

Information note: International Women's Day 2010
“EQUAL RIGHTS, EQUAL OPPORTUNITIES: PROGRESS FOR ALL”

International Women's Day is celebrated every year around the world on 8 March. The commemorative day emerged from women activist movements at the turn of the twentieth century. This year's theme is “Equal rights, equal opportunities: Progress for all”.

Equality between women and men continues to be a challenge world-wide. Women form the majority of the world's poorest people. They work two-thirds of the world's working hours and produce half of the world's food, yet earn only 10% of the world's income and own less than 1% of the world's property. The number of women living in rural poverty has increased by 50% since 1975¹. Violence against women prevails on an unimaginable scale throughout the world and in all cultures, and women's access to justice is often paired with discriminatory obstacles – in law as well as in practice. Multiple forms of discrimination based on gender and other factors such as race, ethnicity, caste, disability, HIV status, sexual orientation or gender identity further subject women to exclusion, poverty and violence.

The principles of non-discrimination and equality are enshrined in international human rights law which prohibits discrimination on the basis of sex and guarantees men's and women's equal enjoyment of their civil, cultural, economic, political and social rights. Non-discrimination, together with equality before the law and equal protection of the law, constitute the foundations of human rights protection.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) entered into force 30 years ago, yet the recognition and enjoyment of equal rights with men still remains elusive for many women around the world. CEDAW has been ratified by 186 States yet has the record number of reservations to core articles such as articles 2 and 16, which impact on young girls' and women's personal and family life.

In some countries women, unlike men, cannot dress as they like, drive, work at night (or even during the day), inherit property or give evidence in Court. The vast majority of expressly discriminatory laws in force relate to family life, including limiting a woman's right to marry (or right not to marry in cases of early forced marriages), to divorce and remarry, thus allowing for marital practices such as “wife obedience” and polygamy. Laws explicitly mandating “wife obedience” still govern marital relations in many States.

New discriminatory laws continue to be enacted in all corners of the world. In all legal traditions many laws and practices still institutionalize second class status for women and girls with regard to nationality and citizenship, health, education, marital rights, employment rights, parental rights, inheritance and property rights. These forms of discrimination against women are incompatible with women's empowerment.

At the United Nations Fourth World Conference on Women in Beijing in 1995, delegates from 189 countries adopted a Declaration reaffirming their fundamental commitment to “the equal rights and

¹ All figures provided by the World Bank's World Development Indicators.

inherent human dignity of women and men". They also adopted the Beijing Platform for Action in which they pledged to "revoke any remaining laws that discriminate on the basis of sex". From 1 to 12 March 2010, the Commission on the Status of Women (CSW) is undertaking a review (Beijing +15) of the implementation of the Beijing Declaration and Platform for Action and of the outcomes of the 23rd special session of the General Assembly in New York.

The Office of the UN High Commissioner for Human Rights has identified the fight against discrimination as one of its priorities and non-discrimination is a special focus (*Embrace diversity, End discrimination*) of its public information plans for 2010. Through its work in the field and support to human rights mechanisms at the international level, it contributes to addressing the set-backs and practices that result from existing discriminatory laws and practices.

INTERNATIONAL HUMAN RIGHTS LAW HIGHLIGHTS EQUAL RIGHTS AND OPPORTUNITIES

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Article 1 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 2 commits States that have ratified the Convention "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women".

Article 15 (1) explicitly provides that States who have ratified the Convention shall accord to women equality with men.

CEDAW Committee

In its General Recommendation 25 on temporary special measures, the Committee elaborates on the need to achieve de facto, or substantive, equality, rather than merely de jure or purely legal rhetoric. Therefore, "the application of temporary special measures in accordance with the Convention is one of the means to realize de facto or substantive equality for women, rather than an exception to the norms of non-discrimination and equality".

Foundation of all human rights treaties

In addition to CEDAW, all international human rights treaties include provisions with respect to non-discrimination, such as the International Covenant on Civil and Political Rights:

Article 2, paragraph 1, obligates each State party to respect and ensure to all persons within its territory and subject to its jurisdiction the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.