

Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979

INTRODUCTION

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.

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. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. 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, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"(article 3).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact

of cultural factors on gender relations.

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on the Nationality of Married Women - adopted in 1957 - is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights. The preamble sets the tone by stating that "the role of women in procreation should not be a basis for discrimination". The link between discrimination and women's reproductive role is a matter of recurrent concern in the Convention. For example, it advocates, in article 5, "a proper understanding of maternity as a social function", demanding fully shared responsibility for child-rearing by both sexes. Accordingly, provisions for maternity protection and child-care are proclaimed as essential rights and are incorporated into all areas of the Convention, whether dealing with employment, family law, health care or education. Society's obligation extends to offering social services, especially child-care facilities, that allow individuals to combine family responsibilities with work and participation in public life. Special measures for maternity protection are recommended and "shall not be considered discriminatory". (article 4). "The Convention also affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice on family planning in the education process (article 10.h) and to develop family codes that guarantee women's rights "to decide freely and responsibly on the number and spacing of their children and to have access to

the information, education and means to enable them to exercise these rights" (article 16.e).

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5). And Article 10.c. mandates the revision of textbooks, school programmes and teaching methods with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. 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".

At least every four years, the States parties are expected to submit a national report to the Committee, 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 recommendations to the States parties on matters concerning the elimination of discrimination against women.

The full text of the Convention is set out herein

**CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of

peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean 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

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage

or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to 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.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall 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 and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in

particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present

Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six

months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Spain	14 Mar 2000	6 Jul 2001
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IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

Protocolo Facultativo de la Convención sobre la eliminación de todas las formas de discriminación contra la mujer

Adoptada por la Asamblea General en su resolución A/54/4 de 6 de octubre de 1999

Los Estados Partes en el presente Protocolo,

Observando que en la Carta de las Naciones Unidas se reafirma la fe en los derechos humanos fundamentales, en la dignidad y el valor de la persona humana y en la igualdad de derechos de hombres y mujeres,

Señalando que en la Declaración Universal de Derechos Humanos Resolución 217 A (III). se proclama que todos los seres humanos nacen libres e iguales en dignidad y derechos y que toda persona tiene todos los derechos y libertades en ella proclamados sin distinción alguna, inclusive las basadas en el sexo,

Recordando que los Pactos internacionales de derechos humanos Resolución 2200 A (XXI), anexo. y otros instrumentos internacionales de derechos humanos prohíben la discriminación por motivos de sexo,

Recordando asimismo la Convención sobre la eliminación de todas las formas de discriminación contra la mujer⁴ ("la Convención"), en la que los Estados Partes en ella condenan la discriminación contra la mujer en todas sus formas y convienen en seguir, por todos los medios apropiados y sin dilaciones, una política encaminada a eliminar la discriminación contra la mujer,

Reafirmando su decisión de asegurar a la mujer el disfrute pleno y en condiciones de igualdad de todos los derechos humanos y todas las libertades fundamentales y de adoptar medidas eficaces para evitar las violaciones de esos derechos y esas libertades,

Acuerdan lo siguiente:

Artículo 1

Todo Estado Parte en el presente Protocolo ("Estado Parte") reconoce la competencia del Comité para la Eliminación de la Discriminación contra la Mujer ("el Comité") para recibir y considerar las comunicaciones presentadas de conformidad con el artículo 2.

Artículo 2

Las comunicaciones podrán ser presentadas por personas o grupos de personas que se hallen bajo la jurisdicción del Estado Parte y que aleguen ser víctimas de una violación por ese Estado Parte de cualquiera de los derechos enunciados en la Convención, o en nombre de esas personas o grupos de personas. Cuando se presente una comunicación en nombre de personas o grupos de personas, se requerirá su consentimiento, a menos que el autor pueda justificar el actuar en su nombre sin tal consentimiento.

Artículo 3

Las comunicaciones se presentarán por escrito y no podrán ser anónimas. El Comité no recibirá comunicación alguna que concierna a un Estado Parte en la Convención que no sea parte en el presente Protocolo.

Artículo 4

1. El Comité no examinará una comunicación a menos que se haya cerciorado de que se han agotado todos los recursos de la jurisdicción interna, salvo que la tramitación de esos recursos se prolongue injustificadamente o no sea probable que brinde por resultado un remedio efectivo.

2. El Comité declarará inadmisibles toda comunicación que:

- a) Se refiera a una cuestión que ya ha sido examinada por el Comité o ya ha sido o esté siendo examinada con arreglo a otro procedimiento de examen o arreglo internacionales;
- b) Sea incompatible con las disposiciones de la Convención;
- c) Sea manifiestamente infundada o esté insuficientemente sustanciada;
- d) Constituya un abuso del derecho a presentar una comunicación;

e) Los hechos objeto de la comunicación hayan sucedido antes de la fecha de entrada en vigor del presente Protocolo para el Estado Parte interesado, salvo que esos hechos continúen produciéndose después de esa fecha.

Artículo 5

1. Tras haber recibido una comunicación y antes de llegar a una conclusión sobre sus fundamentos, en cualquier momento el Comité podrá dirigir al Estado Parte interesado, a los fines de su examen urgente, una solicitud para que adopte las medidas provisionales necesarias para evitar posibles daños irreparables a la víctima o las víctimas de la supuesta violación.

2. Cuando el Comité ejerce sus facultades discrecionales en virtud del párrafo 1 del presente artículo, ello no implica juicio alguno sobre la admisibilidad o sobre el fondo de la comunicación.

Artículo 6

1. A menos que el Comité considere que una comunicación es inadmisibile sin remisión al Estado Parte interesado, y siempre que la persona o personas interesadas consientan en que se revele su identidad a dicho Estado Parte, el Comité pondrá en conocimiento del Estado Parte, de forma confidencial, toda comunicación que reciba con arreglo al presente Protocolo.

2. En un plazo de seis meses, ese Estado Parte presentará al Comité por escrito explicaciones o declaraciones en las que se aclare la cuestión y se indiquen las medidas correctivas que hubiere adoptado el Estado Parte, de haberlas.

Artículo 7

1. El Comité examinará las comunicaciones que reciba en virtud del presente Protocolo a la luz de toda la información puesta a su disposición por personas o grupos de personas, o en su nombre, y por el Estado Parte interesado, siempre que esa información sea transmitida a las partes interesadas.

2. El Comité examinará en sesiones privadas las comunicaciones que reciba en virtud del presente Protocolo.

3. Tras examinar una comunicación, el Comité hará llegar sus opiniones sobre la comunicación, conjuntamente con sus recomendaciones, si las hubiere, a las partes interesadas.

4. El Estado Parte dará la debida consideración a las opiniones del Comité, así como a sus recomendaciones, si las hubiere, y enviará al Comité, en un plazo de seis meses, una respuesta por escrito, especialmente información sobre toda medida que se hubiera adoptado en función de las opiniones y recomendaciones del Comité.

5. El Comité podrá invitar al Estado Parte a presentar más información sobre cualesquiera medidas que el Estado Parte hubiera adoptado en respuesta a las opiniones o recomendaciones del Comité, si las hubiere, incluso, si el Comité lo considera apropiado, en los informes que presente más adelante el Estado Parte de conformidad con el artículo 18 de la Convención.

Artículo 8

1. Si el Comité recibe información fidedigna que revele violaciones graves o sistemáticas por un Estado Parte de los derechos enunciados en la Convención, el Comité invitará a ese Estado Parte a colaborar en el examen de la información y, a esos efectos, a presentar observaciones sobre dicha información.
2. Tomando en consideración las observaciones que haya presentado el Estado Parte interesado, así como toda información fidedigna que esté a disposición suya, el Comité podrá encargar a uno o más de sus miembros que realice una investigación y presente con carácter urgente un informe al Comité. Cuando se justifique y con el consentimiento del Estado Parte, la investigación podrá incluir una visita a su territorio.
3. Tras examinar las conclusiones de la investigación, el Comité las transmitirá al Estado Parte interesado junto con las observaciones y recomendaciones que estime oportunas.
4. En un plazo de seis meses después de recibir los resultados de la investigación y las observaciones y recomendaciones que le transmita el Comité, el Estado Parte interesado presentará sus propias observaciones al Comité.
5. La investigación será de carácter confidencial y en todas sus etapas se solicitará la colaboración del Estado Parte.

Artículo 9

1. El Comité podrá invitar al Estado Parte interesado a que incluya en el informe que ha de presentar con arreglo al artículo 18 de la Convención pormenores sobre cualesquiera medidas que hubiere adoptado en respuesta a una investigación efectuada con arreglo al artículo 8 del presente Protocolo.
2. Transcurrido el período de seis meses indicado en el párrafo 4 del artículo 8, el Comité podrá, si es necesario, invitar al Estado Parte interesado a que le informe sobre cualquier medida adoptada como resultado de la investigación.

Artículo 10

1. Todo Estado Parte podrá, al momento de la firma o ratificación del presente Protocolo, o de la adhesión a él, declarar que no reconoce la competencia del Comité establecida en los artículos 8 y 9.
2. Todo Estado Parte que haya hecho una declaración con arreglo al párrafo 1 del presente artículo podrá retirar esa declaración en cualquier momento, previa notificación al Secretario General.

Artículo 11

Cada Estado Parte adoptará todas las medidas necesarias para garantizar que las personas que se hallen bajo su jurisdicción no sean objeto de malos tratos ni intimidación como consecuencia de cualquier comunicación con el Comité de conformidad con el presente Protocolo.

Artículo 12

El Comité incluirá en el informe anual que ha de presentar con arreglo al artículo 21 de la Convención, un resumen de sus actividades en virtud del presente Protocolo.

Artículo 13

Cada Estado Parte se compromete a dar a conocer ampliamente la Convención y el presente Protocolo y a darles publicidad, así como a facilitar el acceso a información acerca de las opiniones y recomendaciones del Comité, en particular respecto de las cuestiones que guarden relación con ese Estado Parte.

Artículo 14

El Comité elaborará su propio reglamento, que aplicará en ejercicio de las funciones que le confiere el presente Protocolo.

Artículo 15

1. El presente Protocolo estará abierto a la firma de cualquier Estado que haya firmado la Convención, la haya ratificado o se haya adherido a ella.
2. El presente Protocolo estará sujeto a ratificación por cualquier Estado que haya ratificado la Convención o se haya adherido a ella. Los instrumentos de ratificación se depositarán en poder del Secretario General de las Naciones Unidas.
3. El presente Protocolo quedará abierto a la adhesión de cualquier Estado que haya ratificado la Convención o se haya adherido a ella.
4. La adhesión se efectuará mediante el depósito del instrumento correspondiente en poder del Secretario General de las Naciones Unidas.

Artículo 16

1. El presente Protocolo entrará en vigor transcurridos tres meses a partir de la fecha en que haya sido depositado en poder del Secretario General de las Naciones Unidas el décimo instrumento de ratificación o de adhesión.
2. Para cada Estado que ratifique el presente Protocolo o se adhiera a él después de su entrada en vigor, este Protocolo entrará en vigor una vez transcurridos tres meses a partir de la fecha en que tal Estado haya depositado su propio instrumento de ratificación o de adhesión.

Artículo 17

No se permitirá reserva alguna al presente Protocolo.

Artículo 18

1. Todo Estado Parte podrá proponer enmiendas al presente Protocolo y presentarlas al Secretario General de las Naciones Unidas. El Secretario General comunicará a los Estados Partes las enmiendas propuestas y les pedirá que notifiquen si desean que se convoque una conferencia de los Estados Partes para examinar las propuestas y someterlas a votación. Si un tercio al menos de los Estados Partes se declara en favor de tal conferencia, el Secretario General

la convocará bajo los auspicios de las Naciones Unidas. Toda enmienda aprobada por la mayoría de los Estados Partes presentes y votantes en la conferencia se someterá a la aprobación de la Asamblea General de las Naciones Unidas.

2. Tales enmiendas entrarán en vigor cuando hayan sido aprobadas por la Asamblea General de las Naciones Unidas y aceptadas por una mayoría de dos tercios de los Estados Partes en el presente Protocolo, de conformidad con sus respectivos procedimientos constitucionales.

3. Cuando tales enmiendas entren en vigor, serán obligatorias para los Estados Partes que las hayan aceptado, en tanto que los demás Estados Partes seguirán obligados por las disposiciones del presente Protocolo y por toda enmienda anterior que hubiesen aceptado.

Artículo 19

1. Cualquier Estado Parte podrá denunciar el presente Protocolo en cualquier momento mediante notificación escrita dirigida al Secretario General de las Naciones Unidas. La denuncia surtirá efecto seis meses después de la fecha en que el Secretario General haya recibido la notificación.

2. La denuncia se hará sin perjuicio de que las disposiciones del presente Protocolo sigan aplicándose a cualquier comunicación presentada, con arreglo al artículo 2, o cualquier investigación iniciada, con arreglo al artículo 8, antes de la fecha de efectividad de la denuncia.

Artículo 20

El Secretario General de las Naciones Unidas comunicará a todos los Estados:

- a) Las firmas, ratificaciones y adhesiones relativas al presente Protocolo;
- b) La fecha en que entre en vigor el presente Protocolo y cualquier enmienda en virtud del artículo 18;
- c) Cualquier denuncia recibida en virtud del artículo 19.

Artículo 21

1. El presente Protocolo, cuyos textos en árabe, chino, español, francés, inglés y ruso son igualmente auténticos, será depositado en los archivos de las Naciones Unidas.

2. El Secretario General de las Naciones Unidas enviará copias certificadas del presente Protocolo a todos los Estados mencionados en el artículo 25 de la Convención.