April 2007, CEDAW has 25 General Recommendations. The GRs are statements by the Committee about how different aspects of the Convention should be interpreted, and are intended to assist governments to implement CEDAW. They have primarily been used to date to either elaborate on the implications of specific articles of CEDAW (such as Article 7 on political participation), or to explain the application of the Convention to areas which aren’t covered by their own article (such as HIV/AIDS). They usually include an overview of the women’s human rights concerns in the area, a close analysis of the ways in which the Convention applies to these concerns, and a list of recommended measures for governments to implement. In addition, they will frequently call for specific types of information to be included in CEDAW reports.

The GRs can be a very useful programming tool, as they provide a great deal more detail than the articles of the Convention. While GRs certainly don’t cover every area of CEDAW’s application, their reach is growing over time, and it is a good idea to check the CEDAW GRs when developing a programme to see if they can provide additional guidance in your area of concern.

Issues covered by CEDAW General Recommendations:

- GR #1 – reporting guidelines (1986)
- GR #2 – reporting guidelines (1987)
- GR #3 – education and public education pro-

grammes (1987)

- GR #4 – reservations (1987)
- GR #5 – temporary special measures (1988)
- GR #6 – effective national machinery (1988)
- GR #7 – resources (1988)
- GR #8 – Article 8 (1988)
- GR #9 – statistical data (1989)
- GR #10 – 10th anniversary of CEDAW (1989)
- GR #11 – technical advisory services for reporting (1989)
- GR #12 – violence against women (1989)
- GR #13 – equal pay for work of equal value (1989)
- GR #14 – female circumcision (1990)
- GR #15 – women and HIV/AIDS (1990)
- GR #16 – unpaid women workers in rural and urban family enterprises (1991)
- GR #17 – recognition of women’s unpaid work in the GNP (1991)
- GR #18 – disabled women (1991)
- GR #19 – violence against women (1992)
- GR #20 – reservations (1992)
- GR #21 – equality in marriage and family relations (1994)
- GR #22 – Article 20 (1995)
- GR #23 – women in political and public life (1997)

- GR #24 – women and health (1999)
- GR #25 – temporary special measures (2004)

For the full text of the General Recommendations:
<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom1>

Article 22: Involvement of the Specialized Agencies

Article 22 provides that the UN specialized agencies are entitled to attend the CEDAW sessions, and that the Committee may request reports from the agencies regarding implementation measures relevant to their mandates. On occasion, an agency will also host a meeting during the session for the Committee, to brief the members on emerging issues and new developments. For example, in 2004 UNIFEM held a lunch-time roundtable discussion for CEDAW on the rights of women migrant workers and our migration programme.

CEDAW’s Optional Protocol

A number of the core international human rights treaties—such as the ICCPR and the CAT—have protocols that States parties can sign on to. While the content of these protocols varies, most commonly they create avenues for individuals to make complaints about the violation of their rights to a treaty body, or empower a treaty body to conduct inquiries on areas of concern. In 1999 the General Assembly adopted CEDAW’s Optional Protocol (OP), and it came into force the following year. Gender equality advocates around the world have been very actively working to encourage their governments to sign on to the OP, with many of UNIFEM’s offices providing support for these efforts. There has been a good deal of success—as of April 2007, there are 85 States parties to the OP.

CEDAW's OP creates two different avenues for investigations. Under the "Communications Procedure," individual women, and groups of women, can make complaints to the CEDAW Committee about violations of the Convention. Under the "Inquiry Procedure," the Committee may initiate its own inquiries into grave or systematic violations of the Convention.

As of April 2007, the Committee had adopted six decisions on complaints, and conducted one inquiry into the femicides in Ciudad Juarez, Mexico. It's important to note that the OP sets out very specific conditions for making complaints, and any support being provided for the use of the OP should play close attention to these requirements. One of the reasons there have been relatively few decisions under the OP is that in the first few years, many of the complaints submitted to the Committee were inadmissible. There are a number of good guides to the OP now available, including one produced by the Inter-American Institute of Human Rights (with support from UNIFEM and a number of donor governments).

For the full text of the CEDAW OP:

<http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm>

For the list of States parties to the CEDAW OP:

<http://www.un.org/womenwatch/daw/cedaw/protocol/sigop.htm>

For CEDAW's decisions on complaints and inquiries:

<http://www.un.org/womenwatch/daw/cedaw/protocol/dec-views.htm>

For OP rules of procedure and model complaint form:

<http://www.un.org/womenwatch/daw/cedaw/protocol/>

For the IAIHR Guidebook on the CEDAW OP:

<http://www.iidh.ed.cr/comunidades/DerechosMujer/>

Other Sources of International Human Rights for Women

The founding document of the international human rights system is the **Universal Declaration of Human Rights**. Adopted by the UN General Assembly in 1948, the UDHR articulates a series of core rights, and the work of the international human rights system over the past 50 years has largely been focused on expanding and giving greater meaning and precision to this first statement.

Women's human rights to gender equality and freedom from discrimination were given prominence in the UDHR in a number of ways. The Declaration was perhaps ahead of its time in using the language of "human beings" and "persons," rather than of "men," but the effort to ensure that women would benefit from human rights equally with men went a great deal further than that. The preamble explains the Declaration as originating in the faith of the peoples of the United Nations "in the dignity and worth of the human person and in the equal rights of men and women." Article 2 of the Declaration states that everyone is entitled to the rights it sets out, and specifically states that sex cannot be a ground for denying people their rights. Gender equality concerns are also highlighted in relation to a number of the individual rights contained in the UDHR. For example, the article on marriage and family relations explicitly guarantees men and women equal rights in marrying, during marriage, and at its dissolution. The article on the right to work specifically guarantees the right to equal pay for equal work without discrimination.

For a short history of the UDHR:
<http://www.unhchr.ch/udhr/miscinfo/carta.htm>

For the full text of the UDHR:
<http://www.un.org/rights/50/decla.htm>

While the UDHR was a critically important statement of international consensus on human rights, it remained a political document and was not legally binding. In the next stage of the human rights system's evolution, the international human rights treaties were created. Through the treaties, the norms set out in the Declaration were given legal form, and processes were created to allow States to voluntarily undertake legal obligations to realize human rights in the jurisdictions under their control. The treaties also established global reporting and monitoring processes for compliance with human rights obligations, overseen by the treaty bodies.

The first two international human rights treaties to be opened for signature were the ICCPR and the ICESCR. These two treaties, together with the UDHR, are often referred to as the International Bill of Human Rights.

The human rights guaranteed by the **International Covenant on Civil and Political Rights** include the right to life, freedom from torture, freedom from slavery, right to liberty and security of the person, rights relating to due process in criminal and legal proceedings, equality before the law, freedom of movement, freedom of thought, conscience and religion, freedom of association, rights relating to family life and children, rights relating to citizenship and political participation, and minority groups' rights to their culture, religion and language.

For the full text of the ICCPR:
<http://www.ohchr.org/english/law/ccpr.htm>

Human rights guaranteed by the **International Covenant on Economic, Social and Cultural Rights** include the right to work, the right to form trade unions, rights relating to marriage, maternity and child protection, the right to an adequate standard of living, the right to health, the right to education, and rights relating to culture and science.

For the full text of the ICESCR:
<http://www.ohchr.org/english/law/cescr.htm>

It is important to note that these two treaties very clearly guarantee human rights entitlements for both men and women. Both treaties include a special article, Article 3, which explicitly provides that States parties to the Covenants will ensure that men and women have equal enjoyment all of the rights they set out. Both treaties contain an anti-discrimination provision that lists "sex" as one of the prohibited grounds of discrimination. The treaty bodies for both the ICCPR and ICESCR have issued General Comments which explain the implications of these articles in considerable detail, and highlight some of the most important gender equality dimensions of each of the treaty rights.

For the ICCPR General Comment on gender equality:
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/13b02776122d4838802568b900360e80?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/13b02776122d4838802568b900360e80?Opendocument)

For the ICESCR General Comment on gender equality:
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7c6dc1dee6268e32c125708f0050dbf6?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7c6dc1dee6268e32c125708f0050dbf6?Opendocument)

While a wide range of essential human rights entitlements are set out in the ICCPR and ICESCR, it was felt that additional treaties were needed. The other core international human rights treaties serve several important purposes. They give States greater guidance in

critical areas, such as the right to be free from torture. They underline the importance of realizing the rights of groups that have historically been overlooked or marginalized, such as women, children and racial minorities. And the possibility of creating new human rights treaties helps the international human rights framework be responsive to emerging areas of concern.

The seven core treaties now in force, and the dates they were opened for signature:

- International Covenant on Civil and Political Rights (ICCPR) – 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR) – 1966
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) – 1965
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – 1979
- Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) – 1984
- Convention on the Rights of the Child (CRC) – 1989
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) – 1990

The Convention on the Elimination of Racial Discrimination provides the human rights definition of racial discrimination, and sets out a range of legal and other measures that States must take to eliminate it. Among the measures that CERD gives special attention to are combating racial prejudice through education, the criminalization of hate propaganda and hate groups,

and ensuring that effective remedies are available for complaints of discrimination. CERD also requires States parties to take proactive measures to ensure that racial and ethnic minorities have equal enjoyment of the full range of their human rights. It highlights in particular the need to fully guarantee human rights for minority groups in some of the areas in which they have often been denied, such as protection from state and private violence, participation in political life, and the rights to education and work.

CERD does not have an article that addresses the intersection of gender and racial discrimination, but the Committee has issued a General Recommendation on that subject. The General Recommendation recognizes that women often experience racial discrimination differently, underlines the importance of giving special attention to the situation of women, and commits the Committee to improving its working methods to ensure that dedicated attention is given to gender-related concerns.

For the full text of CERD:

<http://www.ohchr.org/english/law/cerd.htm>

For the CERD General Recommendation on the gender-related dimensions of racial discrimination:

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/76a293e49a88bd23802568bd00538d83?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/76a293e49a88bd23802568bd00538d83?Opendocument)

The ***Convention against Torture*** provides the human rights definition of torture, and sets out a wide range of measures States parties must take to prevent torture from taking place in territories under their jurisdiction. The CAT also explicitly states that under no circumstances may war or conflict conditions be treated as a justification for torture, and that no State party to the Convention may extradite people to another country

where there are grounds to believe they may be subjected to torture.

For the full text of CAT:
<http://www.ohchr.org/english/law/cat.htm>

The **Convention on the Rights of the Child** sets out basic human rights for children, including rights to survival, to develop to the fullest, to protection from harmful influences, abuse and exploitation, and to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination, devotion to the best interests of the child, the right to life, survival and development, and respect for the views of the child. The CRC contains an anti-discrimination provision which requires States parties to ensure the rights set out in the Convention equally for both boys and girls. The CRC also sets out a number of rights with special importance for women and girls, including rights relating to prenatal and postnatal care for mothers, family planning, abolition of harmful traditional practices, and the elimination of sexual exploitation and prostitution.

UNICEF has been one of the UN system leaders in the development of the human rights-based approach to programming, and has supported the development of many valuable tools and resources on children's human rights. The website of their Innocenti Research Center is a very good source for information on girls' rights issues. UNICEF has also produced a detailed and informative implementation handbook on the CRC, and its gender division has recently produced a study on the relationship between the CRC and CEDAW.

For the full text of the CRC:
<http://www.ohchr.org/english/law/crc.htm>

For UNICEF's Implementation Handbook on the CRC:
http://www.unicef.org/publications/index_5598.html

For the Innocenti Research Center:
<http://www.unicef-icdc.org/>

The rights set out in the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** are primarily concerned with ensuring equality of treatment and the same working conditions for migrants and nationals. Some of the main areas covered by the CMW are living and working conditions, protection from physical and sexual abuse, freedom of thought, expression and religion, legal equality, access to education and social services, and participation in trade unions. A number of provisions of the Convention address migrant workers' right to remain connected to their countries of origin, in terms of being able to return and make visits, to participate in political life, and to transfer their earnings home. The CMW contains a non-discrimination provision that requires States parties to ensure the rights of both men and women under the Convention.

For the full text of CMW:
<http://www.ohchr.org/english/law/cmw.htm>

The Special Rapporteurs

While it is the treaties that are the actual sources of women's human rights, this does not mean that their treaty bodies are the only authorities providing guidance on the meaning and requirements of women's rights. There are a number of other mechanisms that have been established within the international human rights system, and for UNIFEM's purposes perhaps the most important are the Special Rapporteurs.

Special Rapporteurs are individual experts who have been appointed by the Commission on Human Rights (or, for appointments after 2006, by the Human Rights Council) to explore and investigate certain areas of human rights concern. Some of these mandates are geographic. There are, for example, Special Rapporteurs on the human rights situation in Haiti, in the occupied Palestinian territories, in the Sudan, and in Myanmar. Some of the mandates are thematic. There are, for example, Special Rapporteurs concerned with the right to food, the right to housing, the right to health, extreme poverty, migrant workers, violence against women, child prostitution and pornography, trafficking in persons, freedom of expression, extrajudicial executions, and enforced disappearances.

The reports of these experts can be a very valuable source of programming information. Our support for their work can assist in both resolving individual human rights situations and in the further development of the human rights system's expertise in areas of particular concern for women. The Special Rapporteur with whom UNIFEM has engaged most directly is the Special Rapporteur on violence against women, who has issued a number of helpful thematic reports, covering issues such as VAW and HIV/AIDS, cultural practices, VAW in the family, VAW and armed conflict, VAW and race, and VAW perpetrated by the State.

Many of the Special Rapporteurs are currently paying close attention to women's rights issues within their mandates. In addition to the Special Rapporteurs focusing on VAW and trafficking, important information can, for example, be found in the reports of the Special Rapporteurs on the right to housing, the right to food, and the right to health.

For documents from the UN Special Rapporteurs:
<http://www.ohchr.org/english/bodies/chr/special/index.htm>



SECTION 6

Programming Resource Materials

A variety of UNIFEM publications on CEDAW and women's human rights issues are available electronically, and can be drawn on to support HRBA programming under the UNIFEM MYFF goal areas. The UNIFEM Intranet should be consulted for more in-depth programme documentation.

Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW

This publication elaborates on how budgets and budget policymaking processes can be monitored for compliance with human rights standards, in particular CEDAW. Combining substantive analysis with country examples, the publication explores how a rights-based budget analysis can be applied to public expenditure, public revenue, macroeconomics of the budget, and budget decision-making.

http://www.unifem.org/resources/item_detail.php?ProductID=44

Pathway to Gender Equality: CEDAW, Beijing and the MDGs

While the MDGs set out concrete, time-bound and measurable goals, targets and indicators for poverty reduction, this framework provides only the starting point for the work that must be undertaken. As the Millennium Declaration has emphasized, it is critically important that the gender equality obligations and commitments that have been made to the world's women are effectively implemented. Pathway to Gender Equality outlines how CEDAW and the Beijing Platform for Action can be used as a lens to understand and address the full gender equality dimensions of the MDGs.

http://www.unifem.org/resources/item_detail.php?ProductID=20

Turning the Tide: CEDAW and the Gender Dimensions of the HIV/AIDS Pandemic

Turning the Tide is a resource for groups and organizations working in the area of HIV/AIDS. It explores the standards established by CEDAW and clarifies how they apply in the prevention of HIV/AIDS among women.

http://www.unifem.org/resources/item_detail.php?ProductID=13

Bringing Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The publication Bringing Equality Home documents efforts from around the world to implement the gender equality standards set out in CEDAW. CEDAW has been used repeatedly to define norms for constitutional guarantees of women's human rights, to interpret laws, to mandate proactive, pro-women policies, and to dismantle discrimination. It includes case studies from Colombia, Uganda, Brazil and South Africa included on the use of CEDAW to make constitutional changes. Judicial decisions from India, Botswana, Tanzania and Nepal are documented, which deal with citizenship rights, land ownership and freedom from sexual harassment. It also highlights legal reforms in Hong Kong, Costa Rica, Japan and China designed to align with CEDAW.

http://www.unifem.org/resources/item_detail.php?ProductID=2

CEDAW and Security Council Resolution 1325: A Quick Guide

This guide reviews the commonalities and potential strategic uses of SCR 1325 and CEDAW. It begins with

a description of their shared gender equality agenda and includes a discussion of the ways that each set of standards can expand the reach of the other; the application of the standards to the situation of women in the various stages of conflict and post-conflict reconstruction; the significance and legal authority embodied in each set of standards; and monitoring processes connected to SCR 1325 and CEDAW. This guide aims to support gender equality advocates in bringing the greatest possible political and legal authority to bear on efforts to advance gender equality in the context of peace and security.

<http://www.womenwarpeace.org/index.htm>



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