



## Are CEDAW States Parties living up to their commitments?



Over 65 years ago, the Universal Declaration of Human Rights established that all people, regardless of sex, “are born free and equal in dignity and rights.” A series of treaties in the following decades—most notably the U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)—created more specific guarantees for the world’s women and girls. In 1995, 189 nations reaffirmed their commitments to advancing women’s and girls’ civil, social, political, and economic rights through the Beijing Declaration and Platform for Action, a landmark document that laid out a detailed strategy for addressing remaining gaps and barriers. To mark its 20th anniversary, this fact sheet series by the WORLD Policy Analysis Center examines countries’ progress toward enacting laws and policies to achieve gender equality.

### Background

- By ratifying CEDAW, 186 nations have committed to eliminating discrimination against women and establishing equality between men and women in “human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (Article 1). Only seven UN member states have yet to ratify CEDAW: Iran, Palau, Somalia, South Sudan, Sudan, Tonga, and the United States.
- While CEDAW’s widespread adoption represents an important step for global gender equality, countries must embed their treaty commitments within their national laws and policies to fully realize CEDAW’s potential.
- National constitutions are ideal instruments for protecting gender equality: constitutions structure countries’ legal and political systems, help shape social norms, and create more durable guarantees than other legislation. Constitutional rights can provide a foundation for challenging discriminatory rulings or introducing new laws that protect gender equality.
- Through both constitutions and other laws and policies, countries shape women’s and girls’ experiences and opportunities. While CEDAW creates an extensive set of commitments for strengthening gender equality, this factsheet will focus on countries’ progress in a few key areas:
  - Preventing child marriage, which affects girls’ health and economic opportunities for the rest of their lives (CEDAW Article 16);
  - Ensuring boys and girls have equal access to education (CEDAW Article 10); and
  - Enacting labor policies that facilitate gender equality at home and at work (CEDAW Article 11).

### Findings

#### Constitutional Rights

- The vast majority of States Parties’ constitutions, 85%, guarantee women’s overall equal rights. Among constitutions adopted since CEDAW, these protections are nearly universal (93%).
- However, 7% of constitutions allow customary or religious law to supersede constitutional provisions, potentially undermining protections for women’s and girls’ rights.

#### Marriage

- Most CEDAW States Parties (89%) have established age 18 as the legal minimum age of marriage for girls.
- At the same time, 51% of countries legally allow girls below 18 to be married with parental consent. Since most child marriages take place with parental involvement, these widespread exceptions are significant.
- In 30% of States Parties, girls can be legally married at younger ages than boys with parental consent.

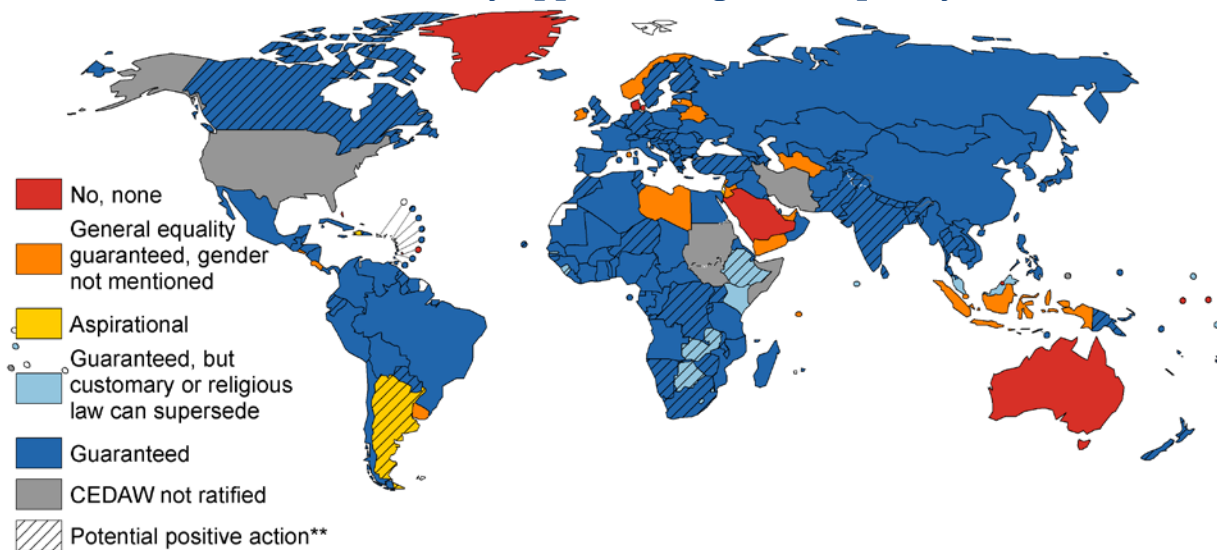
#### Education

- The global community has made considerable progress in ensuring girls’ access to primary education: in 96% of CEDAW States Parties, primary education is tuition-free, which is particularly important for girls’ enrollment rates.
- Gaps persist at the secondary level: only 75% of CEDAW ratifiers provide tuition-free secondary education through completion.

#### Work and Family

- All but five States Parties (97%) provide paid leave for mothers after child birth; 54% provide women with at least 14 weeks of paid maternal leave.
- However, only half (51%) provide paid leave for fathers, creating a barrier to gender equality at work and at home.
- More than half of countries (60%) do not provide men and women leave to care for family members’ health needs. Without access to leave, women are more likely than men to risk their jobs or income to provide care.

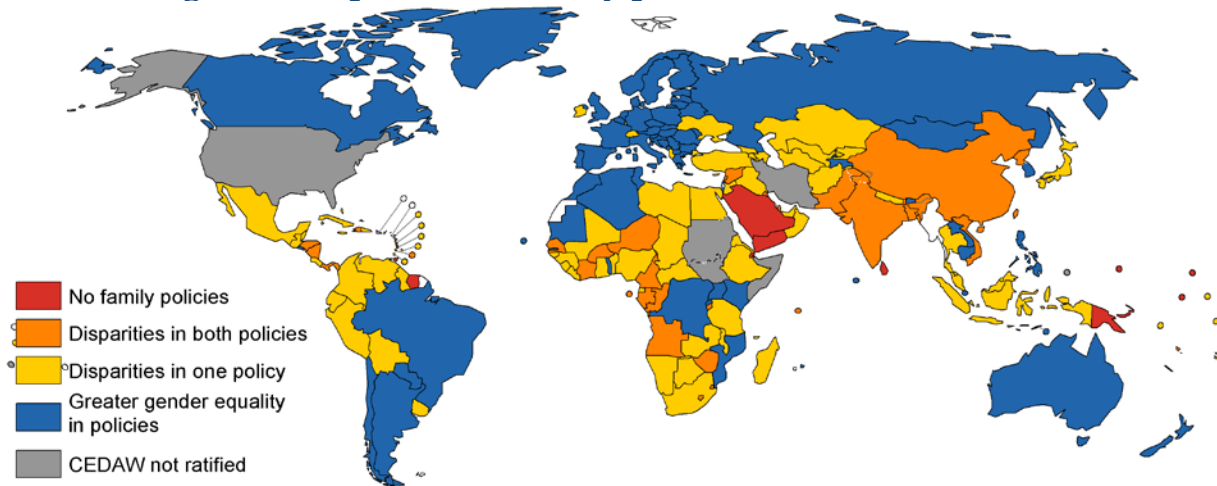
## Map 1: Does the constitution take any approach to gender equality?



Approaches to gender equality include prohibitions of discrimination against women, guarantees of equal rights, guarantees of equality before the law, and guarantees of overall equality for men and women.  
 \*Guaranteed, but customary or religious law can supersede means that the constitution guarantees at least one approach to gender equality, but also allows for religious or customary law to prevail over all or parts of the constitution.  
 \*\*Potential positive action indicates that constitutions also include measures to promote equality for women.

Source: WORLD Policy Analysis Center, *Constitutions Database*, 2014

## Map 2: Are there gender disparities in family policies?



Family policies shown in this map include paid leave to parents of infants and minimum age of marriage with parental consent. Countries are considered to have a gender disparity in paid leave policies if they provide paid leave to either mothers or fathers, but not both. In all countries where this disparity exists, mothers are provided leave, but fathers are not. Even among countries mapped as having greater gender equality in policies, many have gender disparities in duration of leave. Countries are considered to have a gender disparity in minimum age of marriage if, with parental consent, girls can be married at an earlier age than boys.

Source: WORLD Policy Analysis Center, *Adult Labor and Child Marriage Databases*, 2014

For more information, see WORLD's brief, "Are States Parties to CEDAW Living up to Their Commitments to Women and Girls? A Globally Comparative Analysis of National Action."

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