

CEDAW FACT SHEET

(Background for Item 10-08)

Text of the Convention on the Elimination of All Forms of Discrimination Against Women:

<http://www2.ohchr.org/english/law/cedaw.htm>

Passport to Equality (short pocket summary):

http://www.unifem.org/attachments/products/PassportToEquality_eng.pdf

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, **including those related to family planning.**

2. Notwithstanding the provisions of paragraph 1 of this article, **States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

What is so bad about CEDAW? Don't we all want to end discrimination toward women?

Behind the language of advocacy against discrimination toward women, the harmful effects of this document are found in **the General Recommendations**. The Committee on the Elimination of Discrimination Against Women, housed in the Office of the United Nations High Commissioner for Human Rights is charged with implementation of the document, the Convention on the Elimination of All Forms of Discrimination Against Women.

What are the General Recommendations?

The General Recommendations (GRs) are statements by the CEDAW Committee about how different aspects of the Convention should be interpreted, and are intended to be additional guidance to assist governments in their implementation the Convention. They have primarily been used to date either to elaborate on the implications of specific articles of CEDAW...The general recommendations typically include an overview of the women's human rights concerns in the area, a close analysis of the ways in which CEDAW applies to these concerns, and a list of recommended measures for governments to implement.

To date, CEDAW has adopted 26 [general recommendations](#).

General Recommendation No. 24 (20th session, 1999)

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom24>

(Article 12 : Women and health)

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2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

8. States parties are encouraged to address the issue of women's health throughout the woman's lifespan. For the purposes of this general recommendation, therefore, **women includes girls and adolescents**. This general recommendation will set out the Committee's analysis of the key elements of article 12.

Key elements

Article 12 (1)

11. Measures to eliminate discrimination against women are considered to be inappropriate if a health care system lacks services to prevent, detect and treat illnesses specific to women. **It is discriminatory for a State party to refuse to legally provide for the performance of certain reproductive health services for women. For instance, if health service providers refuse to perform such services based on conscientious objection, measures should be introduced to ensure that women are referred to alternative health providers.**

13. The duty of States parties to *ensure, on a basis of equality between men and women, access to health care services, information and education* **implies an obligation to respect, protect and fulfil women's rights to health care**. States parties have the responsibility to ensure that legislation and executive action and policy comply with these three obligations. **They must also put in place a system which ensures effective judicial action. Failure to do so will constitute a violation of article 12.**

14. The obligation to *respect rights* requires States parties to refrain from obstructing action taken by women in pursuit of their health goals. **States parties should report on how public and private health care providers meet their duties to respect women's rights to have access to health care. For example, States parties should not restrict women's access to health services or to the clinics that provide those services on the ground that women do not have the authorization of husbands, partners, parents or health authorities, because they are**

unmarried²⁵ or because they are women. Other barriers to women's access to appropriate health care include laws that criminalize medical procedures only needed by women and that punish women who undergo those procedures.

21. States parties should report on measures taken to eliminate barriers that women face in gaining access to health care services and what measures they have taken to ensure women timely and affordable access to such services. Barriers include requirements or conditions that prejudice women's access such as high fees for health care services, the requirement for preliminary authorization by spouse, parent or hospital authorities, distance from health facilities and absence of convenient and affordable public transport.

23. In their reports, States parties should state what measures they have taken to ensure timely access to the range of services which are related to family planning, in particular, and to sexual and reproductive health in general. Particular attention should be paid to the health education of adolescents, including information and counselling on all methods of family planning.²⁶

Recommendations for government action

29. States parties should implement a comprehensive national strategy to promote women's health throughout their lifespan. This will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.

Official CEDAW Website: Office of the United Nations High Commissioner for Human Rights

<http://www2.ohchr.org/english/bodies/cedaw/index.htm>

What the CEDAW website describes as a “Success Story”

Reproductive Health Rights in Colombia

After a groundbreaking decision by the Constitutional Court in May 2006, women in Colombia may now legally access abortion in certain circumstances. Prior to this, more than 350,000 Colombian women sought illegal abortions every year, according to Women’s Link Worldwide, often resulting in death. The striking conflict between the reality of women’s lives and the law was the motivation behind the Constitutional challenge filed by a Colombian women’s rights lawyer.

The Court overturned the country’s total ban on abortion and ruled that abortions would now be permitted in the following three circumstances: when the life of a mother was in danger; when the foetus was expected to die; or in cases of rape or incest. In reaching its decision, the

Court relied on Colombia's international treaty obligations to interpret the Constitution. It cited the Programme of Action of the UN International Conference on Population and Development, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and the CEDAW Convention to establish that women's sexual and reproductive health rights have been recognized as human rights and therefore must be protected by the Constitution. Women's rights were at the centre of the Court's justification for partially decriminalizing abortion.

The issue emerged in the Constitutional Court again in October 2009, where a woman seeking an abortion under legal grounds was denied the service due to conscientious objection by a judge from whom a judicial order to grant the abortion was required. The Court upheld the 2006 decision and ruled that it is forbidden to raise barriers to accessing an abortion under circumstances where it is legal. Read [excerpts of the 2006 Constitutional Court decision](#).

Other Resources:

What National Right to Life has to say about CEDAW

<http://www.nrlc.org/Federal/ForeignAid/CEDAWLettertoSenate2009.html>

CEDAW Reality Check

(C-FAM, Catholic Family and Human Rights Institute)

http://www.c-fam.org/docLib/20080626_CEDAW_Reality_Check.pdf

Effect of CEDAW on American Law (C-FAM)

http://www.c-fam.org/publications/pub_detail.asp?id=1605

More info from C-FAM here: <http://www.c-fam.org/search/default.asp?q=CEDAW>