

# **BRIEFING PAPER**

## **March 2020**

### **CEDAW**

**Strengthening And Embedding  
Women's Rights In Wales**

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## INTRODUCTION

The United Nation's Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is a human rights treaty that is often described as an international 'bill of rights for women'.

CEDAW has been ratified by 189 states, the UK ratified CEDAW in 1986.

Within its 30 Articles, it details women's human rights to equality and non-discrimination including in public life and at home. These rights include:

- Parity in Politics & Public Life
- Economic equality
- Cultural rights
- Social rights
- Civil rights

There is currently an implementation gap between the obligations of CEDAW, which the UK Government has ratified, and the lived experience of women and girls. CEDAW has not been incorporated into domestic law. Without incorporation, human rights can be treated by governments as an aspirational standard, rather than a part of the national legal framework. The incorporation of CEDAW would embed women's rights into the work of the governments of the UK today and in the future.

Incorporation is a vital step towards making governments and public authorities more accountable regarding human rights and allowing citizens to take governments to court for a breach of their rights. For this reason, WEN Wales and the UN continue to recommend that CEDAW is incorporated into domestic law and policies.

If CEDAW were incorporated fully into domestic law, women and girls would have their rights to live free from discrimination embedded into law in the UK and could use CEDAW in domestic courts and tribunals in the event of those rights being breached.

### BENEFITS OF INCORPORATION

#### Incorporation

- Raises awareness of CEDAW & women's rights in Wales
- Gives better protection to women, who can use CEDAW in domestic courts to defend their rights
- Embeds women's rights for the long term – making them part of the national legal framework that all governments of the UK, both current & future, would have to abide by

#### Without incorporation

a ratified treaty like CEDAW does not have legal recourse

## WHAT WERE THE CEDAW COMMITTEE'S CONCERNS REGARDING THE UK IN 2019?

In February 2019, the UK Government and representatives from the devolved administrations were examined by the UN CEDAW Committee. The Committee subsequently published their report of recommendations in March 2019.<sup>1</sup> In this, they outlined further actions that should be taken to protect women's rights in the UK and eliminate all forms of discrimination against women and girls.

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<sup>1</sup> Committee on the Elimination of Discrimination against Women: Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland (2019) <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/GBIndex.aspx>

## WHAT DID THE CEDAW COMMITTEE HIGHLIGHT ACROSS THE UK?<sup>2</sup>

- Incorporation of CEDAW into domestic law without delay
- Call to end Northern Ireland's human rights violations including lack of abortion rights
- That 'Brexit' should not be used to reduce women's rights
- Call for cumulative impact assessment of austerity
- Repeal two-child tax credit limit
- Review & amendment of the Public Sector Equality Duty
- Call to ratify the 'Istanbul Convention'

## WHAT DID THE CEDAW COMMITTEE HIGHLIGHT FOR WALES?<sup>3</sup>

- Incorporation of CEDAW principles into Welsh laws & policies
- Use of temporary special measures such as quotas for women in politics, judiciary & decision making & measures to increase representation of Black, Asian & Minority Ethnic (BAME) women & disabled women in politics
- Elimination of gender stereotyping through awareness campaigning & education
- Improved access for rural women & girls to education, employment, healthcare & support services, including increased access to internet & transport
- Measures to ensure vulnerable women do not have to resort to so-called 'sex for rent' & prostitution

## WHAT DO WEN WALES & OUR MEMBERS SAY NEEDS TO BE DONE NOW?

WEN Wales and our members will continue to campaign for Welsh Government and UK Government to act on the UN's recommendations, with our key recommendation being that the principles of CEDAW are incorporated into Welsh legislation and policy.

WEN Wales is also calling for the use of temporary special measures to increase women's representation, and particularly BAME women and disabled women, through the appropriate use of legally binding quotas at all levels of politics in Wales. We also want to see provisions such as an Access to Elected Office Fund available to support disabled candidates and others who face additional barriers to stand for elected office, such as financial restraints, lack of childcare provisions etc.

### WEN WALES' 2019 WALES CEDAW REPORT WAS ENDORSED BY:

- Bawso
- Chwarae Teg
- Disability Wales
- Prof Jackie Jones
- Llamau
- Oxfam Cymru
- Prof Emma Renold, Cardiff University
- Stonewall Cymru
- Wales Assembly of Women
- Welsh Women's Aid

<sup>2</sup> Committee on the Elimination of Discrimination against Women: Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland (2019) <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/GBIndex.aspx> <sup>3</sup> Ibid

## WHERE WE ARE NOW IN WALES?

- Wales does not have powers to directly incorporate CEDAW, as the UK Government is the signatory of the treaty, though some promising steps are being taken in Wales
- Deputy Minister Jane Hutt has spoken about a possible new Human Rights bill for Wales, which she discussed at WEN Wales' Women's Rights Conference 2019, which we very much welcome
- Welsh Government has commissioned research to explore how the principles of international treaties including CEDAW may be incorporated into Welsh policy & fit alongside existing Welsh legislation & duties
- There is already a precedent in Wales for embedding United Nations treaties – the United Nations Convention on the Rights of the Child (UNCRC) has been indirectly incorporated & requires Welsh Ministers to have 'due regard' to children's rights
- WEN Wales supports these initiatives, though research alone must not be mistaken for action
- WEN Wales wants CEDAW to be used to strengthen, protect & advance women's rights, particularly following the UK's exit from the European Union, which safeguarded rights
- **WEN Wales wants to see the principles of CEDAW enshrined in Welsh law & urges Assembly Members & Third Sector organisations to make this a priority**

## WHO IS WEN WALES?

WEN Wales' vision is a Wales free from gender discrimination. We are a representative women's network and human rights charity working for a Wales where women and men have equal authority and opportunity to shape society and their own lives.

We work with a vibrant coalition of organisational and individual members to transform society.

## FURTHER RESOURCES

The Equality and Human Rights Commission (EHRC) has a new tool for tracking UN Treaties, including recommendations for CEDAW <https://humanrightstracker.com/en/un-treaty/cedaw/>

WEN Wales has further information and our CEDAW reports are available on our website: <https://wenwales.org.uk/cedaw/>

*WEN Wales' recent work on CEDAW was funded by the Baring Foundation and the Equality and Human Rights Commission.*

### **Women's Equality Network (WEN) Wales**

[www.wenwales.org.uk](http://www.wenwales.org.uk)

Contact: [admin@wenwales.org.uk](mailto:admin@wenwales.org.uk)

Charity No: 1145706. Company No: 07891533.

### WHAT YOU CAN DO

- Show your support by tweeting that you want to see #CEDAW incorporated
- Raise CEDAW in debates & questions in the Senedd
- Make sure your party puts incorporation of CEDAW into your 2021 Assembly election manifesto
- Join WEN Wales to stay up to date with women's rights & gender equalities issues in Wales [www.wenwales.org.uk/join-us](http://www.wenwales.org.uk/join-us)