

Case Study 1 summary

USA: integrating CEDAW provisions into city law

What?

CEDAW principles translated into the law of the City of San Francisco. The CEDAW Ordinance requires all city and county government programmes, agencies and departments to take all necessary measures to prevent all forms of discrimination against women and girls.

Who?

Led by the Women's Institute for Leadership Development in Human Rights (WILD), but supported by over 200 local, state, national and international NGOs and elected officials

How?

- Spearheaded a local education and advocacy campaign to raise-awareness about CEDAW provisions
- Organised public hearings that addressed discrimination against women and girls in San Francisco in the areas of health, violence and economic justice
- Supported city departments to engage in a gender analysis of employment, service delivery and resource allocation to highlight direct or indirect discrimination faced by women and girls

Impact

- San Francisco passed an Ordinance that adopted CEDAW as city law
- Mayor of San Francisco allocated \$200,000 to implementation of the Ordinance
- Ordinance includes unprecedented legal obligation to conduct a gender analysis of select city departments e.g led San Francisco Department of Public Works to look for the first time at how placement of street lights impacts on safety of women and girls & Department of Juvenile Probation to recognise the need for gender-specific services for youth detained at Youth Guidance Centre
- This adoption of CEDAW at city law has now been replicated across other US cities, including Seattle, Eugene, New York and L.A.

Case Study 2 summary

Botswana: using CEDAW to improve gender-sensitivity in judicial decision-making

What?

CEDAW was used to challenge the provisions of a national law, the *Botswana Citizenship Act*, because it meant that the nationality of a child born on Botswana soil would be determined exclusively by the father's nationality (regardless of where the parents were married), despite the fact that for two decades previously mothers were also able to pass on their nationality to children born into a marriage – this part of the constitution was repealed to 'bring the law into line with customary law'.

Who?

A Botswana lawyer and activist, Unity Dow, who was married to an American, challenged the law. Two of her three children had been born in Botswana after the law was passed and so she challenged the law in the Botswana High Court, because it meant her two children could leave the country only on their father's passport, required residency permits to stay in the country and would not be allowed to vote and would be denied free university education available to citizens.

How?

- Dow argued that the Citizenship Act violated the Constitution's guarantees of liberty, equal protection of the law and the right to be free from degrading treatment. Although the constitution did not explicitly ban sex discrimination, she argued the law went against Botswana's *international* commitments to women, specifically the definition of 'discrimination' included in CEDAW

Impact

- The Court agreed, even *before* the government had ratified CEDAW, citing the need to comply with international commitments. The government of Botswana was left with the choice of either reforming the Citizenship Act or amending the constitution to explicitly allow sex discrimination. A few years later as the government prepared to ratify CEDAW, it finally amended the Citizenship Act. The Act is now gender-neutral, giving equal rights to women and with respect to the citizenship of their children.

Case Study 3 summary

Albania: shadow report to hold government to account on women's political participation

What?

A 'shadow' thematic report was produced to highlight the gaps in the Albanian government's failure to address extremely low level of women's political participation – the lowest in Europe

Who?

A group of Albanian women's NGOs, including the Independent Forum of Albanian Women and the Albanian Centre for Population & Development produced the shadow report.

How?

The report focused on just two or three thematic areas of concern to the NGOs in question, rather than covering every article set out in CEDAW. In particular it focused on the absence of measures in the Albanian government's policies and in national law to reverse the lack of representation of women in politics at the national and local levels. When the Albanian government failed to take action after the CEDAW Committee had issued its 'concluding comments', the NGOs took further action, setting up a national coalition made up of human rights NGOs, women's organisations and Women's Committees of the main political parties with membership from across the country. They used the media to raise awareness of the issue, trained politicians and journalists to show greater gender sensitivity in their work and lobbied for a change in the Electoral Code to guarantee quotas for women in Parliament. They also lobbied MEPs to put pressure on the Albanian government to fulfil its international human rights commitments to promote equal participation of women and men in politics.

Impact

Five years on, the Albanian government finally introduced a reform of the Electoral Code to introduce a Gender Quota Law that mandates that 30% of elective positions be filled by women, by placing women in one of every three positions on their electoral lists or through other mechanisms. The next national elections take place in June 2009 and, if the law is implemented correctly, the number of women in Parliament will more than quadruple, from the current 10 to a required 42.

Further Resources

From Global to Local: CEDAW in Action

Useful websites

IWRAW (International Women's Rights Action Watch): <http://iwwraw.igc.org>

IWRAW (International Women's Rights Action Watch Asia Pacific): <http://www.iwwraw-ap.org>

The Women's Institute for Leadership Development for Human Rights (WILD)

<http://www.wildforhumanrights.org/documents/resources/executivesum.pdf>

CEDAW IN Action in South East Asia: <http://cedaw-seasia.org/>

Office of the High Commissioner for Human Rights – host-site for all CEDAW reports, shadow reports and details of Committee meetings: <http://www2.ohchr.org/english/bodies/cedaw/index.htm>

Further reading

Bringing Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination against Women, UNIFEM,

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

The Optional Protocol and Women in Decision-Making, Women's Environment and Development Organisation <http://www.wedo.org/wp-content/uploads/cedaw-factsheet1.pdf>

Global Challenges to Women's Human Rights: 25 years of CEDAW, Womankind Worldwide www.womankind.org.uk

The Circle of Empowerment: Twenty-Five Years of the UN Committee on the Elimination of Discrimination against Women, City University of New York http://www.glow-boell.de/media/en/txt_rubrik_4/CEDAW_Committee_25th_Anniversary_Book_Brochure_1.pdf

Budgeting for Women's Rights: Monitoring Government Budget for Compliance with CEDAW, UNIFEM http://www.unifem.org/attachments/products/MonitoringGovernmentBudgetsComplianceCEDAW_eng.pdf

CEDAW: Restoring Rights to Women, Partners for Law in Development <http://www.unifem.org.in/CEDAW.pdf>

CEDAW Briefing Kit, UNIFEM <http://www.unifem.org.in/CEDAW.pdf>