

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

Canada has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention.

Adoption: The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly on 18 December 1979 and was opened for signature on 1 March 1980. Its Optional Protocol was adopted by the General Assembly on 6 October 1999 and opened for signature on 10 December 1999.

Entry into force: Convention - 3 September 1981. Optional Protocol – 22 December 2000.

Number of signatories and ratifications/accessions: There are 188 state parties to the Convention. Two additional states have signed but not ratified the Convention. There are 105 state parties to the Optional Protocol. An additional 14 states have signed but not ratified the Optional Protocol.

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Summary information

The [Convention on the Elimination of All Forms of Discrimination against Women](#) was adopted by the United Nations General Assembly on 18 December 1979. It entered into force on 3 September 1981 following ratification by the twentieth state party. The Convention's monitoring body, the Committee on the Elimination of Discrimination against Women (CEDAW) was established in 1982.

The Convention established an international bill of rights for women and an agenda for action by countries to guarantee the enjoyment of those rights. "The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women."

There is one optional protocol to the Convention. State parties that ratify the [Optional Protocol](#) recognize the competence of the Committee on the Elimination of Discrimination against Women to receive and consider complaints from individuals or groups within its jurisdiction.

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

[“Equality of rights for women is a basic principle of the United Nations.”](#) The Preamble to the Charter of the United Nations sets as one of the Organization's central goals the reaffirmation of "faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women."

“The [Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women](#), a body established in 1946 to monitor the situation of women and to promote women's rights.” To support the codification of the legal rights of women, the Commission first researched and produced a detailed picture of the political and legal standing of women in each country. Subsequently, the Commission drafted the early international conventions on women's rights, such as the 1953 Convention on the Political Rights of Women, which was the first international law instrument to recognize and protect the political rights of women; and the first international agreements on women's rights in marriage, namely the 1957 Convention on the Nationality of Married Women, and the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. The Commission also contributed to the work of other UN offices and agencies, such as the International Labour Organization's 1951 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, which enshrined the principle of equal pay for equal work.

“In 1963, efforts to consolidate standards on women's rights led the [UN General Assembly to request the Commission to draft a Declaration on the Elimination of Discrimination against Women](#)”. The General Assembly of the United Nations proclaimed the *Declaration on the Elimination of Discrimination against Women* in November 1967. The Declaration followed the structure of the *Universal Declaration of Human Rights* and was an important precursor to the CEDAW Convention adopted in 1979. Article 1 of the Declaration states that “Discrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity.” The [subsequent articles called for](#) *inter alia*:

- The abolition of laws, customs, regulations and practices which are discriminatory against women;
- Women to enjoy full electoral rights, including the right to vote and the right to seek and hold public office;
- An equal right to education regardless of gender; and
- Equal rights in the workplace, including non-discrimination in employment, equal pay for equal work, and paid maternity leave.

In 1972, the Commission considered the possibility of preparing a binding treaty that would give normative force to the provisions of the Declaration and requested that the Secretary-General call upon Member States to transmit their views on such a proposal. The following year, a working group was appointed to consider the elaboration of such a convention. In 1974, at its twenty-fifth session and in the light of the report of this working group, the Commission decided in principle to prepare a single, comprehensive and internationally binding instrument to eliminate discrimination against women.

The text of the Convention was prepared by working groups within the Commission during 1976 and by a working group of the General Assembly from 1977 to 1979. It was adopted by the General Assembly in 1979 by a vote of 130 to none, with 10 abstentions. In adopting the Convention, the General Assembly “expressed the hope that the Convention would come into force at an early date and requested the Secretary-General to present the text of the Convention to the mid-decade World Conference of the United Nations Decade for Women (1976 – 1985).” The Convention entered into force on 3 September 1981.

At a ceremony during a Copenhagen Conference on 17 July 1980, 64 States signed the Convention and two States submitted their instruments of ratification. “On 3 September 1981, 30 days after the twentieth member State had ratified it, [the Convention entered into force](#) - faster than any previous human rights convention had done - thus bringing to a climax United Nations efforts to codify comprehensively international legal standards for women.”

Key Provisions

The [Convention](#) 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.”

“By accepting the Convention, [States commit themselves to undertake a series of measures](#) to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.”

[State parties must:](#)

- “take all appropriate measures to eliminate discrimination against women in the political and public life of the country.” This includes the right to vote, to hold public office, to “participate in non-governmental organizations and associations

concerned with the public and political life of the country” and to “to represent their Governments at the international level and to participate in the work of international organizations”;

- “grant women equal rights with men to acquire, change or retain their nationality”;
- ensure “equal rights with men in the field of education,” including the same opportunities “to participate actively in sports and physical education”;
- “take all appropriate measures to eliminate discrimination against women in the field of employment” including the right to equal remuneration; to social security; to protection of health and safety in working conditions; and to preventing discrimination against women on the grounds of marriage or maternity, including the introduction of “maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances”;
- “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”;
- “eliminate discrimination against women in other areas of economic and social life” including ensuring the “right to bank loans, mortgages and other forms of financial credit,” and the “right to participate in recreational activities, sports and all aspects of cultural life”;
- “take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development”;
- “accord to women equality with men before the law”; and
- “eliminate discrimination against women in all matters relating to marriage and family relations.”

Canada’s Commitments and Responsibilities

Canada ratified the Convention on 10 December 1981. The Option Protocol, which recognizes the competence of the Committee on the Elimination of Discrimination against Women to receive and consider complaints from individuals or groups, was ratified by Canada on 18 October 2002. A minor declaration by Canada with respect to Article 11 (1) (d) of the Convention, made at the time of ratification, was withdrawn on 28 May 1992.

International Monitoring and Implementation – The Committee on the Elimination of Discrimination against Women

The implementation of the Convention is monitored by the [Committee on the Elimination of Discrimination against Women](#) (CEDAW). The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention."

State parties are expected to submit a national report to the Committee within one year after the entry into force for the State concerned and thereafter at least every four years, “indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general comments (including recommendations) to the States parties on matters concerning the elimination of discrimination against women.”

Canada submitted [combined sixth and seventh periodic reports](#) in May 2007. The reports covered the period from April 1999 to March 2006. A [draft outline for the combined eighth and ninth periodic reports](#) (presumably for the period from 2006 to 2013) was circulated by the Department of Canadian Heritage in January 2014 to a limited number of Non-Governmental Organizations for comments, but to date there is no record that the new Canadian reports have been submitted to the Committee on the Elimination of Discrimination against Women.

In November 2008, the Committee provided its [concluding observations](#) with respect to the sixth and seventh periodic reports. The Committee welcomed efforts by Canada to combat trafficking in people and to make available parental leave for fathers and its proactive attitude towards the implementation of the Convention in international forums and “through its international cooperation with other countries in the field of women’s rights.”

The Committee identified several areas of concern, including that

- there have been “reports of cuts in social assistance schemes in many provinces” and “resulting negative impact on the rights of vulnerable groups of women, such as single mothers, aboriginal women, Afro-Canadian women, immigrant women, elderly women and disabled women, who rely on social assistance for an adequate standard of living”;
- “the Convention has not been fully incorporated into domestic law and that discriminatory legislation still exists”, [i]n particular ... the fact that the Indian Act continues to discriminate between descendants of Indian women who married non-Indian men and descendants of Indian men who married non-Indian women with respect to their equal right to transmit Indian status to their children and grandchildren”;
- “hundreds of cases involving aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished”;
- “poverty is widespread among women, in particular aboriginal women, minority women and single mothers” and there is a lack of affordable childcare and affordable housing for low-income women with families;
- “Aboriginal women and women of various ethnic and minority communities continue to suffer from multiple forms of discrimination, particularly in terms of access to employment, housing, education and health care” and “women from

ethnic and minority communities are also exposed to a high level of violence and are significantly underrepresented in political and public life”;

- “a disproportionate number of aboriginal women are incarcerated; this is true also of Afro-Canadian women and other women of colour”;
- “domestic violence continues to be a significant problem” and that there are “high levels of violence against adolescent girls in the family and society”;
- “financial support for civil legal aid has diminished and that access to it has become increasingly restricted” and Canada’s “Court Challenges Programme, which facilitated women’s access to procedures to review alleged violations of their right to equality, was cancelled”;
- “no temporary special measures are in place to accelerate de facto equality between men and women or to improve the situation of women’s rights” in Canada, “in particular with regard to women in the workplace and the participation of women in politics”; and
- “under the new guidelines for NGO funding by the SWC (Status of Women Canada) Women’s Programme, women’s organizations cannot receive funding for domestic advocacy activities, lobbying or research” and “the resulting lack of funding has forced a number of women’s NGOs to shut down or to severely restrict their work.”

The [Committee made recommendations](#) as to how Canada could address these concerns. It also requested that Canada provide written information within one year on:

- the steps taken to address a recommendation made with respect to establishing “minimum standards for the provision of funding to social assistance programmes, applicable at the federal, provincial and territorial levels, and a monitoring mechanism to ensure the accountability of provincial and territorial governments for the use of such funds so as to ensure that funding decisions meet the needs of the most vulnerable groups of women and do not result in discrimination against women”; and
- “the reasons for the failure to investigate the cases of missing or murdered aboriginal women and to take the necessary steps to remedy the deficiencies in the system” and “to urgently carry out thorough investigations of the cases of aboriginal women who have gone missing or been murdered in recent decades.”

Canada provided an [Interim Report](#) in February 2010 to address these two recommendations and [supplemental information](#) on the latter in November 2010.

The [Committee also invited Canada to submit its eighth and ninth combined periodic reports](#) in December 2014.

Complaint under the Optional Protocol

The Committee on the Elimination of Discrimination against Women received a complaint against Canada in 2008 from Cecelia Kell. The complainant had been involved in a property dispute and had fought to regain her property rights through the Canadian legal system over a period of ten years. “In 2008, contending that she had exhausted all domestic remedies, Kell filed an individual complaint against Canada

through the UN Committee on the Elimination of Discrimination against Women, claiming to be the victim of violations of a number of articles of the Convention on the Elimination of All Forms of Discrimination against Women.”

In 2012 the “[Committee established that Canada, as party to the Convention and its Optional Protocol, had failed to fulfil its obligations under articles 1, 2 and 16](#) and that it should provide monetary compensation and housing matching what Kell was deprived of. The Committee also recommended recruiting and training more aboriginal women to provide legal assistance, as well as review Canada’s legal system to ensure that aboriginal women victim of domestic violence have effective access to justice.”

References

[Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#)

[Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women](#)

[Short History of the CEDAW Convention](#)

[UN Women – A Brief History of the CSW \(Commission on the Status of Women\)](#)

[Declaration on the Elimination of Discrimination Against Women](#)

[UN Women – Convention on the Elimination of All Forms of Discrimination against Women](#)

[Canadian Heritage – The Convention on the Elimination of All Forms of Discrimination against Women](#)

[Letter to Department of Canadian Heritage from the Canadian Federation of University Women](#)

[Concluding Observations of the Committee on the Elimination of Discrimination against Women – Canada](#)

[Interim Report in follow-up to the review of Canada’s Sixth and Seventh Reports](#)

[Supplemental information provided to the Committee on the Elimination of All Forms of Discrimination against Women](#)

[UN Human Rights – Women’s Rights Body Rules on Kell v. Canada](#)