

**Three Decades of CEDAW Committee General Recommendations:
A Roadmap for Domestication, Reporting and Stronger Accountability for
Women's Rights***

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Abstract

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the most prominent, although not flawless, women's rights treaty. Yet, the slow, halted or even back-ward steps we have witnessed with regard to gender equality globally demands a rethink of the Convention. This article is centred on the goal of stronger domestication of women's rights norms and the provision of more systematic standards to enhance treaty body reporting. With these goals in mind, this article offers the results of a structured analysis of the CEDAW Committee's 38 General Recommendations issued between 1986 and 2020, in order to establish a roadmap for the enactment of gender-responsive domestic laws and policies grounded in women's rights norms. By reviewing, codifying and collating CEDAW's 38 recommendations, this article sets out the seven core demands or 'criteria' that emerge and serve to guide States Parties towards achieving gender-responsive legal and policy reform. At a key juncture in CEDAW's history, these seven priorities not only provide a viable, scalable and evidence-based roadmap to inform the enactment of gender-responsive domestic laws but they also create a basis for enhanced reporting to and compliance with CEDAW.

Key words: CEDAW, General Recommendations, women's rights, human rights accountability, domestication, gender-responsive legislation, gender equality,

I. Introduction

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹ is one of the world's most ratified human rights treaties.² Known in some

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¹ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW).

² All UN Member States have ratified CEDAW, with the exception of the Holy See, Iran, Palau, Tonga, Somalia, Sudan and the United States.

circles as the ‘women’s treaty’, most advocates in its favour, and even some of its critics, acknowledge its fundamental contribution to the advancement of women’s rights since its enactment in 1979 and its entry into force in 1981.³ Over a 30-year period, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) that oversees its implementation, has delivered 38 recommendations to States Parties, the first in 1986 and the most recent in 2020. The majority of these recommendations address themes relatively typical when one adopts a women’s rights lens: gender-based violence, women and work, gender and migration, the family, reproductive health, the rights of older women, women living in rural and remote communities as well as women’s rights in relation to disaster risk-reduction in the context of climate change. In addition, a significant number of recommendations focus in part or in their entirety on procedural guidance to States.

On the one hand, CEDAW has been acknowledged for its longstanding and widely accepted relevance in influencing change to national legislation, policy and judicial decisions.⁴ While a long-standing treaty, the CEDAW Committee has attempted to remain responsive to 21st Century challenges such as gender-based violence in virtual spaces or the shrinking of political space for protest.⁵ Albeit not uniform, CEDAW and its established jurisprudence have delivered a measurable impact on progressing women’s rights norms nationally, particularly politically and economically.⁶

³ R. Vijayarasa, ‘Quantifying CEDAW: Concrete Tools for Enhancing Accountability for Women’s Human Rights’ (2021) 34 Harv. Hum. Rts. J. 37.

⁴ M.C. Nussbaum, ‘Women’s Progress and Women’s Human Rights’ (2016) 38 Hum. Rts. Q. 589; S. Atrey, ‘Women’s Human Rights: From Progress to Transformation, An Intersectional Response to Martha Nussbaum’ (2017) 40 Hum. Rts. Q. 859; F. Banda, ‘The Limits of Law: A Response to Martha C. Nussbaum’ in B. Fassbender and K. Traisbach (eds), *The Limits of Human Rights* (Oxford University Press 2019), at 267–268.

⁵ R. Vijayarasa, ‘CEDAW’s General Recommendation No 35: A Quarter of a Century of Evolutionary Approaches to Violence against Women’ (2019) 19 J. Hum. Rts. 153.

⁶ N.A. Englehart and M.K. Miller, ‘The CEDAW Effect: International Law’s Impact on Women’s Rights’ (2014) 13 J. Hum. Rts. 22.

At the same time, CEDAW, like the international human rights system more broadly, has been the subject of much criticism. As feminist legal scholars have powerfully noted, the male-centric nature of international law⁷ and the international human rights mechanisms designed to enforce it⁸ risk excluding women's perspectives or at worst, sustaining women's oppression. While among the most ratified of all nine human rights treaties, the particularly high number of reservations to CEDAW, predominantly in relation to the definition of non-discrimination and with respect to rights within the family, and in specific regions of the world,⁹ has significantly undermined its almost universal ratification. The Convention's claims to monolithically represent the rights of all women, as discussed further below, is one of its greatest and yet inherent flaws.

The Convention is now over 40 years old, an opportune moment to reflect on its significance. Global indices tell us we are over a century away from gender parity.¹⁰ The risk of 'cosmetic compliance' with human rights norms is ever-present¹¹ while the COVID-19 pandemic revealed to many the 'vast repressive power of the state' under which human rights compliance is at greater risk.¹² When it comes to women's rights norms, scholars in the field continue to seek ways to 'widen and thicken' the interpretation of global standards. That is, when it comes to affirming equality and eliminating

⁷ H. Charlesworth and C. Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Juris 2000).

⁸ H. Charlesworth, 'Human Rights as Men's Rights' in J.S. Peters and A. Wolper (eds), *Women's Rights, Human Rights: International Feminist Perspectives* (Routledge 2018), at 103–113.

⁹ See for example J. Riddle, 'Making CEDAW Universal: A Critique of CEDAW's Reservation Regime under Article 28 and the Effectiveness of the Reporting Process' (2002) 34 Geo. Wash. Int'l L. Rev. 605; M. Brandt and J.A. Kaplan, 'The Tension Between Women's Rights and Religious Rights: Reservations to CEDAW by Egypt, Bangladesh and Tunisia' (1995) 12 J.L. & Relig. 105; M. Bydoon, 'Reservations on the "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)" Based on Islam and Its Practical Application in Jordan: Legal Perspectives' (2011) 25 Arab L.Q. 51; A. Furkan, 'The Problem of State Reservations to Human Rights Treaties: Case Study of Saudi Arabia and Convention on the Elimination of Discrimination Against Women (CEDAW)' (2020) 7 J. Crit. Rev. 1829.

¹⁰ World Economic Forum, *The Global Gender Gap Report 2020* (World Economic Forum 2020), at 4.

¹¹ I. Landau, 'Human Rights Due Diligence and the Risk of Cosmetic Compliance' (2019) 20 Melb. J. Int'l L. 221.

¹² E. Seyhan, 'Pandemic Powers: Why Human Rights Organizations Should Not Lose Focus on Civil and Political Rights' (2020) 12 J. Hum. Rts. Prac. 268.

discrimination on the basis of sex and gender, individual treaties alone, such as CEDAW or the Convention on the Rights of the Child,¹³ or the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,¹⁴ in the eyes of some prove inadequate to manage today's threats to fundamental human rights.

Bearing in mind these realities, this article seeks to offer new perspectives that can enable a more rigorous domestication of CEDAW's core principles and a more robust and consistent set of guidelines for human rights reporting. Indeed, the need to reform the periodic reporting process has long been identified as a core concern, and while guidelines alone are not a guarantee, the existing ones are acknowledged to be 'vague' and fail to offer meaningful guidance.¹⁵ The arguments set out in this paper seek to offer ways to make such guidance meaningful, with a particular eye on legislative reform, with two goals in mind: (a) to provide domestic advocates a stronger link between CEDAW's recommendations and domestication, that is, the translation of provisions, standards and practices from CEDAW into national law and policy; and (b) to offer the CEDAW Committee, advocates and State Parties a set of guidelines or in this case 'criteria', derived from a systematic study of CEDAW, in order to facilitate more regular, systematic and concrete reporting to the CEDAW Committee by States Parties, particularly with respect to law and policy reform.

In turn, this article offers a set of seven criteria, derived from the 38 General Recommendations, that provide the blueprint for the drafting of CEDAW-compliant

¹³ V.B. Strand, 'Interpreting the ECHR in Its Normative Environment: Interaction between the ECHR, the UN Convention on the Elimination of All Forms of Discrimination against Women and the UN Convention on the Rights of the Child' (2020) 24 Int'l J. Hum. Rts. 979, at 980–981.

¹⁴ A. Hellum and H.S. Aasen (eds), *Women's Human Rights: CEDAW in International, Regional and National Law* (Cambridge University Press 2013), at 1.

¹⁵ M. Campbell, *Women, Poverty, Equality: The Role of CEDAW* (Bloomsbury 2018), at 204.

gender-responsive domestic legislation. While I conclude this article on a positive note about the potential of these seven categories to enhance accountability for women's rights at the domestic level, particularly as standards upon which to base the drafting of national-law, if law and legal systems are to advance women's rights and play their part in countering gender inequality, I also acknowledge the limitations to both the seven questions but also what the law alone can do to shift the social and cultural political context in which women must live their lives.¹⁶

In Part II of this article, I set out the methodology for this analysis, explaining the approach applied to deconstructing the 38 recommendations, including how key themes were identified and/or emerged. In Part III, the most substantive part of this analysis, I set out seven key recommendations for legal and policy reform that can be identified from the CEDAW Committee's three decades of recommendations. This analysis is accompanied by a brief overview on some of the thematic priorities identified by the CEDAW Committee.

The findings from this research go beyond the exercise of summarising the work of the CEDAW Committee over several decades into a short series of guiding questions – even if these questions already prove pertinent for enhancing our understanding of barriers to domestication of women's rights norms. Rather, in the final section of this article, Part IV, I take a step back from this deliberately micro-analysis and consider the overarching contribution this study can make to women's rights accountability. Given the extent of the criticisms directed toward the functionality and impact of the UN Treaty Body System as a whole and CEDAW in particular for at least the last two decades,¹⁷ I

¹⁶ R. Vijayarasa, 'Does Law Matter? Identifying What Makes Gender-Responsive Legislation Effective for Advancing Gender Equality' (2022) Forthcoming.

¹⁷ See for example M. O'Flaherty, 'The Concluding Observations of United Nations Human Rights Treaty Bodies' (2006) 6 Hum. Rts. L. Rev. 27; M. O'Flaherty, 'The Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System' (2010) 28 NL. Q. Hum. Rts. 116; J.

illustrate how the findings set out in this article can help contribute to a stronger, more comprehensive and efficient approach to women's rights accountability.

II. **Methodology: A Deliberative Analysis of Three Decades of Recommendations**

1. The Value of General Recommendation as a Human Rights Tool

International human rights treaty bodies produce guidance to States Parties in multiple forms. For the CEDAW Committee, this consists of (a) 38 General Recommendations (issued from 1986 to 2020); (b) Concluding Observations, which involve the identification of positive aspects and priority concerns and recommendations directed at States Parties; (c) Individual Communications which concern the adjudication of the alleged violations of the rights of individuals, which in turn have helped sharpen the content of legal duties that govern states globally; and (d) the Inquiry Procedure, where domestic law has failed to provide protection and a CEDAW Committee visit subsequently takes place, upon the authorisation of the State concerned. The latter two are both pursuant to the Optional Protocol.¹⁸

I have chosen the instrument of the General Recommendation as the focus of this article for a number of reasons. Art. 21 CEDAW provides for the Committee 'to make suggestions and general recommendations based on the examination of reports and information received from the States Parties'.¹⁹ Such 'suggestions' are not binding, but

Crawford, 'The UN Human Right System: A System in Crisis?' in P. Alston and J. Crawford (eds), *The Future of UN Human Rights Treaty Monitoring* (Cambridge University Press 2000), at 1–12; M. Bustelo, 'The CEDAW Committee at the Crossroads' in Alston and Crawford (eds), *The Future of UN Human Rights Treaty Monitoring*, at 79–112.

¹⁸ A. Hellum, 'CEDAW and Global Standards for Women's Rights: The Convention's Actual and Potential Influence as an Accountability Mechanism for Gender-Sensitive Legislation' in R. Vijayarasa (ed), *International Women's Rights Law and Gender Equality: Making the Law Work for Women* (Routledge 2021), at 171–174.

¹⁹ Art. 21 CEDAW.

rather are instruments of soft law. Nonetheless, General Recommendations allow Committee members to produce progressive jurisprudence on the Convention, remaining relevant as years pass following the treaty's entry into force and with the emergence of new issues and theoretical and practical insights.²⁰

General Recommendations are also a key interpretative tool that aids States Parties to understand their responsibilities. General Recommendations seek to resolve areas of ambiguity, provide guidance on issues that have presented multiple countries with implementation difficulties, direct all States Parties on how to report on issues not fully specified in the Convention and guide governments on general issues of compliance and interpretation.²¹ Moreover, according to the CEDAW Committee's drafting process, General Recommendations allow for detailed deliberation on issues, including by other stakeholders, such as UN agencies, non-governmental organisations and other civil society bodies.²² They are a central facet of the global human rights framework.

Nonetheless, it is important to acknowledge the limitations of general recommendations to be both progressive and a tool for accountability. As a form of soft law, the ability of the CEDAW committee to maintain legitimacy vis-à-vis States Parties depends on careful drafting of its general recommendations. The CEDAW Committee must balance its more narrow interpretative role with the potential that the Committee possesses to offer States Parties a more progressive construction of particular women's rights issue, in a way that enables progress for women.²³ This is a challenge faced by other

²⁰ L. Baldez, *Defying Convention: US Resistance to the UN Treaty on Women's Rights* (Cambridge University 2014), at 112.

²¹ Ibid.

²² Division for the Advancement of Women, 'CEDAW Committee to Start Work on General Recommendation No 26' (2009) *UN Women* <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recommendations-26.htm>> (accessed 6 April 2022).

²³ For more on this point, see Vijayarasa, 'CEDAW's General Recommendation No 35: A Quarter of a Century of Evolutionary Approaches to Violence against Women'.

treaty bodies, such as the Human Rights Committee who needed to ‘tone down’ the drafting of General Comment No. 33 on the obligations of States Parties under its Optional Protocol in order to preserve legitimacy among States Parties.²⁴

It is important to acknowledge this balancing act that the CEDAW Committee is compelled to engage in, seeking to develop progressive jurisprudence on the one hand while fulfilling its arguably more fundamental responsibility of ensuring that States Parties comply with the principles of the Convention. Without such compliance at the national level, indeed, recommendations have limited, if any, value. Nonetheless, several instances where recommendations have fallen short – of both emerging theoretical approaches and civil society activism – are highlighted throughout the article.

2. Applying Grounded Theory to CEDAW’s General Recommendations

To undertake this analysis, the approach of grounded theory was applied. In short, grounded theory is the discovery of a theory from data.²⁵ By observing data, grounded theory allows for the identification of relationships between different categories from which a theory can emerge.²⁶ While typically used for analysing interview data emerging after qualitative field research, it has been applied here as an original way of analysing, breaking-down and critiquing CEDAW’s recommendations. Its application serves a very specific goal: to identify within the diversity of General Recommendations the most fundamental obligations that the CEDAW Committee has put to States Parties with respect to the writing, enactment and implementation of domestic legislation and policy from a women’s rights lens over the past three decades.

²⁴ L. Grover, *UN Human Rights Treaty Bodies: Law and Legitimacy* (Cambridge University Press 2012), at 173.

²⁵ B.G. Glaser and A.L. Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Weidenfeld and Nicolson 1968).

²⁶ C. Urquhart, *Grounded Theory for Qualitative Research: A Practical Guide* (SAGE 2013), at 8.

Beginning from the earliest recommendation, what is understood in coding as higher-level concepts²⁷ were identified (e.g. access). These were then broken down and grouped into lower-level categories e.g. services. As the process continued, by extracting additional concepts from the recommendations that fell within the lower-level categories, I went from more open to closed coding,²⁸ allocating particular recommendations to particular low-level categories. While NVivo Software was used to assist the process, the method went beyond merely attaching labels to particular recommendations, concepts and categories and instead to a more reflective approach. My goal was to concretely extract recommendations or criteria – as set out by the CEDAW Committee – for policy and legal reform.

First, only ‘recommendations’ i.e. directions from the CEDAW Committee to States or other UN entities, have been coded. Contextual information such as observations (e.g. ‘Having observed’ or ‘Considering’ or ‘Recalling’) have not been coded. In the early years (1986 to 1989), many recommendations were brief (less than ½ page). General Recommendation No. 1, in fact, contains only one recommendation, without any contextual information. This contextual information was introduced in General Recommendation No. 2 one year later:

Bearing in mind that the Committee has been faced with difficulties in its work because some initial reports to States Parties under article 18 of the Convention did not reflect adequately the information available in the State Party concerned in accordance with the guidelines.

²⁷ J. Corbin and A. Strauss, ‘Analyzing Data for Concepts’ in *Basics of Qualitative Research* (3rd edn SAGE 2008), at 159–194.

²⁸ *Ibid.*

All such contextual information was removed from the general recommendations before they were coded in order to ensure only *direct* recommendations were coded. As a result, the criteria identified for the enactment of gender-responsive domestic legislation was based only on what the Committee was concretely advising States to do in that particular recommendation i.e. how its legislative and policy response should be prioritised when it comes to the particular women's rights issue under discussion, and not its reference to contextual shortcomings and issues, or past recommendations, or recommendations made by other UN entities which often form the content of the contextual information. By General Recommendation No. 31 in 2014, the Committee distinguished this contextual information from recommendations by making the text of all direct recommendations **bold**. This facilitated my method but also highlighted the appropriateness of this approach. At this stage, the General Recommendations began to span more than twenty pages.

Two sets of codes emerged from this coding process. The first could be classified as *thematic*. New thematic codes were created as new topics emerged. For instance, General Recommendation No. 15 on the prevention, control of HIV and AIDS recommended, '[t]hat States parties ensure the active participation of women in primary health care and take measures to enhance their role as care providers, health workers and educators in the prevention of infection with HIV'.²⁹ In this case, a thematic code on women living with HIV/AIDS was created. These thematic codes are discussed in Section III(1). A second set of codes focused on concepts for legal and policy reform, i.e. actions to be taken, and are discussed in Section III(2). For instance, this same recommendation on

²⁹ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 9th session, 1990, General Recommendation No. 15: Avoidance of Discrimination against Women in National Strategies for the Prevention and Control of Acquired Immounodeficiency Syndrome (AIDS)' UN Doc. A/45/38, at 82 para. (c).

women living with HIV was coded to, 'Promote equality between men and women' with a new sub-code created on, 'Promote women's active participation in society'. This second set of categories – that are effectively guidance to States Parties that can inform domestic law and policy reform – is the most significant result of this research and forms the bulk of the discussion in the following section of this Article.

A third and final category related to procedural issues. These recommendations relate largely to compliance with the treaty and support for the CEDAW Committee's work. An example explains the difference between the second category which is focused on legislative guidance and this third category on procedural issues. Where a recommendation focused on the collection of statistical data, it was coded to the 'Comprehensive monitoring of the situation of women'. Data collection was one of the seven guiding principles emerging from this research. Where a recommendation of the CEDAW Committee focused on *reporting on* the situation of women, this was coded separately as a procedural matter. While noted here, these procedural matters are beyond the scope of this article. For example, under General Recommendation No. 16 on unpaid women workers in rural and urban family enterprises, States were advised to '[i]nclude in their reports to the Committee information on the legal and social situation of unpaid women working in family enterprises'.³⁰ Such a recommendation would be coded under 'Reporting Obligations of States Parties – Situation of Women', and not data collection as it speaks to how States should engage with the CEDAW Committee and not what States should do with regard to the drafting of law or policy relevant to their domestic context. While fundamental to the nature of CEDAW's engagement with reporting States, this

³⁰ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 10th session, 1991, General Recommendation No. 16: Unpaid Women Workers in Rural and Urban Family Enterprises' UN Doc. A/46/38, at 1 para. (a).

discuss focuses on substantive directions that can better facilitate the enactment of gender-responsive legislative outcomes.

3. Contextualising this Analysis within the Vast Body of Work on CEDAW and the CEDAW Committee

Before continuing, it is important to offer some additional context to this study. The task of identifying CEDAW-based guidelines or criteria sits within a wider endeavour aimed at ‘making law work better for women’. That is a project designed to identified law’s failure to meets its vast potential in advancing gender equality.³¹ At the same time, it is important to identify the limits of the law in fundamentally transforming societies into more equal ones. Indeed, scholars of gender inequality and the law have long pointed out the limitations of legislative reform in advancing equality. After many decades of reform, why has the promise of law reform yielded so little change?³² Law centres men as the norm³³ and by either seeking equality in law – expecting women to rise up to the level of men as a result of law reform – or by seeking legislation that acknowledges women as ‘different’ – that is, law that identifies, for instance, biological differences between men and women but nonetheless continues to position men as the standard against which all is measured – we have achieved little in shifting this male-centric nature of law and legal systems.

The question to ask is, ‘What role can CEDAW play in delivering a more transformative set of gender-responsive laws at the domestic level?’ This is the main driver behind this article. In the following section, I set out my findings with respect to each of these the two most significant categories of recommendations – thematic and

³¹ R. Vijayarasa, ‘In Pursuit of Gender-Responsive Legislation: Transforming Women’s Lives through the Law’ in R. Vijayarasa (ed), *International Women’s Rights Law and Gender Equality: Making the Law Work for Women* (Routledge 2021), at 3–15.

³² S. Fredman, *Women and the Law* (Clarendon 1997), at 2–3.

³³ C. Smart, *Feminism and the Power of Law* (Routledge 1989), at 82.

substantive guidance for law reform. I then discuss at length the seven criteria that has emerged from this study to enhance accountability for domestication of women's rights.

III. Findings: CEDAW's Guidance to States Parties for Over Thirty-Five Years

As outlined in the method above, three categories of codes emerged from this process. The first is straightforward – the subject matter focus of the recommendations. Easily extrapolated from the titles of individual General Recommendations, this coding process nonetheless allowed for sub-themes and issues to emerge and proved a useful means of reflecting on the priorities of the CEDAW Committee. The second category captures the substance of General Recommendations into a roadmap of guiding principles. The final category focused on a small set of procedural barriers and concerns that have in some way undermined the progress of the Committee. While this third category – procedural barriers – are fundamental to appreciating CEDAW's general shortcomings, their discussion adds limited value to the bigger goal of this paper which is to enhance Convention's domestication and therefore have not been discussed in this section at any length.

1. CEDAW's Thematic Priorities Over a Thirty-Year Period: Successes and shortcomings

Since 1986, the CEDAW Committee has issued 38 recommendations. As clearly evident from their titles, the recommendations in the early years addressed reporting obligations,³⁴ procedural barriers to implementation such as reservations to the

³⁴ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 5th session, 1986, General Recommendation No. 1: Reporting by States Parties' UN Doc. A/41/45, at 46 para. 362.

Convention³⁵ and broader structural requirements to deliver progress on gender equality, such as temporary special measures³⁶ and the collection of statistical data on the situation of women.³⁷

In time, the recommendations became more thematic in nature. For instance, in 1989, the Committee introduced its first recommendation on gender-based violence, a recommendation of note for multiple reasons. Gender-based violence does not actually appear in the Convention.³⁸ Yet, the importance of the topic is reflected in the fact that gender-based violence has been the subject of three out of the 38 recommendations.³⁹ One could argue that four recommendations in fact address gender-based violence, given one of the most recent recommendations (No. 38) focuses on trafficking in women and girls in the context of global migration.⁴⁰

Recommendations that followed focused on equal pay for equal work⁴¹ and unpaid women workers in family enterprises;⁴² measurement and quantification of the unremunerated domestic activities of women and their recognition in the Gross National

³⁵ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 6th session, 1987, General Recommendation No. 3: Education and Public Information Campaigns' UN Doc. A/42/38, at 78.

³⁶ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 7th session, 1988, General Recommendation No. 5: Temporary Special Measures' UN Doc. A/43/38, at 110.

³⁷ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 8th session, 1989, General Recommendation No. 9: Statistical Data Concerning the Situation of Women' UN Doc. A/44/38, at 73.

³⁸ Vijeyarasa, 'CEDAW's General Recommendation No 35: A Quarter of a Century of Evolutionary Approaches to Violence against Women', at 153.

³⁹ Ibid.

⁴⁰ CEDAW Committee, 'General Recommendation No. 38 (2020) on Trafficking in Women and Girls in the Context of Global Migration' (20 November 2020) UN Doc. CEDAW/C/GC/38.

⁴¹ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 8th session, 1989, General Recommendation No. 13: Equal Remuneration for Work of Equal Value' UN Doc. A/44/38, at 76.

⁴² UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 10th session, 1991, General Recommendation No. 16: Unpaid Women Workers in Rural and Urban Family Enterprises'.

Product (GNP);⁴³ the rights of disabled women;⁴⁴ women's health;⁴⁵ older women;⁴⁶ migrant women;⁴⁷ political participation and trade unions;⁴⁸ women in conflict situations;⁴⁹ and women's rights in the context of climate change.⁵⁰ Within these recommendations, sporadic references have been made to the rights of women regarding their unpaid care work;⁵¹ polygamy and its relationship with inheritance;⁵² housing;⁵³ and bride price.⁵⁴

This exercise revealed important findings concerning the thematic issues raised by the Committee. For instance, despite its prominence in debates among civil society, the issue of engaging men and boys only appeared explicitly for the first time in General Recommendation No. 31 on Harmful Traditional Practices in 2014.⁵⁵ General Recommendation No. 31 was also the only time that the CEDAW Committee has joined

⁴³ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 10th session, 1991, General Recommendation No. 17: Measurement and Quantification of the Unremunerated Domestic Activities of Women and Their Recognition in the Gross National Product' UN Doc. A/46/38, at 2.

⁴⁴ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 10th session, 1991, General Recommendation No. 18: Disabled Women' UN Doc. A/46/38, at 3.

⁴⁵ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 20th session, 1999, General Recommendation No. 24: Article 12 of the Convention (Women and Health)' UN Doc. A/54/38/Rev.1, at 5.

⁴⁶ CEDAW Committee, 'General Recommendation No. 27 on Older Women and Protection of Their Human Rights' (16 December 2010) UN Doc. CEDAW/C/GC/27.

⁴⁷ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 42nd session, 2008, Annex 1: General Recommendation No. 26 on Women Migrant Workers' (5 December 2008) UN Doc. A/64/38, at 15–27.

⁴⁸ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 16th session, 1997, General Recommendation No. 23: Women in Public Life' UN Doc. A/52/38/Rev.1, at 61–70.

⁴⁹ CEDAW Committee, 'General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations' (1 November 2013) UN Doc. CEDAW/C/GC/30.

⁵⁰ CEDAW Committee, 'General Recommendation No. 37 on The Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change' (1 November 2013) UN Doc. CEDAW/C/GC/37.

⁵¹ CEDAW Committee, 'General Recommendation No. 33 on Women's Access to Justice' (3 August 2015) UN Doc. CEDAW/C/GC/33, at 7 para. 17(c).

⁵² CEDAW Committee, 'General Recommendation No. 27 on Older Women and Protection of Their Human Rights', at 5 para. 25.

⁵³ Ibid.

⁵⁴ CEDAW Committee, 'General Recommendation No. 29 on Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic Consequences of Marriage, Family Relations and their Dissolution)' (30 October 2013) UN Doc. CEDAW/C/GC/29, at 6 para. 33.

⁵⁵ CEDAW Committee and Committee on the Rights of the Child, 'Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practices' (14 November 2014) UN Doc. CEDAW/C/GC/31/CRC/C/GC/18, at 16 para. 61(f).

with another human rights treaty body to address an issue, in this case, with the Committee on the Rights of the Child in a set of recommendations on harmful traditional practices, including against girls.

Several positive remarks as well as criticisms can be made. For instance, through this process, the CEDAW Committee has managed to touch on issues for which a gender perspective is required but often ignored. This includes corruption,⁵⁶ extraterritorial jurisdiction,⁵⁷ financial services,⁵⁸ the internet,⁵⁹ and the rights of (women) prisoners.⁶⁰

At the same time, the CEDAW Committee has been the subject of criticism for its limited ability to address intersectionality, a concept introduced into human rights discourse as early as the 1980s.⁶¹ Importantly it speaks to the limitations of 'gender' as an overarching category⁶² and how multiple social identities, such as gender, race, disability and sexual orientation, intersect at the micro level in individual experiences and reflect systems of privilege and oppression at the macro level (like racism, sexism or classism).⁶³ While the CEDAW Committee has done significantly better on the rights of older women⁶⁴ and the rights of women living in rural areas,⁶⁵ only sporadic references have been made

⁵⁶ CEDAW Committee, 'General Recommendation No. 33 on Women's Access to Justice', at 6 para. 15(e).

⁵⁷ CEDAW Committee, 'General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations', at 4 para. 12(c).

⁵⁸ CEDAW Committee, 'General Recommendation No. 27 on Older Women and Protection of their Human Rights', at 4 para. 19; CEDAW Committee, UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 30th session, 2004, Annex 1: General Recommendation No. 25 on Article 4, Paragraph 1 of the Convention (Temporary Special Measures)' UN Doc. A/59/38(PartI), at 82 para. 14.

⁵⁹ CEDAW Committee, 'General Recommendation No. 33 on Women's Access to Justice', at 6 para. 15(d).

⁶⁰ Ibid, at para 51(n).

⁶¹ K. Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 140 U. Chi. Legal F. 139; B. Hooks, *Ain't I a Woman: Black Women and Feminism* (South End 1981).

⁶² L. McCall, 'The Complexity of Intersectionality' (2005) 30 Signs 1771, at 1771.

⁶³ L. Bowleg, 'The Problem with the Phrase Women and Minorities: Intersectionality: An Important Theoretical Framework for Public Health' (2012) 102 Am. J. Pub. Health 1267.

⁶⁴ CEDAW Committee, 'General Recommendation No. 27 on Older Women and Protection of their Human Rights'.

⁶⁵ CEDAW Committee, 'General Recommendation No. 34 on the Rights of Rural Women' (7 March 2016) UN Doc. CEDAW/C/GC/34.

to discrimination on the basis of sexual orientation and gender identity.⁶⁶ This has led, for instance, scholar Martha Nussbaum to criticise the Committee's cursory treatment of transgender and lesbian women.⁶⁷

Yet it is here that the particular utility of General Recommendations must be acknowledged. Such recommendations allow the Committee to address otherwise poorly understood human rights issues that may not have been explicitly articulated in the original Convention. Intersectionality, for instance, has been better addressed by the CEDAW Committee in General Recommendation No. 37 than by the Convention itself. This particular General Recommendation, focused on disaster-risk reduction, makes explicit reference to the need for gender-responsive and rights-based interventions that acknowledge the distinct needs of the most marginalised groups of women and girls, such as those from indigenous, racial, ethnic and sexual minority groups, women and girls with disabilities, adolescents, older women, unmarried women, women heads of households, widows, women and girls living in poverty in both rural and urban settings, women in prostitution and internally displaced, stateless, refugee, asylum-seeking and migrant women.⁶⁸

It took several decades for the Committee to take such an all-encompassing approach to how particular groups of women are affected; accompanying criticism is therefore, at least in part, warranted. Nonetheless, the end result is a comprehensive list. By its very nature – a Convention focused on discrimination and inequality suffered *by*

⁶⁶ CEDAW Committee, 'General Recommendation No. 29 on Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic Consequences of Marriage, Family Relations and their Dissolution)', at 5 para. 24; CEDAW Committee, 'General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations', at 15 para. 57(b); CEDAW Committee, 'General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women' (14 November 2014) UN Doc. CEDAW/C/GC/32, at 2–3 para. 6.

⁶⁷ Nussbaum, 'Women's Progress and Women's Human Rights', at 608.

⁶⁸ CEDAW Committee, 'General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change' (7 February 2018) UN Doc. CEDAW/C/GC/37, at 7 para. 26(a).

women – CEDAW feeds into an outdated binary that divides the world into ‘men and women’, leaving many forms of gender-based discrimination beyond its scope. Many scholars, over an extensive period of time, have urged the CEDAW Committee to think beyond the binary.⁶⁹

The broader human rights framework, too, must take its share of blame for the manner in which claimants are frequently forced to identify with only one form of discrimination, i.e. sex-based and not with multiple and intersecting ones.⁷⁰ By homogenising groups and obscuring the ways that gender, race, ethnicity, class, sexuality, age, nation, ability and so on can work independently or together to marginalise those differences and create inequalities within and across groups, the human rights system often fails to meet reality.⁷¹ Instead, rights-holders are ‘atomized’ into parts rather than seen as a whole.⁷²

The instances where CEDAW’s General Recommendations have acted to challenge heteronormative patterns and identify women’s multiple and intersecting identities have played their part – albeit minor – in correcting this. As such, this list of marginalised groups of women and girls not only addresses a very broad number of affected individuals but pertinently reminds States Parties of the importance of disaggregated data collection beyond just the question of sex disaggregation. Evidently, the seven recommendations set out in the following section too need to be considered in light of the different needs of

⁶⁹ Jessica Tueller, in her Note on the CEDAW Committee’s 2019 decision in *M.W. v Denmark*, in which the Committee accepted the standing of both a victim of domestic violence (M.W.) and her son, that is, a non-female applicant, outlines in notable detail the number of individuals and institutions who have argued for the Committee to better address the rights of intersex and transgender women, and to begin to acknowledge non-binary and transgender men as having status under CEDAW. See J. Tueller, ‘Not Hers Alone: Victim Standing Before the CEDAW Committee After *M.W. v. Denmark*’ (2021) 131 Yale L.J. 256.

⁷⁰ M. Frisso, ‘Third World Approaches to International Law: Feminists’ Engagement with International Law and Decolonial Theory’ in S.H. Rimmer and K. Ogg (eds), *Research Handbook on Feminist Engagement with International Law* (Edward Elgar 2019), at 489.

⁷¹ L. Parisi, ‘Feminist Praxis and Women’s Human Rights’ (2002) 1 J. Hum. Rts. 574.

⁷² B.E. Hernandez-Truyol, ‘The Gender Bend: Culture, Sex, and Sexuality: A LatCritical Human Rights Map of Latina/o Border Crossings’ (2008) 83 Ind. L.J. 1318.

different groups of women. Law is often drafted and enacted for all and yet legislative drafters need to be cognisant of how different groups of women will differently experience the law and law reform.

2. Seven Recommendations for Legal and Policy Reform

The most significant aspect of this research has been the ability to identify, through the 38 General Recommendations, a set of core demands that the CEDAW Committee has made of States Parties over a 30-year period. Below I set out those demands, categorised in the form of seven questions. Collectively these recommendations speak to the different requirements to respect, protect, promote and fulfil human rights obligations. With a few exceptions, the goal here is not to critique the Committee for the substance of its recommendations or gaps therein but rather to provide readers with a comprehensive understanding of the most dominant demands made by the Committee and how these can be used to provide an encompassing set of principles to guide the enactment of gender-responsive laws domestically, particularly where there is political will. The seven recommendations can be summarised in Table 1:

Table 1: Seven Guiding Principles on CEDAW's Roadmap for Domestication of Women's Rights Norms in National Legislation

1. Does the law guarantee access to non-discriminatory and accessible, affordable, acceptable services? 2. Does the law guarantee access to information and education or require the provision of information and education on the issue? 3. Does the law guarantee non-coerced and informed decision-making and where relevant, protect women's confidentiality? 4. Does the law promote equal relations between men and women? 5. Does the law protect women from situations of vulnerability linked to their gender? 6. Does the law guarantee accessible and effective remedies (i.e. access to justice)? 7. Does the law promote the comprehensive monitoring of the situation of women? This includes promoting gender-disaggregated data collection on the nature of the problem.
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a. Access to Non-Discriminatory, and Accessible, Affordable, Acceptable Services

From as early as the first General Recommendation addressing violence against women in 1989 to the most recent recommendations on women's experiences of 'disaster risk-reduction in the context of climate change' and 'trafficking of women and girls in the context of migration', the CEDAW Committee has called upon States to enact laws and policies that guarantee women's access to services. This demand for gender-responsive services was central to the third General Recommendation on gender-based violence,⁷³ while a focus on services is evident in much earlier recommendations on women and health. General Recommendation No. 24 (1999) addressing Art. 12 CEDAW recommended that:

States parties should implement a comprehensive national strategy to promote women's health throughout their lifespan. This will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.⁷⁴

Yet over the years, the Committee has called for ways to make the fulfilment of a much broader range of rights possible through the provision of services to women. Among others, we can find calls for access to legal services, support services for older women tasked with caring for grandchildren and other young family members as well as elderly parents and relatives and services in the context of the right to housing. In relation to disaster risk reduction and climate change, the Committee has called for 'high-quality

⁷³ CEDAW Committee, 'General Recommendation No. 35 on Gender-Based Violence against Women: Updating General Recommendation No. 19' (26 July 2017) UN Doc. CEDAW/C/GC/35; UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 8th session, 1989, General Recommendation No. 12: Violence against Women' UN Doc. A/44/38, at 75.

⁷⁴ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 20th session, 1999, General Recommendation No. 24: Article 12 of the Convention (Women and Health)', at 7 para. 29.

infrastructure and critical services [that] are available, accessible and culturally acceptable for all women'.⁷⁵

b. Access to Information

The Committee requires States to provide free or affordable, accessible rights-based services *in combination with* information about those rights and services. For instance, in 2008 with respect to women migrant workers, the CEDAW Committee recommended for States to provide pre-departure information and training programmes that raise prospective women migrant workers' awareness of potential exploitation.⁷⁶ In 2014, with respect to the gender-related dimensions of refugee status, asylum, nationality and statelessness, the CEDAW Committee recommended that States provide asylum seekers 'with information about the status of the determination process and how to gain access to it, in addition to legal advice, in a manner and language that they understand'.⁷⁷ The Committee further stated the need to ensure asylum seekers are informed of the right to and, upon request, be provided with, a female interviewer and interpreter.⁷⁸

c. Voluntary, Non-Coerced and Informed Decision-Making

A collection of recommendations specifically addresses the need for voluntary decision-making by women, with guarantees of freedom from coercion and protections for informed decision-making. Where relevant, a woman's confidentiality must be protected. For instance, the Committee has called for laws that require all health services to be consistent with the human rights of women, including the rights to autonomy, privacy,

⁷⁵ CEDAW Committee, 'General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change', at 9 para. 31(b).

⁷⁶ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 42nd session, 2008, Annex 1: General Recommendation No. 26 on Women Migrant Workers', at 22 para. 24(b)(i).

⁷⁷ CEDAW Committee, 'General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women', at 15 para. 50(b).

⁷⁸ Ibid.

confidentiality, informed consent and choice.⁷⁹ In the context of women migrant workers, the Committee has demanded that attention should be paid to voluntariness and to the problems of stigmatisation.⁸⁰

There is a strong consciousness of these rights in the 2014 recommendation related to women refugees, asylum seekers and stateless women. This General Recommendation No. 32 calls for states to provide a supportive interview environment so that the claimant can provide her account, including disclosure of sensitive and personal information, especially for survivors of trauma, torture and/or ill-treatment and sexual violence, and that childcare is made available during the interviews so that the claimant does not have to present her claim in front of her children.⁸¹ In the context of access to justice, the Committee provides detailed recommendations that contextualise the issue within the reality of modern-day technology: States parties should guarantee the possibility of taking measures to protect the privacy and image of victims through the prohibition of image capturing and broadcasting in cases where doing so may violate the dignity, emotional condition and security of girls and women.⁸²

d. Equal Relations between Men and Women

Unsurprisingly, a notable body of recommendations call for laws and policies that actively promote equality between men and women. Different tools are called upon by the Committee to achieve this goal. A large number of recommendations focus on education and public information campaigns to promote equality and seek political and cultural

⁷⁹ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 20th session, 1999, General Recommendation No. 24: Article 12 of the Convention (Women and Health)', at 7 para. 31(e).

⁸⁰ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 42nd session, 2008, Annex 1: General Recommendation No. 26 on Women Migrant Workers', at 23 para. 24(d).

⁸¹ CEDAW Committee, 'General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women', at 16 para. 50(e)(f).

⁸² CEDAW Committee, 'General Recommendation No. 33 on Women's Access to Justice', at 8–9 para. 18(f).

allies to do this. For instance, in 1990, the Committee called on States to encourage politicians, professionals, religious and community leaders at all levels, including the media and the arts, to cooperate in influencing attitudes towards the eradication of female circumcision.⁸³

With respect to gender-based violence in 1992, the Committee called on States to introduce preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women.⁸⁴ Many of these recommendations address negative societal stereotypes about women, at times demanding the elimination and the modification of social and cultural patterns of conduct that are prejudicial and harmful, including to older women.⁸⁵ Other recommendations call for the elimination of gender stereotypes and fostering an environment of non-discrimination in the curriculum.⁸⁶ The extent to which the media appears as an actively targeted partner in awareness-raising is evident.⁸⁷

Several recommendations addressed the issue of promoting women's equal share of government resources, including adequate resources for services and goods needed by women. For instance, in General Recommendation No. 24 on women and health, the CEDAW Committee called for States Parties to allocate adequate budgetary, human and

⁸³ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 9th session, 1990, General Recommendation No. 14: Female Circumcision' UN Doc. A/45/38, at 81 para. (a)(iii).

⁸⁴ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 11th session, 1992, General Recommendation No. 19: Violence against Women' UN Doc. A/47/38, at 5 para. 24(f).

⁸⁵ CEDAW Committee, 'General Recommendation No. 27 on Older Women and Protection of Their Human Rights', at 6 para. 36.

⁸⁶ CEDAW Committee and Committee on the Rights of the Child, 'Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practices', at 18 para. 69(c).

⁸⁷ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 42nd session, 2008, Annex 1: General Recommendation No. 26 on Women Migrant Workers', at 23 para. 24(b)(vi); CEDAW Committee and Committee on the Rights of the Child, 'Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practices', at 19 para. 73(d); CEDAW Committee, 'General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women' (16 December 2010) UN Doc. CEDAW/C/GC/28, at 9 para. 38(e).

administrative resources to ensure that women's health receives a share of the overall health budget comparable with that for men's health, considering their different health needs.⁸⁸

Several recommendations call for the explicit enactment of gender-responsive legislation to promote equality between men and women. This includes, but is certainly not limited to, gender equality laws and frameworks. States parties are called on to enact appropriate gender- and age-sensitive laws and policies to ensure the protection of older women with refugee status or women who are stateless, as well as those women who are internally displaced or are migrant workers.⁸⁹

In the same vein, many recommendations require the repeal of discriminatory laws. For instance, law reform should facilitate the removal of the defence of honour in regard to the assault or murder of a female family member.⁹⁰ States parties should enact laws to ensure that organisations such as political parties and trade unions do not discriminate against women.⁹¹ Abortion must be decriminalised, removing punitive measures against women who undergo the practice.⁹²

A set of recommendations address women's active participation in society and call for States to guarantee the rights required to facilitate such participation. Women's active participation is acknowledged as a right in and of itself, including the need for women to

⁸⁸ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 20th session, 1999, General Recommendation No. 24: Article 12 of the Convention (Women and Health)', at 7 para. 30.

⁸⁹ CEDAW Committee, 'General Recommendation No. 27 on Older Women and Protection of Their Human Rights', at 8 para. 50.

⁹⁰ CEDAW Committee, 'Draft Update of General Recommendation No. 19 (1992) on Gender Based Violence against Women', at para. 24(r).

⁹¹ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 16th session, 1997, General Recommendation No. 23: Women in Public Life', at 68 para. 42.

⁹² UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 20th session, 1999, General Recommendation No. 24: Article 12 of the Convention (Women and Health)', at 7 para. 31(c).

understand their right to vote, the importance of it and how to exercise it.⁹³ To enable such enjoyment of women's rights, certain barriers need to be targeted and overcome, such as illiteracy, language barriers, poverty and impediments to women's movement building.⁹⁴ Emphasis is also placed on policies to support women's engagement in non-governmental women's organisations and to ensure that these organisations are consulted but also that their impact on government policies and their implementation is actually documented.⁹⁵ Women's participation in international spaces – as government representatives in the foreign service, for instance, where women are generally viewed as being under-represented globally – is also called for.⁹⁶

Finally, several recommendations within this category call for temporary special measures, the subject of its own recommendation in 2004.⁹⁷ In this instance, the Committee made clear that not all measures which potentially are or would be favourable to women qualify as temporary special measures. The most clearly stated example of a recommended temporary special measure is the introduction of quotas.⁹⁸

e. Protecting Women from Situations of Vulnerability Linked to their Gender

Recommendations have also been identified that entail both prohibiting situations where a particular vulnerability may arise and being sensitive to the needs of specific groups of women, who may face re-traumatisation, re-stigmatisation and particular forms of discrimination and marginalisation. Many of the examples here relate to the obvious

⁹³ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 16th session, 1997, General Recommendation No. 23: Women in Public Life', at 69 para. 45(b).

⁹⁴ Ibid, at 69 para. 45(c).

⁹⁵ Ibid, at 70 para. 48(g).

⁹⁶ Ibid, at 70 para. 50(a).

⁹⁷ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 30th session, 2004, Annex 1: General Recommendation No. 25 on Article 4, Paragraph 1 of the Convention (Temporary Special Measures)'.

⁹⁸ CEDAW Committee, 'General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations', at 20 para. 73(d).

contexts in which women face particular vulnerabilities to the exploitation of their rights. Recommendations related to gender-based violence⁹⁹ and women vulnerable to HIV infection or women living with HIV at risk of discrimination are obvious examples.¹⁰⁰

However, the CEDAW Committee has comprehensively raised the need for States to enact laws and policies to address such risks in a wider number of contexts. For instance, they have called for the removal of all barriers to women's access to health services, education and information and the need to prioritise the prevention of unwanted pregnancy through family planning and sex education and to reduce maternal mortality rates through safe motherhood services and prenatal assistance. Barriers include high fees, requirements for spousal, parental or hospital authorisation, distance, and the absence of convenient and affordable public transport.¹⁰¹ Lifting of discriminatory bans or restrictions on women's migration have also been called for, including where women require permission from a spouse or male guardian to obtain a passport or to travel.¹⁰² This recommendation also notes the risks of exploitation by recruiting agencies whose work needs to be monitored.¹⁰³ Guaranteeing freedom of movement is key.¹⁰⁴

Vulnerabilities in the context of family life and domestic relationships are noted in detail, particularly in General Recommendation No. 29 on the economic consequences of

⁹⁹ CEDAW Committee, 'Draft Update of General Recommendation No. 19 (1992) on Gender Based Violence against Women'; CEDAW Committee, 'General Recommendation No. 35 on Gender-Based Violence against Women: Updating General Recommendation No. 19'; UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 8th session, 1989, General Recommendation No. 12: Violence against Women'; CEDAW Committee, 'General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations'.

¹⁰⁰ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 9th session, 1990, General Recommendation No. 15: Avoidance of Discrimination against Women in National Strategies for the Prevention and Control of Acquired Immunodeficiency Syndrome (AIDS)'.

¹⁰¹ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 20th session, 1999, General Recommendation No. 24: Article 12 of the Convention (Women and Health)', at 5–7 para 21, 31(b).

¹⁰² UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 42nd session, 2008, Annex 1: General Recommendation No. 26 on Women Migrant Workers', at 22 para. 24(a).

¹⁰³ Ibid, at 25–26 para. 26(h).

¹⁰⁴ Ibid, at 24 para. 26(d).

marriage, family relations and their dissolution. This includes equal rights within marriage and de facto relationships (where legally recognised) as well as an extensive list of guarantees that need to be made upon dissolution.¹⁰⁵ The specific risks of sub-groups of women, such as women with children, are also worth mentioning. For instance, the CEDAW Committee has called for States to address the need for child-sensitive services to safeguard the rights and safety of children participating in legal process related to harmful traditional practices.¹⁰⁶ As noted above, the Committee falls short on a more rigorous challenge to the discrimination that arises in contexts that sustain and support only heteronormative family structures.

In order to reduce exposure to discrimination in vulnerable contexts, several recommendations call for gender-sensitive training of public officials and service providers. For instance, General Recommendation No. 19 on violence against women calls for gender-sensitive training of judicial and law enforcement officers and other public officials as being essential for the effective implementation of the Convention.¹⁰⁷ General Recommendation No. 24 on health recommends policies that require the training curricula of health workers to include comprehensive, mandatory, gender-sensitive courses on women's health and human rights, in particular gender-based violence.¹⁰⁸ When it comes to women migrant workers, General Recommendation No. 26 requires States Parties to ensure that their border police and immigration officials are adequately

¹⁰⁵ CEDAW Committee, 'General Recommendation No. 29 on Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic Consequences of Marriage, Family Relations and their Dissolution)', at 7 para. 40.

¹⁰⁶ CEDAW Committee and Committee on the Rights of the Child, 'Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practices', at 22 para. 87(d).

¹⁰⁷ CEDAW Committee, 'Draft Update of General Recommendation No. 19 (1992) on Gender Based Violence against Women', para. 24(b).

¹⁰⁸ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 20th session, 1999, General Recommendation No. 24: Article 12 of the Convention (Women and Health)', at 5 para. 15(b).

trained, supervised and monitored for gender-sensitivity and non-discriminatory practices when dealing with women migrants.¹⁰⁹

f. Comprehensive Monitoring of the Situation of Women

The collection of statistical data was the subject of a standalone recommendation in 1989, when the CEDAW Committee stated that:

States parties should make every effort to ensure that their national statistical services responsible for planning national censuses and other social and economic surveys formulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested.¹¹⁰

This was the first of many instances in which the CEDAW Committee has called for comprehensive monitoring of the situation of women. This set of recommendations are sought to achieve both an understanding of what legal and policy reform is required to improve the situation of women but also to monitor their effectiveness.

For example, with respect to the incidence of violence, in its first General Recommendation (No. 12) on violence against women, the Committee called for '[s]tatistical data on the incidence of violence of all kinds against women and on women who are the victims of violence'¹¹¹ while in General Recommendation No. 14 on female circumcision, the Committee called for the collection and dissemination by universities,

¹⁰⁹ CEDAW Committee, UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 42nd session, 2008, Annex 1: General Recommendation No. 26 on Women Migrant Workers', at 23 para. 24(b)(iv).

¹¹⁰ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 8th session, 1989, General Recommendation No. 9: Statistical Data Concerning the Situation of Women'.

¹¹¹ CEDAW Committee, UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 8th session, 1989, General Recommendation No. 12: Violence against Women', at 75 para. 4.

medical or nursing associations, national women's organisations or other bodies of basic data about such traditional practices.¹¹²

The collection of gender-disaggregated data has been particularly key in relation to unremunerated pay. For example, in General Recommendation No. 16 on unpaid women workers in rural and urban family enterprises, the Committee recommended the collection of statistical data on women who work without payment, social security and social benefits in enterprises owned by a family member, and include these data in their report to the Committee¹¹³ whereas they have called upon States to encourage and support research and experimental studies to measure and value the unremunerated domestic activities of women, for instance, through time-use surveys, in order to measure women's unpaid care work as part of the GNP.¹¹⁴

A broader call for data collection to monitor progress towards de facto and substantive gender equality was made in 2004 in its recommendation on temporary special measures.¹¹⁵ In a few instances, the CEDAW Committee has guided States on how to use that statistical data. For instance, with respect to data collected on judicial and quasi-judicial bodies, their number and nature, the Committee recommended that States '[s]ystematically apply the findings of those analyses in order to develop priorities, policies, legislation and procedures to ensure that all components of the justice system are gender-sensitive, user-friendly and accountable'.¹¹⁶

¹¹² UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 9th session, 1990, General Recommendation No. 14: Female Circumcision', at 81 para. (a).

¹¹³ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 10th session, 1991, General Recommendation No. 16: Unpaid Women Workers in Rural and Urban Family Enterprises', at 1 para. (b).

¹¹⁴ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 10th session, 1991, General Recommendation No. 17: Measurement and Quantification of the Unremunerated Domestic Activities of Women and Their Recognition in the Gross National Product', at 2 para. (a).

¹¹⁵ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 30th session, 2004, Annex 1: General Recommendation No. 25 on Article 4, Paragraph 1 of the Convention (Temporary Special Measures)', at 86 para. 35.

¹¹⁶ CEDAW Committee, 'General Recommendation No. 33 on Women's Access to Justice', at 8–9 para. 18(f).

This emphasis on data collection also opens the door to an approach that can help enhance attention to intersecting identities. Data collection against this criterion can challenge approaches that exclude – for example, non-biological women – or force women to assimilate by placing all women into a monolithic category that fails to acknowledge difference.¹¹⁷ Indeed, it maximises CEDAW’s potential – as increasingly demonstrated in more recent general recommendations to acknowledge differences in life experiences, perspectives, needs and interests within the category of ‘women’.¹¹⁸

g. Accessible and Effective Remedies (i.e. Access to Justice)

The need to guarantee women access to effective remedies is the subject of its own recommendation – General Recommendation No. 33 on women’s access to justice.¹¹⁹ Yet, much earlier recommendations centred the importance of accessible and effective remedies for violations of women’s rights. Indeed, recommendations concerning women’s access to justice and the importance of holding perpetrators to account were made as early as 1992 with respect to gender-based violence. The more recent General Recommendation No. 33 elaborated on the need for a gender-sensitive justice system that is independent, impartial, credible and acts with integrity in the fight against impunity.¹²⁰

In its General Recommendation No. 28 on the core obligations under Art. 2 CEDAW with respect to non-discrimination against women, the CEDAW Committee made a broad call for States to take steps to prevent, prohibit and punish violations of the Convention by third parties, including in the home and in the community, and to provide reparation to the victims of such violations. It also called on States to ensure that the reports of court

¹¹⁷ J. Ramji-Nogales, ‘Revisiting the Category “Women”’: Research Handbook on Feminist Engagement with International Law’ in Rimmer and Ogg (eds), *Research Handbook on Feminist Engagement with International Law*, at 240–252.

¹¹⁸ Vijayarasa, ‘CEDAW’s General Recommendation No. 35: A Quarter of a Century of Evolutionary Approaches to Violence against Women’, at 162.

¹¹⁹ CEDAW Committee, ‘General Recommendation No. 33 on Women’s Access to Justice’.

¹²⁰ Ibid, at 3 para. 1.

decisions applying the provisions of the Convention on the equality and non-discrimination principles are widely distributed.¹²¹

With respect to criminal justice, several recommendations speak to the obligation of States to prevent, investigate and punish all forms of gender-based violence, in particular sexual violence perpetrated by State and non-State actors, and implement a policy of zero tolerance.¹²² They have also called for gender-sensitive practices, such as the use of female police officers, to identify violations during and after conflict by State and non-State actors.¹²³

At the same time, the Committee also evidences a clear consciousness of the risks facing women within the justice system, including to re-traumatisation, re-stigmatisation and re-victimisation. For instance, the Committee has called on States to repeal or amend laws that prevent women migrant workers from using the courts and other systems of redress, such as laws that result in a loss of earnings and possible deportation by immigration authorities when a worker files a complaint of exploitation or abuse while pending investigation.¹²⁴ Elsewhere the Committee has demanded protections for women human rights defenders, calling for States to ensure that they have access to justice and receive protection from harassment, threats, retaliation and violence.¹²⁵

It is with this last criterion on data collection that I conclude the overview of these seven categories that can fundamentally enhance accountability for gender-responsive laws when measured CEDAW's standards. These criteria have been operationalised into

¹²¹ CEDAW Committee, 'General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women', at 7–9 paras 32, 38(c).

¹²² CEDAW Committee, 'General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations', at 10 para. 38(b).

¹²³ Ibid, at 5 para. 17(d).

¹²⁴ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 42nd session, 2008, Annex 1: General Recommendation No. 26 on Women Migrant Workers', at 25 para. 26(c)(2).

¹²⁵ CEDAW Committee, 'General Recommendation No. 33 on Women's Access to Justice', at 7 para. 15(i).

a practical tool, namely the Gender Legislative Index,¹²⁶ demonstrating their viability as a set of criteria against which laws can be benchmarked and assessed. In light of the limited resources that exist for human rights accountability, the seven categories also form a seven-point list against which countries can report, as set out in Table 1. I now turn to some general observations and recommendations to mark the way forward.

IV. Observations and Recommendations

1. The Utility of the Seven Guiding Principles

Section III(2) sought to systematise the substantive requests that the Committee has made of States to fulfil their international women's rights obligations. These seven criteria offer a roadmap for the enactment of gender-responsive laws and policies. They provide a basic checklist that any public decision-making body or authority should consider before passing legislation or designing its implementation. The core issues that the Committee has considered worth dedicating its limited time to over 30 years become evident from this exercise. Moreover, it reflects the extent to which these General Recommendations can be a fundamental tool in the hands of human rights treaty bodies. This does not mean that the work of the Committee can be simplified to those seven questions, but it is evident that these seven issues are primary areas of concern. Nor does it mean that any piece of legislation or every policy should always address each of those seven questions as on rare occasions, they may not prove legally relevant.

Nonetheless, these seven areas are not only guiding principles for legislating domestically, but also for reporting to the CEDAW Committee. While the constructive

¹²⁶ R. Vijayarasa, 'Gender Legislative Index' (2019) *Gender Legislative Index* <<https://www.genderlawindex.org/>> (accessed 9 April 2022).

dialogues between States and the CEDAW Committee may have been a preferred option in the past, the Committee itself has endorsed quantitative methods in recent years. The Committee has made explicit the ‘importance for states to enhance the domestic information-gathering systems and include the relevant indicators in their reports to the Committee’.¹²⁷ The Committee has therefore opened the door for the use of structured indicators – such as the list of guiding questions to assess progress on law and policy reform – as suggested here. This exercise provides a useful roadmap for a more quantitative and structured approach to treaty body reporting.¹²⁸

New approaches to reporting are essential given the criticisms directed at the international human rights system which were well-articulated by pre-eminent scholar and judge James Crawford over two decades ago: the ‘corrosive effects’ of the backlog in state reporting, delays between the submission of a report and when it is finally considered, resource constraints in terms of personnel, and financial and technological capacities faced by Committees and procedural issues, such as lack of follow-up mechanisms for periodic reports, just to name a few.¹²⁹ Many of these limitations persist today,¹³⁰ but could be alleviated through these more robust reporting guidelines.

2. Insights into CEDAW’s Ongoing Limitations and Under-Explored Potential

¹²⁷ G. Gilleri, “How Are You Actually Doing, Ladies?” Indicators of Gender Equality through the Lens of the UN Committee on the Elimination of Discrimination against Women’ (2020) 24 Int’l J. Hum. Rts. 6.

¹²⁸ Vijayarasa, ‘Quantifying CEDAW: Concrete Tools for Enhancing Accountability for Women’s Human Rights’.

¹²⁹ Crawford, ‘The UN Human Right System: A System in Crisis?’.

¹³⁰ J. Sarkin, ‘The 2020 United Nations Human Rights Treaty Body Review Process: Prioritising Resources, Independence and the Domestic State Reporting Process over Rationalising and Streamlining Treaty Bodies’ (2021) 25 Int’l Hum. Rts. J. 1301; N. Pillay, ‘Strengthening the United Nations Human Rights Treaty Body System: A Report by the United Nations High Commissioner for Human Rights’ (June 2012) *United Nations Human Rights Office of the High Commissioner* <<http://www.ishr.ch/sites/default/files/article/files/HCReportTBStrengthening.pdf>> (accessed 9 April 2022).

Beyond providing a set of guiding principles that can inform legislation domestically and even State Party reporting to CEDAW, this deconstruction of 30 years of general recommendations offers several insights into the broader exercise of enhancing accountability for women's rights. This birds-eye analysis of the CEDAW Committee's contribution – through the lens of General Recommendations – invites a reassessment of the harsh criticisms that have been extended towards CEDAW.

By contrast, this record of the 30-year history of producing general recommendations reminds us of the progress that the CEDAW Committee has helped bring about, despite the overwhelming societal norms – felt domestically and globally – that hold back women's rights. The analysis in this article evidences the need to credit the CEDAW Committee in instances where it has been particularly progressive in addressing the CEDAW Convention's gaps. The vast shift in depth, from the first to the most recent recommendation, reflects the real power of the Committee to influence interpretations of not only CEDAW but human rights commitments generally as they affect women and the Committee's emerging capacity to challenge heteronormative values in our society that sustain inequality.

The CEDAW Committee's attention to gender-based violence is one such example of the General Recommendation's gap-filling role. Three recommendations are dedicated to the issue, despite the fact that gender-based violence is not explicitly mentioned in the CEDAW Convention.¹³¹ In the words of the Committee, gender-based violence is 'one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotypical roles are perpetuated'.¹³² The

¹³¹ Vijayarasa, 'CEDAW's General Recommendation No. 35: A Quarter of a Century of Evolutionary Approaches to Violence against Women'.

¹³² CEDAW Committee, 'General Recommendation No. 35 on Gender-Based Violence against Women: Updating General Recommendation No 19', at 1–2 para. 2.

degree of attention paid by the CEDAW Committee to gender-based violence has heightened government accountability¹³³ and, with some limitations, has enhanced the power of women's movements to lobby for law reform in this area.¹³⁴

It is important to acknowledge the work of the Committee as a norm-setter, often pushing the boundaries of the CEDAW Convention to ensure women's rights are promoted, respected, protected and fulfilled in order to move communities towards equality. CEDAW and its 38 General Recommendations have challenged approaches and set new norms in a relatively conservative international women's rights landscape. For instance, the CEDAW Committee's willingness to raise the issue of abortion, and to lobby for the removal of punitive measures against women who undergo such procedures,¹³⁵ is a huge contribution to women's reproductive rights. The issue of abortion has in fact been raised beyond recommendations focused solely on health. To offer one example, in its General Recommendation No. 35 on gender-based violence against women (which of course is an issue with significant health implications), the Committee has been unequivocal on State Party obligations to ensure women are not forced into unsafe medical procedures such as illegal abortion.¹³⁶

The CEDAW Committee cannot necessarily be described as a spearhead in bringing to the fore new issues from a women's rights perspective. However, once identified as a 'women's issue' – by States Parties or more typically civil society – in a number of instances, the CEDAW Committee has proved to be responsive. Arguably, the Committee

¹³³ Vijayarasa, 'CEDAW's General Recommendation No. 35: A Quarter of a Century of Evolutionary Approaches to Violence against Women'.

¹³⁴ R. Vijayarasa, 'Women Presidents and Women's Movements: Exploiting an Open Door to Achieve Transformative Change for Fellow Women' (2021) 29 Gender & Dev. 569.

¹³⁵ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 20th session, 1999, General Recommendation No. 24: Article 12 of the Convention (Women and Health)', at 7 para. 31(c).

¹³⁶ UNGA 'Report of the Committee on the Elimination of Discrimination against Women, 11th session, 1992, General Recommendation No. 19: Violence against Women', at 5 para. 24(m).

has demonstrated an ability to engage well with issues considered ‘core’ to women’s rights (for example, reproductive health, gender-based violence or women’s roles in the family). For instance, in 1991, the CEDAW Committee acknowledged the rights of women living with disabilities in a standalone General Recommendation (1991)¹³⁷ and again revisited the rights of women living with disabilities to be safe from forced medical procedures performed without their consent.¹³⁸ While relatively late to the debate, the 2013 General Recommendation on women in conflict prevention, conflict and post-conflict situations was comprehensive, including in its acknowledgement of how different groups of internally displaced and refugee women are affected – including women with disabilities, older women, girls, widows, women who head households, pregnant women, women living with HIV/AIDS, rural women, indigenous women, women belonging to ethnic, national, sexual or religious minorities, and women human rights defender.¹³⁹

It has been slower to move, but nonetheless contributing, where a women’s rights perspective has been absent, overlooked or inadequately understood. While only in 2018, the Committee has nonetheless examined in depth the gender-related dimensions of disaster risk reduction in the context of climate change, looking for instance, at issues such as technology for preventing the impact of climate change on crops, livestock, homes and businesses.¹⁴⁰ Again, while late to the table, the Committee in 2016 gave attention to how women in rural areas are effected by States Parties macroeconomic policies, including trade, fiscal and investment policies, as well as bilateral and multilateral agreements.¹⁴¹

¹³⁷ UNGA ‘Report of the Committee on the Elimination of Discrimination against Women, 10th session, 1991, General Recommendation No. 18: Disabled Women’.

¹³⁸ CEDAW Committee, ‘General Recommendation No. 35 on Gender-Based Violence against Women: Updating General Recommendation No 19’, at 12 para. 29(c)(i).

¹³⁹ CEDAW Committee, ‘General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations’, at 15 para. 57(b).

¹⁴⁰ CEDAW Committee, ‘General Recommendation No. 37 on The Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change’ (1 November 2013) UN Doc. CEDAW/C/GC/37, at para. 54(d).

¹⁴¹ CEDAW Committee, ‘General Recommendation No. 34 on the Rights of Rural Women’, at 4–5 para. 11.

Nonetheless, there are gaps and areas of concern that provide future terrain for the CEDAW Committee to consider in the years to come. We could hope for the issuance of clear standards on women's rights and taxation, or gender-responsive housing policies or regulation of the internet from a gender perspective. The CEDAW Committee's attention to issues such as technology and climate also reflects its true potential to remain responsive to 21st Century concerns. Yet such potential is only beginning to emerge and it remains to be seen how well the CEDAW Committee can guide the legislative practices of States when it comes to emerging and previously unforeseen concerns that may not have been dealt with by other human rights treaties bodies either.

The recommendations also have had less success in transforming practice in certain fields. Gender-disaggregated data collection has been and remains a key concern of the CEDAW Committee, despite its repeated mention across general recommendations over several decades. From my own analysis of gender-responsive legislation, few countries demonstrate a capacity to robustly collect disaggregated data, let alone systematically. If we do not understand what women are experiencing, it is difficult – at times impossible – to respond adequately through law reform or policy design and implementation.

I choose to end this discussion with one final note. We know but must constantly reiterate that gender-responsive laws and policies alone are not enough. Gender equality has been a global policy mantra for over two decades.¹⁴² While many jurisdictions have national legislation that contains explicit provisions prohibiting discrimination on the basis of gender, the declarative nature of these provisions as we have seen does not

¹⁴² F. Beveridge, K. Stephen and S.M. Nott, *Making Women Count: Integrating Gender into Law and Policy-Making* (Aldershot 2000).

automatically translate into mechanisms to advance women's rights.¹⁴³ The enactment of gender-responsive domestic legislation that this article hopes to help bring about is the first step in a much longer process. It needs to be accompanied by gender-sensitive indicators to assess the gendered implications of specific laws. It also requires gender-responsive budget analysis to ensure that gender-responsive laws are actually backed by the funds needed for their implementation.¹⁴⁴

V. Concluding Remarks

CEDAW is a comprehensive, living instrument that speaks to multiple forms of discrimination suffered by women of multiple identities. CEDAW's General Recommendations, which have helped to give meaning to the Convention's provisions, offer the roadmap to progress women's rights and heighten accountability domestically. Based on those recommendations, this article has offered a seven-part roadmap to enhance domestic accountability for women's rights. Concretely, the seven guiding standards form the requirements to achieve gender-responsive domestic laws.

It may be that some of these seven principles are not relevant to each and every law. Nonetheless, assessing domestic laws for their relevance and what their inclusion requires, whether it be guaranteeing women's voluntary and non-coerced decision-making or guaranteeing access to justice, is a task that must be undertaken by domestic legal drafters.

These seven principles can also help the future work of the CEDAW Committee. It may simplify the drafting process involved in the development of future General

¹⁴³ Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights, *Making Laws Work for Women and Men: A Practical Guide to Gender-Sensitive Legislation* (Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights 2017).

¹⁴⁴ *Ibid*, at 6.

Recommendations or aid the CEDAW Committee in preparing Concluding Observations for individual countries. It may also assist States Parties in fulfilling their reporting obligations. At a minimum, they can ensure that the outputs from these processes do not leave any of these important principles unconsidered.

Despite CEDAW's long legacy, we obviously have a long way to go. Both the Convention and Committee that was created to monitor its implementation have been the subject of extensive criticism. Much of these criticisms speak to the limitations of CEDAW to hold States Parties to account and to actually bring about better outcomes for women domestically. The very shortcomings of the Convention and its implementation underline the importance of creating tools such as those set out here to guide a more structured process for holding States Parties to account. This roadmap offers that potential to enable legislators to translate these women's rights norms into gender-responsive legal and policy outcomes. The task remains for States Parties to demonstrate the political will to take up the roadmap on offer.