



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

# women's human rights

## United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW

**These resources have been developed as an update and revision of the Australian Human Rights Commission document, 'Women of the World: Know Your International Human Rights'.**

**This is a partnership between the Australian Human Rights Commission (AHRC) and the Australian Government Office for Women (OfW).**

### Contents

Foreword—Minister Plibersek

Foreword— Elizabeth Broderick

- 1 What are human rights?
- 2 What is the United Nations?
- 3 The UN: Protecting the rights of women
- 4 What is an international human rights treaty?
- 5 What is CEDAW?
- 6 Australia's signing of CEDAW
- 7 Rights contained in CEDAW
- 8 Optional Protocol to CEDAW
- 9 Implementing and monitoring CEDAW
- 10 What you can do
- 11 Useful links
- 12 ANNEXURE—UN human rights treaties

© Commonwealth of Australia and the  
Human Rights and Equal Opportunity  
Commission 2008

This work is copyright. It may be reproduced in whole or part subject to the inclusion of an acknowledgment of the source and no commercial usage or sale. Reproduction for purposes other than those indicated above require prior written permission from the Commonwealth available from the Commonwealth Copyright Administration, Attorney-General's Department, and the Human Rights and Equal Opportunity Commission. Requests and inquiries concerning reproduction and rights should be addressed to:

(1) the Commonwealth Copyright  
Administration,  
Attorney-General's Department,  
Robert Garran Offices,  
National Circuit, Canberra ACT 2600  
or posted at  
**<http://www.ag.gov.au/cca>**; and

(2) the Human Rights and Equal Commission,  
Public Affairs Unit,  
GPO Box 5218 Sydney NSW 2000  
or posted at  
**[paffairs@humanrights.gov.au](mailto:paffairs@humanrights.gov.au)**.



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women

## Foreword – Minister Plibersek

In this, the 25th anniversary year of Australia's ratification of the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the 60th year of the Universal Declaration of Human Rights, I am delighted to provide this package of information to promote and protect women's human rights.

The Australian Government has lodged its combined 6th/7th report on Australia's implementation of CEDAW with the UN. We are proud of the nation's record on women's human rights. Even so, we acknowledge there is more work to be done—especially in meeting the challenges faced by Indigenous women and girls, reducing violence against women, improving women's economic security, and ensuring women have an equal place in society alongside men.

The Government is pleased to support the community sector in producing its independent shadow report. The shadow report not only provides an opportunity for women's organisations to review the Government's achievements, but also to comment on where we need to focus our future efforts. The government also recognises the important role of the Sex Discrimination Commissioner and the Australian Human Rights Commission as the independent statutory authority responsible for monitoring our progress towards gender equality.

On 24 November 2008, the Government demonstrated its commitment to strengthening women's human rights in Australia by taking formal steps towards becoming a party to the CEDAW Optional Protocol. This will provide people living in Australia with an international avenue through which they can seek redress if they believe their rights under CEDAW have been violated. By acceding to the Optional Protocol, the Australian Government is making a powerful statement that discrimination against women in any form is unacceptable and that Australia is serious about promoting gender equality.

I am pleased to launch this education pack on Women's Human Rights produced by the Office for Women, in partnership with the Australian Human Rights Commission. The pack provides a simple guide to human rights and will, I hope, serve as an invaluable source of information about CEDAW and the Optional Protocol.

A handwritten signature in black ink that reads 'T. Plibersek'.

Tanya Plibersek  
Minister for the Status of Women  
December 2008



## **Foreword – Commissioner Broderick**

All human beings are born free and equal in dignity and rights. Yet, 60 years after these words were first enshrined in the Universal Declaration of Human Rights, many women in Australia still struggle daily to have their most basic rights protected.

I want to live in a world where all women, mothers, sisters, daughters and grand daughters feel safe, have an adequate standard of living and a decent home, where they are not disadvantaged in the workplace because of their gender and where violence has no place. This is about respecting everyone, every day, everywhere.

CEDAW enshrines the principle that women are entitled to have their human rights protected on an equal basis with men. Increasing women's awareness about CEDAW is invaluable in making it clear that achieving gender equality is a national obligation. I hope these fact sheets will contribute to this increased understanding.

The Australian Government is responsible for ensuring women's human rights are respected, protected and fulfilled through policy, law and practice.

Civil society groups such as non government organisations (NGOs) play a vital role in speaking up for women's rights. NGOs also deliver many of the services which allow women to enjoy their human rights to the fullest extent.

Without practical implementation, human rights are disembodied principles with little significance for peoples' lives. As the individuals and agencies responsible for the practical implementation of human rights, it is really up to each of us to see that human rights have real meaning and significance. As individuals, our own awareness of human rights provides some of the most important protection for ourselves and for those around us.

To fulfill the principles enshrined in CEDAW we must acknowledge that human rights begin, as Eleanor Roosevelt, the Chairman of the United Nations Human Rights Commission said in 1948, "in the small places close to home... so close and so small that they cannot be seen on any maps of the world... unless these rights have meaning there, they have little meaning anywhere".

I hope this information package will help inform our collective efforts to further the human rights of women and ensure their equality in places large and small. Let's make it happen.

Elizabeth Broderick  
Sex Discrimination Commissioner  
Australian Human Rights Commission  
December 2008



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

# women's human rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## What are human rights?

**Human rights define the value and worth of each person and their relationship to government and society. They identify standards regarding the quality of life that each of us can expect to enjoy.**

Human rights have the following qualities:

- **Human rights are inherent:** human rights do not have to be given to us by a government to exist. They are our birthright and belong to us simply because we exist as human beings.
- **Human rights are inalienable:** human rights cannot be given away or taken away.
- **Human rights are universal:** human rights belong to everyone, irrespective of their sex, race, colour, religion, national or social origin or other status.

The United Nations (UN) has enshrined many human rights in international human rights instruments. The Universal Declaration of Human Rights, adopted in 1948, forms the basis of these documents. Its Preamble says, in part, that the 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'.

### Women's rights are human rights

Due to some social structures, traditions, stereotypes and attitudes about women and their role in society, women do not always have the opportunity and ability to access and enforce their rights on the same basis as men.



The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the key international human rights document that seeks to ensure the enforcement of the human rights of women on an equal basis with men.

This package focuses on women's rights as human rights in the context of CEDAW. It focuses on the reality of women's lives and the experiences they have specifically because of their gender.

CEDAW deals with rights including the right to vote and stand for election, equal rights to education, protection from discrimination in the workplace and equality before the law. This pack outlines these rights in section 7.





Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## What is the United Nations?

**The United Nations (UN) is an international organisation of countries.**

The UN was formed after the tragedy of the Second World War to promote international peace, achieve international cooperation for international problems and advance human rights. Australia became a member of the UN in 1945 and was one of the very first members. Since then nearly every nation in the world has joined the UN and there are now 192 member countries.

The UN, together with its programmes, funds and specialised agencies, makes up the UN system.

These goals and the role of the UN are set out in the UN Charter.

See: [www.un.org/aboutun/charter/index.html](http://www.un.org/aboutun/charter/index.html)

**Why do we need a United Nations?**

We live in a global community and the is ideally placed to deal with some of the major issues facing our world.

- The UN and its agencies provide a forum for the development and enforcement of international human rights standards.
- Countries which are members of the UN appoint diplomatic representatives to interact with representatives from other nations at UN headquarters and agencies. When there is conflict in the world, or urgent issues requiring discussion, these representatives are able to deal with the issue quickly and with international support.

- The UN and its agencies help to share information, build economies and provide assistance for development, or to deal with crises. The aim is to eradicate disease, expand food production and increase stability around the world.
- The UN and its agencies protect vulnerable groups of human beings including women, children, refugees, displaced persons, minorities, indigenous people and people with disabilities.

### **Who participates in the United Nations?**

Only governments of independent countries, or sovereign states, can be members of the UN. Non-government organisations (NGOs), however, have come to play an important role in the functioning of the UN. NGOs provide information, lobby and negotiate.

For example, Amnesty International and the International Campaign to Ban Landmines are two NGOs that have had a valuable impact on the advancement of human rights at the international level through the UN. Both of these organisations are non-profit, voluntary groups made up of ordinary citizens from around the world. In Australia, NGOs are often referred to as the ‘community sector’.

Some 3,187 NGOs have a special UN status known as “consultative status” with the Economic and Social Council at the UN. This allows these NGOs to attend UN conferences, address specific meetings and interact with country representatives. In poorer countries, NGOs work together with the UN to help people in need.



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## The UN: Protecting the rights of women

**The United Nations (UN) deals with many aspects of human rights and other international issues. Several specialised departments and agencies have been established within the UN to deal specifically with concerns relating to women.**

### The Commission on the Status of Women (CSW)

The CSW is an intergovernmental body that forms part of the Economic and Social Council of the UN (ECOSOC). Every year, representatives of member states gather at United Nations Headquarters in New York to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and the advancement of women worldwide.

At each of these meetings, the member states of CSW develop a document called 'agreed conclusions' about the priority theme set for

that year. The agreed conclusions contain an analysis of the priority theme of concern and a set of concrete recommendations for governments, intergovernmental bodies, NGOs and other relevant bodies, for implementation at the international, national, regional and local level.

The CSW consists of 45 members elected by the ECOSOC for a period of four years. Members are nominated by their respective national governments and are elected on the following basis: thirteen from African states; eleven from Asian states; four from Eastern European states; nine from Latin American and Caribbean states; and eight from Western European and Other states.

The UN website for the latest updates on women's human rights issues, programs and campaigns is: [www.un.org/womenwatch](http://www.un.org/womenwatch)

## The Division for the Advancement of Women (DAW)

The DAW is part of the UN Secretariat and specialises in issues concerning the status of women. It is the major part of the UN bureaucracy that advocates for the improvement of the status of women of the world, and the achievement of their equality with men.

The DAW works with all international Conventions and Treaties relating to women, including CEDAW, and the CEDAW Optional Protocol. The DAW acted as the secretariat for the Fourth World Conference on Women in Beijing (1995). This was the largest conference in the history of the UN. The Conference was the culmination of twenty years of work by the global women's movement, and resulted in the Beijing Platform for Action (BPFA). The BPFA is one of the most influential, international policy documents regarding women's human rights. The BPFA has been considered one of the most progressive blueprints for achieving gender equality for women. It was negotiated and adopted by the 189 countries that attended the Beijing Conference.

The BPFA has provided the impetus for major improvements in women's lives around the world. For example, the section on Institutional Mechanisms provided women in many countries with the legal and international arguments for the establishment of national machinery for women's issues, such as the federal Office for Women that we already have in Australia. The BPFA is available at: [www.un.org/womenwatch/daw/index.html](http://www.un.org/womenwatch/daw/index.html)

The DAW was responsible for the preparations for the three previous World Conferences on Women (Mexico, 1975, Copenhagen, 1980,

and Nairobi, 1985) and has since done the preparatory work for the 23rd Special Review Session of the UN General Assembly in 2000, commonly known as Beijing + 5, and assisted CSW to conduct the Ten-year Review and Appraisal of the Beijing Platform for Action in 2005. The UN website address for DAW is:

[www.un.org/womenwatch/daw](http://www.un.org/womenwatch/daw)

## UN Development Fund for Women (UNIFEM)

Commonly known as UNIFEM, this specialised agency of the UN works with national governments to promote women's empowerment and gender equality. UNIFEM's mandate is based on international women's rights documents, particularly CEDAW and the Beijing Platform for Action.

Since its creation in 1976, UNIFEM has supported numerous projects and initiatives throughout the developing world that promote the political, economic, and social empowerment of women. These have ranged from small grassroots enterprises that improved working conditions for women to public education campaigns and the design of new gender-sensitive laws and marketing campaigns.

Recent initiatives by UNIFEM include funding a project in Cambodia to facilitate handicraft development and upgrade productions and marketing skills of women producers of baskets and clay pottery; and supporting projects in Indonesia, China and other parts of the Asia-Pacific region to improve the collection of statistics on gender issues.

Further information on UNIFEM is available from: [www.unifem.org](http://www.unifem.org)



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## What is an international human rights treaty?

**An international human rights treaty (sometimes called a 'convention') is a collection of human rights standards that has been put into the form of an agreement between different countries.**

To be bound by a treaty, a government must take formal steps to become a 'party' to it. This will generally either be a two-step process (comprising signature, followed by ratification), or a single-step process, called 'accession'. Both processes ultimately make the country 'a party' to the treaty, and bind the government to the treaty's terms.

Governments agree to ensure that all people living within their jurisdiction are able to access and enforce the rights outlined in the treaty. This often involves becoming subject to UN scrutiny. Scrutiny might be by special committees set up under the treaty, other governments, the community sector, or individuals who also monitor a government's actions and pressure them to protect the rights outlined in the treaty.

Australia's signing a human rights treaty does not automatically make the human rights it contains part of our domestic law. Further legislative steps must be taken to give a treaty legal force in Australia, including the enactment, prior to ratification or accession, of any domestic legislation necessary to implement the treaty.

The Australian Government is responsible for becoming party to treaties and participating in UN processes. Australian, State and Territory governments do not participate directly in these processes, however, they are often instrumental in giving effect to the human rights contained in treaties to which Australia is a party.

### **Implementing human rights**

Even though human rights exist as a birthright, to be effective they need to be supported by law and able to be used in practice. This happens in many ways: through the UN, through our governments, the police, our employers, our families, our friends and through us as individuals. Our own awareness and support for human rights is one of the most important ways to enforce them. Governments however remain accountable for ensuring the implementation of convention obligations within their countries.

Governments can implement an international human rights treaty in a range of ways. Creating new laws, while critical, does not always lead directly to change in the social practices and attitudes which underpin human behaviour and lead to human rights violations. Governments aim to reduce violations in the following ways:

- creating laws that make human rights violations illegal under Australian law
- adopting policies and programs to ensure people have access to their human rights
- ensuring that human rights are properly enforced, including providing resources and assistance, access to courts and appropriate punishment for violations
- providing education and awareness raising programs about human rights.



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## What is CEDAW?

**Ultimately we have to be judged not by our highest ambitions and achievements, but by our ability to raise from the lowest level those whose needs that are greatest. That is the way I would like Australia, and every other country, to be judged in the United Nations.**

**[Australia's Justice Elizabeth Evatt—  
Member of the CEDAW Committee 1984–92,  
Chair of the CEDAW Committee 1989–90—  
highlighting the importance of CEDAW to  
developed countries.]**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted in 1979 by the UN General Assembly and entered into force on 3 September 1981. Australia has been a party to CEDAW since 17 August 1983.

CEDAW has often been described as an 'international bill of rights' for women. Enshrined within its preamble and 30 Articles are key principles of equality and an agenda for national action to end discrimination against women. It is based on the belief that basic human rights include the true equality of men and women. As of November 2008, 185 countries are parties to CEDAW.

The rights enshrined in CEDAW broadly cover many aspects of women's lives. Rights include political participation, health, education, employment, marriage, family relations and equality before the law.

### **The CEDAW Committee**

Countries that have become party to CEDAW must submit reports to the CEDAW Committee at least every four years.

These reports detail the measures the government has taken to comply with its obligations under the Convention. The CEDAW Committee is made up of 23 elected members who serve in their personal capacity as 'gender experts'. The CEDAW Committee meets at least twice a year to address specific topics related to CEDAW and to monitor and report on the progress of individual countries that are party to CEDAW.



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## Australia's signing of CEDAW

**Australia's decision to sign and later ratify CEDAW was a long process, surrounded by much debate.**

### Opposition to CEDAW

Many Australians feared CEDAW and the effect that it would have on Australian society. Some groups and individuals organised rallies and wrote letters to Members of Parliament, hoping to influence Australia not to sign. Several parliamentarians also went on to voice their opposition to CEDAW in Parliament and worked to prevent Australia signing the treaty.

Opponents argued that CEDAW would force women out of their homes and into the workforce and cause a breakdown of family life. In addition, the fact that the former Soviet Union bloc participated in the UN led

some people to believe that Australia signing CEDAW would give the bloc countries the power to dictate standards to Australia.

### Support for CEDAW

Many Australians and women's organisations, in particular, strongly supported CEDAW. This support was demonstrated at a national level and also in local branches. These groups included the Federation of Business and Professional Women, the Young Women's Christian Association and Zonta International. Many other non-government organisations (NGOs) also supported the Convention through the National Council of Women, a voluntary coordinating body that at the time had 583 affiliated organisations, representing over a million members.

Supporters worked to secure political support for CEDAW. For example, the Women's Electoral Lobby sent letters and had meetings, asking politicians and political candidates to support the Convention. Seminars were held and pamphlets distributed to publicise CEDAW and inform women, allowing them to see how CEDAW could address many issues relevant to their lives.

### **Signing of CEDAW**

Despite some opposition, Australia signed CEDAW at a special signing ceremony at the UN World Conference for the Decade of

Women. Australia was one of the 23 countries that helped prepare the ceremony and sent a strong delegation of experts led by The Hon Robert (Bob) Ellicott (the then Minister for Home Affairs). Australia's signing of CEDAW, showed its commitment, in principle, to the rights the treaty enshrines.

Australia deposited its instrument of ratification with the United Nations Secretary-General on 28 July 1983, and it entered into force for Australia a month later.



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

# women's human rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## Rights contained in CEDAW

**CEDAW defines discrimination against women as:**

**...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. (Article 1)**

In becoming party to CEDAW, Australia committed itself to being a society that promotes policies, laws, organisations, structures and attitudes that ensure women are given the same rights as men. CEDAW

facilitates this by promoting non-discriminatory practices in the following areas.

### Law, policy and prejudices

Article 2 of CEDAW urges parties to CEDAW to work towards eradicating discrimination against women, including by introducing new laws or policies, changing existing discriminatory laws and providing sanctions for discrimination where appropriate.

Article 3 of CEDAW requires parties to promote actively women's full development and advancement, so they can enjoy human rights and fundamental freedoms on the same basis as men.

Article 4 of CEDAW allows temporary special measures that favour women, on the basis that they are designed to speed up achievement of equality.

Article 5 of CEDAW requires parties to address and change social and cultural patterns that reinforce the stereotyping of women and traditional gender roles, or that promote the relative superiority or inferiority of either of the sexes.

### **Trafficking and exploitation of prostitution**

Article 6 of CEDAW requires parties to take all appropriate measures to suppress all forms of trafficking of women and exploitation of prostitution of women. It does not intend to prohibit prostitution but to address problems of exploitation of women through prostitution.

### **Politics and public life**

Article 7 of CEDAW sets out women's right to vote, to stand for election, to be involved in formulating government policy and to actively participate in non-government organisations (NGOs) and other bodies concerned with the public and political life of the country, such as political parties and lobby groups.

Article 8 of CEDAW states that women should have the same opportunities as men to represent their countries internationally and be involved in the work of international organisations.

### **Nationality**

Article 9 of CEDAW requires that women have the same rights as men to acquire, retain or change their nationality and the nationality of their children. It provides that neither marriage to an alien nor a change of nationality by the husband during marriage will automatically change the nationality of the wife, make her stateless or force upon her the nationality of the husband. Article 9 also provides that women have the same rights as men regarding the nationality of their children.

### **Education and training**

Article 10 of CEDAW urges parties to ensure that women have the same opportunities as men in all aspects of education and training—from kindergarten to tertiary education. Women and girls should have access to the same curricula, professional staff and programs, especially those aimed at reducing any existing gender gaps within education, and opportunities to benefit from the same scholarships and study grants as men. Governments are required to ensure that all education is free from stereotypical concepts of the roles of men and women.

### **Employment**

Article 11 of CEDAW requires parties to eliminate discrimination in employment

so as to ensure that women have the right to work, the right to the same training and employment opportunities as men and the right to receive equal pay for work of equal value. Women must also have access to the same benefits, compensatory schemes, and allowances as men, especially in relation to retirement and incapacity to work.

This Article further requires that parties prohibit discrimination in the workplace on the basis of marriage, pregnancy and maternity, and introduce paid maternity leave without loss of benefits or career opportunities, and encourage provision of supporting social services to allow parents to combine family obligations with work responsibilities.

### **Health**

Article 12 of CEDAW requires parties to take all appropriate measures to eliminate discrimination against women in the field of health care to ensure women and men have equal access to health services including family planning.

This Article further requires that parties provide appropriate health services in relation to pregnancy and post-natal care, and to grant free services where necessary.

### **Economic life, sport and culture**

Article 13 of CEDAW expressly requires that women have equal access to family benefits, forms of financial credit, including bank loans and mortgages, and the same rights as men to participate in recreational activities, sports and cultural life.

### **Women living in remote and rural areas**

Article 14 of CEDAW requires all parties to take all appropriate measures to ensure that the particular needs of rural women are met and to ensure rural women have access to health care services, training and employment opportunities, and social security schemes.

### **Equality before the law**

Article 15 of CEDAW requires parties to treat women and men equally in all matters relating to the law, including civil matters, contractual matters, and property ownership.

### **Family relations**

Article 16 of CEDAW requires parties to ensure women and men have equal rights to freely choose a spouse and enter into marriage; the same rights and responsibilities as men within marriage and upon divorce, especially with regard to choosing a family name, a profession, and

the rights of ownership of property; and equal rights in all matters relating to birth, adoption and raising of their children.

### **Violence against women**

Gender-based violence is a serious form of discrimination. While CEDAW does not contain an explicit reference to violence against women, the CEDAW Committee has issued a General Recommendation which states that violence directed against a woman because she is a woman or violence that affects women disproportionately is recognised and addressed as discrimination under the convention.

Parties to CEDAW therefore have an obligation under CEDAW to take positive steps to eliminate all forms of violence against women. The CEDAW Committee asks countries to provide information in their regular reports about legislation and other measures it uses to protect women from violence, as well as the support services available to women.

### **Reservations**

When signing or ratifying an international treaty, a country can make a reservation to a particular provision or provisions of that treaty. This is a unilateral statement which effectively excludes the country from any obligation in regards to that provision. It is always open to any country to remove reservations to CEDAW when it wishes to commit to those rights.

Australia has two reservations to CEDAW; the provision of paid maternity leave or a 'comparable social benefit' and women's participation in direct, armed combat.

### **Paid maternity leave**

When the Australian Government ratified CEDAW in 1984, it placed a reservation to CEDAW Article 11(2). This Article stipulates that countries who are party to CEDAW must introduce paid maternity or comparable social benefits which ensure that women do not lose employment, seniority or social benefits.

The Australia Government has introduced a \$5000 Baby Bonus and is currently actively considering paid maternity leave models and may in the future review Australia's reservation to Article 11(2).

### **Women serving in direct combat roles**

The Australian Government also maintains its reservation to the application of Article 11 (non discrimination in employment) to cover the restriction of women from serving in direct combat roles in the Australian Defence Force. The *Sex Discrimination Act 1984* exempts the Australian Defence Force from operation of the Act so far as it relates to prohibition of women serving combat duties. The Sex Discrimination Regulations define combat duties as 'duties requiring a person to commit, or participate directly in the commission of, an act of violence against an adversary in time of war'.



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## Optional Protocol to CEDAW

**On 6 October 1999 the Optional Protocol to CEDAW was accepted by the UN General Assembly and opened for signature and ratification by countries that are parties to CEDAW. Its provisions became operational on 22 December 2000.**

The CEDAW Optional Protocol strengthens the complaint mechanisms available for the rights within CEDAW. The Optional Protocol provides for complaints to be taken directly to the UN, after all domestic remedies have been exhausted. Other international treaties have similar complaints procedures. These optional agreements can be accepted by the country that is already a party to the original treaty.

The Optional Protocol to CEDAW allows people to bring a complaint to the CEDAW Committee about an alleged breach of the rights under CEDAW. To bring a complaint, a person must first show that there are no other ways to deal with their complaint in their country. The Optional Protocol does not create new rights, but provides a new complaint mechanism for existing rights that have been in force since the government became a party to CEDAW. Governments are required to respond to the findings of the CEDAW Committee about the complaint within six months, including information about action taken in light of the views and recommendations of the Committee.

The Optional Protocol also enables the CEDAW Committee to investigate claims of serious violations of CEDAW in Australia through an inquiry.

In November 2008, around 94 countries had become party to the Optional Protocol.

On 24 November 2008, the Australian Government announced its intention to become party to the Optional Protocol. Australia acceded to the Optional Protocol in December 2008. The Optional Protocol will enter into force three months after lodgment of our instrument of accession. This will occur in March 2009. By becoming a party to the Optional Protocol, the Australian Government is demonstrating its strong

commitment to promoting the elimination of discrimination against women and the standards enshrined in CEDAW. Accession to the Optional Protocol will make a powerful statement that discrimination against women—in Australia and internationally—is unacceptable.

A model communication for complaints to the CEDAW Committee under the Optional Protocol can be found at

[www.un.org/womenwatch/daw/cedaw/opmodelform.html](http://www.un.org/womenwatch/daw/cedaw/opmodelform.html)



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## Implementing and monitoring CEDAW

**Since becoming a party to CEDAW, Australia has developed many mechanisms for implementing the rights enshrined within this treaty. The *Sex Discrimination Act 1984 (Cth)* is one of the most important mechanisms. The criminal justice system, the legal system, and a wide range of policies and programs, as well as cultural attitudes, are also important parts of implementing and enforcing the rights enshrined in CEDAW.**

### The Sex Discrimination Act

The Sex Discrimination Act (SDA) is federal legislation, which makes sex discrimination against the law. The SDA was passed in 1984 and gives effect to some of the obligations under CEDAW. The SDA is administered by the Australian Human Rights Commission

and includes the role of the Sex Discrimination Commissioner. All states and territories have anti-discrimination laws that also prohibit sex discrimination. These laws are administered by state equal opportunity or anti-discrimination bodies.

More information about the SDA, and how to make a complaint under the federal law, is available at [www.humanrights.gov.au/sex\\_discrimination/index.html](http://www.humanrights.gov.au/sex_discrimination/index.html).

### Government Reporting Process

Countries that are party to CEDAW are required to report to the CEDAW Committee every four years about how they are fulfilling their responsibilities under the treaty and about the ongoing human rights challenges women face.

The Australian Government works with the State and Territory governments to prepare the report on how Australia is implementing CEDAW, and consults with the community. The Australian Government submits Australia's report to the UN for the CEDAW Committee to consider.

The CEDAW Committee looks at each report. Government representatives must appear before the Committee when their report is being examined to discuss their country's progress and answer any questions.

The Committee issues concluding comments following its consideration of Australia's report and the information the Australian delegation provided during its appearance before the Committee.

Governments and the community consider the CEDAW Committee's concluding comments. The Australian Government responds to the concluding comments, and details the action it has taken to address them, in its next report.

### **Community sector 'shadow' reporting process**

The CEDAW Committee encourages the community sector (or NGOs) to follow its work and to provide reports so it can gather alternative views to those provided by governments. The Committee and its pre-session working group welcome country-specific information from NGOs in the form of

reports and oral evidence that 'shadow' the government reports.

The community sector plays a key role in monitoring CEDAW in Australia by preparing shadow reports reflecting their views on the Australian Government's achievements and remaining challenges under CEDAW.

As shadow reports do not need to be submitted until the Committee appearance, they are often drafted after the Government report is lodged. This means a shadow report can draw on and respond to information in the Government report. In 2008, the Australian Government funded NGOs to prepare an independent shadow report in response to the Government's 6th/7th CEDAW report. You can contribute to the Shadow Report by emailing

[cedaw@ywca.org.au](mailto:cedaw@ywca.org.au)

NGOs play a vital role in monitoring and implementing CEDAW by:

- spreading awareness of CEDAW and the rights in it to people around the world
- lobbying governments, businesses and individuals to implement CEDAW
- providing information to governments on progress, difficulties and strategies to enable more effective human rights implementation.

## **The role of the Australian Human Rights Commission and the Sex Discrimination Commissioner**

The Australian Human Rights Commission (the Commission) is an independent statutory authority and is Australia's national human rights institution (NHRI). There are currently about 90 NHRIs around the world. NHRIs receive, investigate and conciliate complaints of discrimination or human rights abuses; review national laws, policies and programmes to ensure that they are consistent with human rights standards; monitor a state's compliance with its own laws and with international human rights standards and recommend changes when necessary and raise community awareness and understanding of human rights issues.

The Australian Human Rights Commission was established in 1986 by an act of the Federal Parliament and reports to the federal Parliament through the Attorney-General.

The Sex Discrimination Commissioner is a member of the Commission. The Sex Discrimination Commissioner plays an independent role in monitoring progress on implementing obligations under CEDAW and promoting progress towards gender equality

in Australia. The Commission is responsible for receiving complaints for breaches of the Sex Discrimination Act. It also holds public inquiries into issues of national importance, provides independent advice to assist courts in cases that involve human rights principles and advise parliaments and governments on developing laws, programs and policies.

As Australia's NHRI, the Commission and the Sex Discrimination Commissioner have an important role in promoting the rights of women and monitoring the implementation of CEDAW. The CEDAW Committee encourages all NHRIs to publicise its concluding observations, general recommendations and decisions and views on individual complaints and inquiries. The CEDAW Committee also welcomes NHRIs input into the reporting process on CEDAW. The Australian Human Rights Commission has standing to provide an independent report and oral evidence when the CEDAW Committee is considering the Australian Government's report on implementation of CEDAW.



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## What you can do

**CEDAW enshrines general rights that belong to all women around the world. Every day, we can all work towards raising awareness and enforcing those rights, whether through individual action or together with others.**

### Shadow reporting

Contribute to the community shadow reporting process by emailing [cedaw@ywca.org.au](mailto:cedaw@ywca.org.au). Individual NGOs can also submit reports to the CEDAW Committee before or at the session where the report is being examined. For more information go to the Committee's website:

[www2.ohchr.org/english/bodies/cedaw/](http://www2.ohchr.org/english/bodies/cedaw/)

### Lobbying

Visit or write a letter to your Member of Parliament, relevant government Ministers, the Prime Minister, and opposition spokespeople, about the importance of human rights issues and equality between women and men.

### Politics and public life

Support women who support women's human rights by nominating and voting for them in any election, whether it is for local council or for a federal seat; or nominate yourself.

Join organisations that support women candidates and lobby government on women-friendly policies and legislation.

Support promotion of women in organisations with high public profiles, such as the government, business, unions, the legal system and judiciary. Monitor how many women are in high decision-making roles in these organisations and lobby for more effective strategies that allow women to take these positions.

### **Laws and policy**

You and your organisation can raise awareness among your peers and members, or women in your local community. It is important to talk about how to protect women's rights and ensure legislation such as the *Sex Discrimination Act* and other anti-discrimination laws in your state or territory can evolve to reflect the realities of women's lives.

Use this kit to enhance any specific campaigns you are involved in, for example, to eliminate sexual harassment or violence against women.

Raise awareness about women's rights in your school, university, or college or at your workplace. Use this kit to run workshops and/or organise campaigns with businesses, local councils, and community and church groups.

You can also use this kit to take part in consultations or conversations about human rights and highlight the rights of women.

You can learn more about the way the CEDAW Committee has interpreted and developed the rights in CEDAW by reading the Committee's General Comments and country recommendations. Many of these might also apply to campaigns you are already involved in. You can read these CEDAW documents by going to

[www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm)



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

women's  
human  
rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## Useful links

### CEDAW

Office of the High Commissioner for Human Rights website at:

[www2.ohchr.org/english/bodies/cedaw/index.htm](http://www2.ohchr.org/english/bodies/cedaw/index.htm)  
or United Nations Division for the Advancement of Women website at:

[www.un.org/womenwatch/daw/cedaw/index.html](http://www.un.org/womenwatch/daw/cedaw/index.html)

CEDAW Shadow Report:  
[cedaw@ywca.org.au](mailto:cedaw@ywca.org.au)

### Australian Government

Australian Government Office for Women:  
[www.ofw.facsia.gov.au](http://www.ofw.facsia.gov.au)

Equal Opportunity for Women in the Workplace Agency:  
[www.eowa.gov.au](http://www.eowa.gov.au)

### State and territory government bodies

Office for Women, ACT:  
[www.women.act.gov.au](http://www.women.act.gov.au)

Office for Women, New South Wales:  
[www.women.nsw.gov.au](http://www.women.nsw.gov.au)

Office for Women, Queensland:  
[www.women.qld.gov.au](http://www.women.qld.gov.au)

Office for Women, South Australia:  
[www.officeforwomen.sa.gov.au](http://www.officeforwomen.sa.gov.au)

Office of Women's Policy, Northern Territory:  
[www.women.nt.gov.au](http://www.women.nt.gov.au)

Office of Women's Policy, Victoria:  
[www.women.vic.gov.au](http://www.women.vic.gov.au)

Women Tasmania:  
[www.dpac.tas.gov.au/divisions/cdd/women](http://www.dpac.tas.gov.au/divisions/cdd/women)

### Sex Discrimination Act

Commonwealth Acts:  
[www.austlii.edu.au/au/legis/cth/consol\\_act/sda1984209/](http://www.austlii.edu.au/au/legis/cth/consol_act/sda1984209/)

### Human rights and equal opportunity commissions

Australian Human Rights Commission:  
[www.humarights.gov.au/](http://www.humarights.gov.au/)

Anti-Discrimination Board (NSW):  
[www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)

Anti-Discrimination Commission (Qld):

[www.adcq.qld.gov.au/](http://www.adcq.qld.gov.au/)

Equal Opportunity Commission (WA):

[www.equalopportunity.wa.gov.au/](http://www.equalopportunity.wa.gov.au/)

Equal opportunity Commission (SA):

[www.eoc.sa.gov.au/site/home.jsp](http://www.eoc.sa.gov.au/site/home.jsp)

Office of the anti-Discrimination Commissioner (Tas):

[www.antidiscrimination.tas.gov.au/](http://www.antidiscrimination.tas.gov.au/)

Equal Opportunity and Human Rights  
Commission (Vic):

[www.equalopportunitycommission.vic.gov.au/  
home.asp](http://www.equalopportunitycommission.vic.gov.au/home.asp)

Anti-Discrimination Commission (NT):

[www.nt.gov.au/justice/adc/index800.html](http://www.nt.gov.au/justice/adc/index800.html)

Human Rights Commission (ACT):

[www.hrc.act.gov.au/](http://www.hrc.act.gov.au/)

## International

Equal Opportunities Commission, United Kingdom:

[www.equalityhumanrights.com/en/Pages/  
default.aspx](http://www.equalityhumanrights.com/en/Pages/default.aspx)

Gender and Education Association:

[www.genderandeducation.com](http://www.genderandeducation.com)

Ministry of Women's Affairs, New Zealand:

[www.mwa.govt.nz/](http://www.mwa.govt.nz/)

Status of Women, Canada:

[www.swc-cfc.gc.ca](http://www.swc-cfc.gc.ca)

UN Development Fund for Women:

[www.unifem.org](http://www.unifem.org)

UN Women at a Glance:

[www.un.org/ecosocdev/geninfo/women/  
women96.htm](http://www.un.org/ecosocdev/geninfo/women/women96.htm)

UN WomenWatch:

[www.un.org/womenwatch](http://www.un.org/womenwatch)

United States Department of Labour, Women's  
Bureau: [www.dol.gov/wb](http://www.dol.gov/wb)

Women and Equality Unit, United Kingdom:

[www.equalities.gov.uk](http://www.equalities.gov.uk)

Women for Women International:

[www.womenforwomen.org](http://www.womenforwomen.org)

## Women's community organisations

Australian Women's Health Network:

[www.awhn.org.au](http://www.awhn.org.au)

Country Women's Association of Australia:

[www.cwaa.org.au](http://www.cwaa.org.au)

Immigrant Women's Speakout Association:

[www.speakout.org.au](http://www.speakout.org.au)

National Foundation for Australian Women:

[www.nfaw.org](http://www.nfaw.org)

National Women's Justice Coalition:

[www.nwjc.org.au](http://www.nwjc.org.au)

Older Women's Network:

[www.own.org.au](http://www.own.org.au)

Rural Women's Network:

[www.dpi.nsw.gov.au/rwn](http://www.dpi.nsw.gov.au/rwn)

UNIFEM:

[www.unifem.org.au](http://www.unifem.org.au)

Women's Electoral Lobby Inc., Australia:

[www.wel.org.au](http://www.wel.org.au)

Women's Rights Action Network Australia:

[home.vicnet.net.au/%7Ewra](http://home.vicnet.net.au/%7Ewra)

Working Women's Centres:

[www.wwc.org.au](http://www.wwc.org.au)

Young Women's Christian Association (YWCA):

[www.ywca.org.au](http://www.ywca.org.au)



Australian Government

Department of Families,  
Housing, Community Services  
and Indigenous Affairs

Office for Women



Australian  
Human Rights  
Commission

everyone, everywhere, everyday

# women's human rights

**United Nations Convention on the Elimination of All Forms of Discrimination against Women: CEDAW**

## ANNEXURE – UN human rights treaties

The **Universal Declaration of Human Rights** is the UN's most comprehensive list of human rights. As declarations are not legally binding, Australia has adopted a number of treaties to enforce the rights outlined in the Universal Declaration of Human Rights.

The **International Covenant on Economic, Social and Cultural Rights** sets out many rights including the right to housing, to a fair wage, to health care, to free primary education and to express your culture.

The **International Covenant on Civil and Political Rights** sets out many rights including the right to vote, freedom of thought, freedom of religion, a prohibition on slavery and the right to fair trial.

The **Convention on the Elimination of All Forms of Discrimination Against Women** sets out a range of rights for women. It provides a comprehensive overview of and action plan to help governments achieve substantive equality for women.

The **International Convention on the Elimination of All Forms of Racial Discrimination** prohibits race-based discrimination and provides a comprehensive action plan for governments to bring an end to discrimination based on race, culture and ethnicity.

The **Convention on the Rights of the Child** sets out a range of rights for children. It requires constant observation of the best interests of the child. It has two Optional Protocols, the Optional Protocol to the Convention on the Rights of the Child on the

Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, both to which Australia is a party.

The **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** aims to end torture and other cruel, inhuman or degrading treatment and punishment. It mainly focuses on those actions committed by State officials. It also prohibits countries from returning anyone to a country where they might be tortured.

The **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** offsets out rights for migrant workers and

their families. It provides a comprehensive definition of different types of migrant workers and the types of protections a State party is obliged to afford them. Australia is not a party to this treaty.

The **Convention on the Rights of Persons with Disabilities** provides a comprehensive list of rights for people with a disability and the actions the State party should take to realise them. Adopted in 2006, this is the newest UN treaty. Australia became a party to this convention on 16 August 2008.

The **International Convention for the Protection of All Persons from Enforced Disappearance is one of the principle human rights treaties**. Australia is not a party.