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## **BREAKING THE CHAIN: CEDAW'S ROLE IN WOMEN'S EMPOWERMENT**

Smirtha G<sup>1</sup> and Madhumitha S<sup>2</sup>

### **ABSTRACT**

The essence of the article, which is "Breaking Chain: CEDAW's Role in Women's empowerment," is illustrated by this brief abstract. The Article investigates the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as a transforming force. The article illuminates CEDAW's evolution as a reliable force against systemic obstacles that hinder women's progress, drawing on an outline of the past. The metaphorical concept of "breaking the chain" becomes the central theme, symbolizing the liberation and empowerment embedded in CEDAW's principles. The main elements of the article are highlighted in the Abstract, namely that CEDAW has a multifaceted impact on all areas of economic, education, political life. The real-world examples vividly show how the Convention has played a key role in removing discriminatory practices and enabling women to take on their own roles of influence and equality. It also highlights the ongoing commitment that is needed to fully exploit CEDAW's potential, even though it recognises some of the issues which remain. It shall establish the CEDAW as a guiding force, encouraging countries to move forward towards a world where gender equality is not only an aspiration but a concrete reality.

Finally, it is a call for readers to recognize CEDAW's role in emancipating females from systemic inequalities is implicit in the abstract. This is a simple call for action, asking people to take an active role in building on the current story of empowerment and break barriers that prevent women

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around the world from reaching their full potential.

## **KEYWORDS**

CEDAW, Discrimination, inequality, Women, exploitation, stereotypes, upliftment, substantive equality

### **I. BACKGROUND AND HISTORY OF THIS CONVENTION**

CEDAW also called as Convention on the elimination of all forms of discrimination against women is a United Nation Organisation which was developed for the purpose of establishing the protection for women and girls against discrimination which is prevalent in the society and for their upliftment. This convention was first developed on 18<sup>th</sup> December, 1979 and then it was accepted as treaty on 3<sup>rd</sup> September, 1981. This treaty gained Importance during 2014 where 188 countries have accepted this treaty and started implementing it for the welfare of women, while 104 countries have acceded to follow Optional Protocol. India accepted this treaty on 9<sup>th</sup> July, 1993. The aim behind enforcement of this convention is to provide women human rights and fundamental rights which has been violated. However, there are lots of obstacles as many countries still lacks clarity on this regard as there is no proper enforcement and many women doesn't even what their rights are and how to exercise them.

### **II. WORKING AND ADMINISTRATION OF CEDAW**

Article 17 to 22 deals with the working of CEDAW, states usually become a party to a convention by ratification or acceding to it. After that a committee will be established which checks the progress of each member states. This committee comprises of 23 experts who will monitor the member states compliance. After the member state has ratified or implemented the committee each state has to a send an initial review for a year and followed by periodic review after every 4 years. This committee has 2 annual meetings to check the progress of its member states. Based

on the reports and observations, the CEDAW committee will express its concern and offer suggestions to accelerate the progress and measures as this committee is empowered to conduct investigations and offer suggestions. It can further provide general suggestions on thematic and other concerns. Each Nation can follow its own procedure and rules subject to the convention.

The administration of CEDAW, Article 23 to 30 deals with the administration of CEDAW it outlines the general administrative process for enforcing CEDAW, ratifying treaties and making reservations and how to settle disputes which arises between nations about the interpretation or execution of CEDAW and it elaborates on how nation and government should work together to abolish discrimination against women and girls.

### **III. OBJECTIVES AND IMPORTANCE OF CEDAW**

It is also called as international bill for women's rights and it is exclusively dedicated for equality between men and women. The main object for implementing this convention was to provide indiscriminate society for women as they often face discrimination in almost all aspects of society including social, economic, political, religious and cultural factors. This convention is critical in addressing women's human rights challenges and seeking solutions on a worldwide scale. It also monitors each state and assures that each state is working to preserve women's rights thereby aims to achieve a substantive equality between men and women. But even today women are facing discrimination in all aspects of life starting from health care, marriage, work place, and also from their own relatives. It is necessary for the government to check on these areas to promote gender equality in its true sense so that women could get benefited by this convention and can lead their life peacefully without being discriminated. This right is not only fundamentally important but also important for the society's development. CEDAW prepares certain guidelines and procedures which each member state has to adhere for its proper

functioning in the economy and it has also undertaken a measure of establishing courts and government agencies for protection of women.

#### **IV. OPTIONAL PROTOCOL**

The CEDAW Optional Protocol's goal is to increase the enforcement tools available for CEDAW rights, it was implemented to provide proper understanding of the convention to its state and people. Optional Protocol includes those things which are not covered fully in the convention. This protocol enhances people to complain about their breach of rights directly to UN. A person can bring a complaint only when all of the remedies has been violated as the optional protocol does not create any new laws instead gives force to the prevalent laws. These are only optional procedures, the members of the state can avail optional protocol when it has been acceded by their state, else this protocol would not help them. It includes

- a. Communication Procedure
- b. Inquiry Procedure

In communication Procedure the individuals can protest while their rights have been violated as against CEDAW. This can be submitted through petition or complaint and it must mandatorily in written form. Whereas in Inquiry Procedure also called as Inquiry Mechanism<sup>3</sup>. The committee has the authority to examine egregious and persistent violation of women's right. it enables the committee to conduct inquiry when there is violation of women's right in those countries which has ratified Optional Protocol.<sup>4</sup>

#### **V. DISCRIMINATION AND ITS IMPACT ON WOMEN**

The term discrimination under Convention on elimination of all forms of discrimination against women means any restriction, distinction or exclusion made on the basis of sex which has the effect of ruining the

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<sup>3</sup> Article 8 of Optional Protocol

<sup>4</sup> Article 20 of International Convention against torture and other cruel, inhumane or degrading treatment or punishment

enjoyment by women, irrespective of her marital status, on a premise of equality between men and women of human rights and fundamental rights in the political, economic, civic, social, cultural or any other sector<sup>5</sup>. This means that anything which ruins or destroys women's enjoyment or exercise on the basis of sex is considered as discrimination. In a normal term, discrimination means treating women or girls differently from that of men or boys by not giving them equal opportunities in the respective areas. Due to these women remain unrecognised or suffers from lack of opportunities which will hinder their growth process. There are two types of discrimination one being direct discrimination which means it is direct and easy to recognise for example in certain cultures women or girls will not be allowed to go to schools as they feel spending on women is an expenditure as the girl will get married and go to other house, whereas they feel educating a male child is an asset for them as he will protect them during their financial crisis and take care of his parents when they get old. This is a direct form of discrimination. Whereas indirect discrimination looks like it is unbiased but it is actually biased, this will be difficult to recognise. For example, certain workplace will employ both men and women but higher pay will be given for men thereby discriminating women indirectly.

It is important to note that Convention on elimination of all forms of discrimination against women aims to abolish discrimination on basis of sex and aims to promote substantive equality between men and women.

## **VI. ROLE OF GOVERNMENT IN IMPLEMENTING CEDAW**

Government must not allow any discrimination and it should enforce certain laws and policies to protect women and girls from discrimination and those implemented laws should not be gender biased and government should impose punishment for those who are violating the framed policies

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<sup>5</sup> Article 1 of CEDAW

regarding discrimination. All this should be done within a reasonable time thereby enforcing legal protection to women<sup>6</sup>. Governments must work in all areas like political, social, economic, and cultural to guarantee that girls and women have access to essential human rights and freedoms.<sup>7</sup> It should take special measures to end discrimination against girls and women. Any special action taken for benefitting women does not mean to discriminate men, it is only meant to promote equality between them. For example, special actions taken for women at the workplace, which only elects women employee as their staff is not considered as discriminating men as it favours women, these types of measures should be taken by the government till the discrimination on the basis of sex lasts.<sup>8</sup> Government should work to change the existing stereotypes prevailing between men and women, when men or boys are considered to be more superior over women or girl based on their roles.<sup>9</sup>stereotype means the mistaken ideology on particular thing believing them to be true just by outer appearance. For example, men may look very strong and sturdy due to this reason one cannot consider women as weak and powerless, this should not stereotype women as they cannot do heavy work, or be able to earn as men can. Each of them has their own skills and ability, nobody should be stereotyped or discriminated in comparison with other sex. The government should take measures against these types of activities.

Trafficking is the most important issue needed to be addressed. It means when a person is taken from the place where she lives to some other place for the purpose of exploiting her. Women and girls are mostly trafficked for the purpose of forcing them to do low paid works and for sexual works. This can be done within countries i.e., transporting women from rural

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<sup>6</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 2.

<sup>7</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 3.

<sup>8</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 4.

<sup>9</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 5.

areas to urban areas or across the borders of the country. Government should take actions against these issues as it is a sin to the women community as the whole. To prevent such type of trafficking the Government should frame policies and laws to put a full stop to women's trafficking and prostitution.<sup>10</sup> Women are not born to do all these rubbish stuffs, they should be protected and government should take effective measures to implement and impose punishment for those who forbids the law.

## **VII. WOMEN'S DISCRIMINATION IN PUBLIC AND POLITICAL LIFE**

Even in the 21<sup>st</sup> century women are not allowed to take part in the political processes as society tends to discriminate women due to the negative stereotype made against them. They are not permitted to contest and participate in the election and are also forbidden from actively involving in the decision-making process. Women has the right to vote and select her representative and as per Universal Adult Franchise<sup>11</sup>, any individual who is above 18 years of age is free to cast their vote irrespective of sex, caste, creed, religion, colour and race. In a democratic country like India everybody should be allowed to vote after the age of 18, this aims to promote equality between all citizens. Women are not excluded as the citizen of India, then as being the Indian citizen how can they not be given have the right to vote and contest election. Women have same power as that of men to contest and take part in election. She should not be discriminated on the basis of sex and should not be discarded from her duty. Women have the right to participate in non-governmental activities also (NGOs).<sup>12</sup> They also have the right to represent their country at the international level and are also entitled to take part in the activities of the

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<sup>10</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 6.

<sup>11</sup> INDIAN CONST. art 326.

<sup>12</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 7.

international organisation.<sup>13</sup> Women are capable of doing every works patiently and with utmost perfection. But they are stereotyped to only do household chores and are not capable of doing professional works. The society's stereotype against women and girls should change. Even today Dalit women are being discriminated and are not allowed to hold the public office. India is a democratic country; nobody should be deprived of their rights and nobody should be discriminated on any of the grounds. Women has less opportunity as compared to men, there is only a little public space for them as the political arena has been dominated by men since many years.

### **VIII. DISCRIMINATION OF WOMEN AGAINST THEIR NATIONALITY**

Women and girls have the right to their nationality and has the right to change it when needed. Nationality means the bond which unites the person with his nation which constitutes the membership of the particular nation<sup>14</sup>. The Hon'ble Supreme Court of US observed that the nationality is the inherent right of every citizen who is born in that nation<sup>15</sup>. Under international law, nationality constitutes an important link between the individual and the state. It establishes a continuing relationship between a sovereign state and the citizen. Nationality can be acquired by birth, by naturalisation, by marriage, by cession and by other modes. It can be lost by substitution, by renunciation and by other means.

An individual may have dual nationality or double nationality when she is the national of more than one country. For example, when a child is born in England but her parents are from Germany, the child can acquire the nationality of both England and Germany.

The women's nationality cannot be automatically changed just because

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<sup>13</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 8.

<sup>14</sup> Definition by Fenwick on Nationality

<sup>15</sup> United States v. Wong Kim Ark, 169 U.S. 649 (1898).

she got married. She has the right either to follow her nationality or acquire her husband's nationality or she can even acquire double nationality. Women has got all the right to change her nationality according to her wish and she can also pass on her nationality to her children<sup>16</sup>. Earlier this was not allowed, the children can only acquire the nationality of the father and mother's nationality will not be passed on to their children. She has to change her nationality as that of her husband's and leave her nationality behind once if she gets married. But as per the latest enactment, women have the right to pass over her nationality to her children as same as men. For example, Morocco made an enactment in the year 2007 that a child can acquire her mother's nationality when their father is not a Moroccan.

#### **IX. DISCRIMINATION AGAINST GIRLS AND WOMEN IN EDUCATION**

Education is free to all irrespective of sex, caste, religion, race and other factors. Nobody should be discriminated as against education, as it is a wealth which every individual should possess. Knowledge is wealth, and that process of gaining knowledge should not to be discriminant. Education should be available to both men and women equally. In some houses parents prefer only to educate their male child. Educating men is good but educating a women will benefit the entire family and society. There is a saying which states if you educate a woman, the whole family will be educated. Women should be provided education without any discrimination as this is will prove equality between both men and women and once if women started becoming literate, they will shine in all areas leaving no space for discrimination to enter in. women will be able to voice out when they suffer from inequality based on sex. Women should be given right to education just like men. Girls and women should be allowed to go to school, take part in the physical activities and they should be taught with the same curriculum, scholarship, same experienced teachers and in

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<sup>16</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 9.

the same school premises just like boys. Examinations conducted should be unbiased for both boys and girls, the question paper and marking scheme should be same from both of them. Government should take measures to end discrimination in educational sector to provide men and women equal opportunity in gaining knowledge<sup>17</sup>. Women's dropout rates from schools should be controlled. In some cultures, parents will not allow their girl child to go to school after she attained her puberty and thus leading girls to stop their education process all of the sudden and she will be made to sit idle in her house. It is important to teach those people the importance and value of the education. Government should help those girls who left school early to return back to school and help them complete their education fully. Co-educational learning should be promoted and implemented because the students get to know about various things together, they will also learn what the sex education is and when students of both sex studies together, there is high possibility that men will not discriminate women in the future and will respect them. This thereby leads to gender equality. Awareness about educating a girl child should be made in the rural areas so that parents support their girl child to be educated. The stereotype regarding women should be changed, they are not meant only to take care of their children, family and do household chores, women can do wonders in the society when they are skilled and educated, the only thing necessary is support from society by ending discrimination against them and equal treatment of both men and women. Therefore, state should undertake those measures which will end discrimination of women in educational sector and promote equality between both the sex.

## **X. DISCRIMINATION OF WOMEN AT THE WORKPLACE**

State should take necessary measures to eliminate discrimination of women in their work place. Right to work is a fundamental right which

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<sup>17</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 10.

cannot be denied based on sex, caste, religion, colour or other factors. The elimination of discrimination at the work place leads to promoting equality between both men and women, thereby providing them same opportunity to work. Women should not be stereotyped that she only knows to do household chores, this stereotype and discrimination should be stopped at the workplace. A women can be independent only when she earns and this right should not be taken away from her. There should be gender unbiased rules at the workplace which states that the framed rules should not favour men. The recruiting criteria should be same for both men and women for example, for selecting male candidates the interview process was very easy but the same interview was very tough when it was coming to recruit female candidates. This amounts to discrimination against women as there was a biased process for recruitment. The selection process should be unbiased and fair to ensure equality between both sexes. Women should be provided with freedom to choose employment or profession of her choice. No women should be forced to do a particular work as against her choice. She should be provided with right to promotion, this means the manager of the company should promote her when she completed the task assigned to her with due diligence and perfection and when she completes many years working in the same office. For instance, A women has been working in an office for past 15 years but there has been no promotion for the works she rendered this will also amount to discrimination. Women should work freely and without fear of being fired anytime, for this job security is very important. Job security means a sense of knowing that our job is protected without being dismissed, women should also be given the right to job security which ensures that she will not be fired on the basis of discrimination or due to any other reasons. Women should be recognised for the works she does by motivating her by providing additional training, perquisites, annuity and etc. This will further motivate her to perform better at the work place. There should be no discrimination in this aspect, giving all incentives and high pay for men who does a basic work and providing women the same

basic salary for extraordinary works done by her will lead to discrimination. This can also be called as equal pay for equal work<sup>18</sup>

Equal pay for equal work means, for equal work equal pay should be given and for unequal works equal pay should not be given. If a man and a woman do a same piece for work, they should be paid equally without any discrimination. Whereas if a man and a woman does completely different piece of work, where one is doing a technically difficult task and the other one is doing a basic task same pay should not be given. The pay should be based on the amount of work the party does. There was one popular case where this principle was first introduced, it dealt with the issue of equal remuneration for male and female stenographers, The Hon'ble Court held that lady stenographer should be paid equal to that of male stenographers, based on the principle of equal pay for equal work<sup>19</sup>. Women should be provided with right to social security which aims to provide better living quality currently and also in the future i.e., after retirement and provides sickness benefit thereby guaranteeing paid leave. No women should be deprived of right to social security by the means of discrimination and this should be available equally to both men and women.

On of the main issue to be discussed under the heading of discrimination of women in the workplace is, the sexual harassment at the workplace, these are the acts of harassment which takes place in the workplace against women. Therefore, it is the duty of the employer and the company to prevent sexual harassment at the workplace. Sexual harassment includes: physical contact, demanding sexual favour, pornography and other sexual behaviour. All these should be prevented at the workplace to provide women a good and a safe working condition. It applies to both public and the private sector all these were mentioned under Vishaka

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<sup>18</sup> INDIAN CONST. art 39(d).

<sup>19</sup> Mackinnon Mackenzie & Company Ltd v. Audrey D Costa & Others, (1987) AIR 1281.

Guidelines, this encouraged the women's participation in the workplace, which was replaced in the year 2013<sup>20</sup>. One more reason is that women are not appointed in the workplaces and the preference is high for male staffs. The reason behind this is if a company employs a woman employee, then they should provide her certain benefits popularly called as maternity benefit. Employer considers that paid leave is waste of money which is to be given to women especially during maternity period. No employer shall dismiss a woman during her marriage or during her pregnancy which will amount to discrimination. No discriminated should be based on the marital status of the women. During certain period of the women's life where she attains motherhood or steps into another phase of her life through marriage, the employer rather than dismissing her, which amounts to discrimination, can retain her in the company by providing her paid leave through which she will not be stressed as she is not earning and this pay will support the women financially. This will enable women to combine family obligation along with work responsibilities in the public life<sup>21</sup>. During pregnancy, women should not be allowed to perform harmful jobs, this measure should be taken to protect herself and the child in her womb. There should be safe working conditions where the women work, which will have a positive impact in her work life thereby leading to a good working condition.

Specific legislation should be enforced to check discrimination against women in the workplace and the government should implement activities to end discrimination and aim to promote equality between men and women. These measures should be revised periodically and according to the changing scenarios.

## **XI. DISCRIMINATION OF WOMEN AGAINST HEALTH, ECONOMIC**

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<sup>20</sup> Sexual Harassment of Women at work (prevention, prohibition and redressal) Act, .2013

<sup>21</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 11.

## **AND SOCIAL LIFE**

Women should not be discriminated on the grounds of health care<sup>22</sup>. Proper health care facilities which are available for men should be available to women without any discrimination in develop equality between both the sexes. Women usually have health issues as they menstruate and give birth to a baby, women are mentally strong, these physical health complications cannot put them down or it cannot make them weak. But this health-related issues should be taken care of and the state should implement policies to provide women the access to health care services. Having health problems as a reason, women should not be discriminated or stereotyped that she is always weak. The government should put a full stop to discrimination based on health. Women shall be provided with advice relating to pregnancy and family planning and shall also be provided with adequate nutrients while lactating or during pregnancy. Women should have access to health care, sexual health and pre- and post-natal shall be provided to them without discrimination.

Women has a right to family benefit, financial credit and participate in the recreational activity as equal to that of men. No women shall be discriminated on the basis of economic and social life<sup>23</sup>. In certain organisations women are not granted loan on the stereotype that they won't have the capacity of repaying it as equal to that of men. Women should not be discriminated; they have all ability and capacity to repay the borrowed amount and they won't act fraudulently. Women has the same right just men in the areas like borrowing bank loans, mortgages and other financial credits. Women has also got the right to participate in the recreational activities like sports and other cultural events. No women shall be discriminated as her body condition will be unfit for taking part

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<sup>22</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 12.

<sup>23</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 13.

in the recreational activities. During Tokyo Olympics 2020 Ms. Emily Campbell secured silver medal in weightlifting without sponsorship due to discrimination of her weight. She stated that she has won to prove that women like her can have successful career in sports. Being fat or thin or being fit or unfit, is not a matter. All that is needed is self-determination and believing in oneself that they can. Discrimination against one's physical body is equal to body shaming, so the state should aim to control discrimination by imposing severe punishment for those who discriminates women.

## **XII. DISCRIMINATION ON RURAL GIRLS AND WOMEN**

Rural girls and women are given a special attention under CEDAW. Women in the rural areas tends to suffer more discrimination than that of women in the urban areas. Women in urban areas will at least be able to voice out the discrimination faced by them, but those women who live in villages doesn't even know that they are being discriminated. State should take measures to eliminate discrimination of women and girls in the rural areas thereby ensuring equality between both men and women.

Women in the rural areas doesn't even have access to education as there are only fewer schools in village which will only educate the male child. Women are completely illiterate and doesn't even know to how to read, as they have not been to school, and as the schools are far away from their home, parents don't send their daughters to school, the reason behind this is that they are illiterate and doesn't know the value of education. Schools in villages will have only one teacher who teaches all the subject, when he lacks clarity, the students remain unclear with the concept. And when that teacher has got some other work, there is no one to be as a substitute teacher, and hence that day will be declared as holiday for the village students. CEDAW checks on rural areas and aims to promote awareness regarding education and other main areas and seeks to eliminate discrimination and stereotype of women and aims to bring equality

between both men and women.

In villages there will be one village head called Sarpanch, who is appointed by gram Sabha, who is elected by members of gram Sabha. The members of gram Sabha are all individuals who are above 18 years. Women is discriminated from taking part in the election process. Even in the urban areas there is discrimination against women and due to the stereotypes, they are discriminated from voting or taking part in the election. The same happens with rural women also but here the only difference is in urban areas women knows what are their rights and duties as the citizen of India, but in rural areas, women lack all this knowledge. The state aims to eliminate all forms of discrimination against women through enactment of this convention.

Women in rural areas often not allowed to work only the men in their family will go for work in an agricultural land. Even if women go to work, they will work only in the non-monetised jobs which will yield no earnings to them. The state should set up self-help groups in the rural areas for providing equal opportunity to women like that of men, by providing employment or self-employment, so as to earn their livelihood. Women in villages only does unskilled works like, working as a servant in a merchant's house, washing their clothes and vessels and carrying heavy loads of firewood. They often involve in the low paid jobs or un paid jobs. Women are badly discriminated in village areas and therefore CEDAW was enacted to protect their rights.

Women should have access to financial credits, marketing facilities and agricultural loan and they should be allowed to participate in all community activity. Women should have adequate right to access health care facilities, sexual health and has the right to have access to those services which are related to pre- and post-natal period and family planning. Rural women must have access to adequate nutrients during pregnancy and lactation.

Rural women should have adequate right to enjoy basic living amenities, clean drinking water, electricity, proper sanitation facility, transportation and communication. As a human being all these are basic rights for leading a proper standard of life. Usually in villages there are no sanitation facility, CEDAW mandates the implementation of sanitation at the village which should be hygienic and neatly maintained. The Convention for discrimination of rural women was enacted to eliminate discrimination and to ensure equality between men and women<sup>24</sup>.

### **XIII. DISCRIMINATION OF WOMEN AS AGAINST LAW**

All are equal in the eyes of law, law does not discriminate anybody on the basis of sex, caste, religion and etc. everyone has the got the equal right to have a legal capacity to manage her legal affairs independently, through this she has the right to access civil system and an independence to speak on behalf of oneself. Women cannot be deprived of these rights, if it is done so the court shall deem such acts null and void. Women has got all the legal capacity to enter into and conclude contract, administer property, to sue and be sued. All these rights are equally available to women without any discrimination<sup>25</sup>. A woman has all the rights to choose where she wants to live, she cannot be forced to live in the place which she doesn't likes. There is a freedom of movement available for all citizen of India, women should not be discriminated as against this right, she can move wherever she wants just like a free bird and there should be no restriction against the freedom of movement to a woman.

Article 14 of the Indian Constitution elaborates about equality before law. It says state shall not deny access to any person the equality or equal protection of law. In the Hon'ble Court there was a case which stated that Air India company required female staffs as airhostess so they started

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<sup>24</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 14.

<sup>25</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 15.

recruiting with a condition that women shall be retired when she is above 35 years, or when she gets married, or when she gets pregnant. These rules were not applied to men during the recruitment process. Supreme Court held that everyone is equal in the eyes of law, no one should be discriminated on the basis of sex. This case dismissed as it was violative of Article 14 of the Indian Constitution<sup>26</sup>.

There should be no discrimination that only a man can sign in the legal document. Women can also sign such documents as she has got all legal capacity to manage her legal affairs independently, she has the right to inherit property, get a bank loan and has right to choose her partner, just like a man, a woman can choose whom they wanted to marry. State should eliminate those discrimination against women which are based on their marriage and family relations<sup>27</sup>. Women has the right to enter into marriage and she should not be forced to marry against her wish, The consent of both a man and a woman are necessary for a healthy marriage life. Women should not be discriminated on this issue, she should be let to select the bridegroom of her choice as she is going to live with him for rest of her life, parents can have their voice in it but the decision should lie in the hands of woman. As the women has the right to enter into a marriage, she has the same right of dissolving it, when such a marriage life disturbs her. For instance, in Muslim culture, when a man says talaq 3 times then the marriage is dissolved but when a woman does the same it is not considered at all. This type of gender discrimination should end. After marriage both mother and father should have equal responsibility toward their children. It cannot be discriminated that only men can have control over their children as compared to mother. Only mother knows her child well as compared to father. Women has the right to decide how many children she should have and the spacing between each child. And no

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<sup>26</sup> *Air India v. Nargesh Meerza*, (1981) AIR 1829.

<sup>27</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 UNGA) art 16.

women against her wish should be forced to have sexual intercourse. While coming to adoption as under Hindu adoption and maintenance act, both men and women have the equal while adopting a child. No one of them shall adopt a child without the spouse's consent. When it comes to property which is possessed or bought buy the husband in which he enjoys certain rights, the rights should also be given to women. Both men and women should have equal personal rights in their marital relationship.

The marriage of child is not allowed and it would be considered invalid and null in the eyes of law. Child marriage means, marrying two children who has not attained the age of 18. This is an offence and such type of marriages should not be done. State shall take necessary steps to eliminate child marriages which is mostly prevalent in the rural areas. This type of marriage affects the health of the girl child as their high risk of violence and exploitation against them which will hinder the education. When a girl child gets married very soon, even before attaining 18 years, she will be prone to health issues when she becomes mother, and is likely to die. So, child marriages should be prohibited and state should take effective measures to eliminate such marriages.

#### **XIV. IS CEDAW AND CRC INTERCONNECTED?**

The convention on elimination of all forms of discrimination against women and The Convention on Rights of the child are connected with one another, as both aims to eliminate discrimination and harmful activities against women and girls. The motive behind the implementation of this conventions is to give good standards to women to lead their life in a dignified manner. CEDAW and CRC issued joint recommendation on 4<sup>th</sup> November, 2014 on harmful practices. This was the first time when 2 United Nation's Organisation joined hands together with the aim to eliminate harmful practices. Some of the areas where both Conventions had its focus are:

Both these UN Conventions works to provide women and girls their rights throughout their life. CEDAW and CRC highlights to provide the right of education, it states that women and girls should not be discriminated as against being educated. If a woman is well educated, automatically she will pave a way for her daughter's education. As a woman is educated, she knows the value of knowledge and will never let her daughter without going to school. A well-educated mother can teach both her son and daughter the importance of being educated. She will teach her son how to respect a girl and a make a woman feel encouraged without discriminating her. This will change the attitude of boys at a very young age, and those boys will try their best to bring in gender equality in all stages of their life and in no way, they will discriminate women and girls. Education can magically change a society. When a woman is literate, she can voice out against the harmful activities happening against her and will be totally aware of rights, duties and responsibilities which will block the discrimination to enter in. An educated women will never allow the child marriages as she knows the consequences of it. The same goes with the educated girl also, once if she gains knowledge, she will never let the harmful activities to affect her.

The general recommendation aims to put an end to discrimination against women and gender inequality. This promotes the activities which ensures to stop human trafficking and prostitution. Government must ensure to protect women and girls from discrimination and should ensure equality to both men and women. Thus, both these conventions are interconnected in those areas concerned to welfare of girls and women which is needed to be addressed together.

## **XV. INDIA AND CEDAW**

India ratified Convention on elimination of all forms of discrimination against women on 9<sup>th</sup> July, 1993 but it has not ratified optional protocol till date. India aims to eliminate all forms of discrimination against women and ensures substantive equality between both men and women. After

ratifying, India has taken several measures to protect women from discrimination. Some of the notable measures are, Bet Bachao Beti Padhao, Scheme for adolescent girls, Samagra Shiksha and Swachh Vidyalaya Mission etc. all these schemes were implemented to provide welfare to women and girls. The National Educational Policy aims to ensure equality between both men and women. National vocational training centre and regional vocational training centre aims to provide employment opportunities to female employees. Government has implemented Skill India Mission to provide skill development by encouraging participation of women for contributing to a better economic productivity. Schemes like Pradhan Mantri Mudra Yojana were implemented to help women to set up their own start up. Swachh Vidyalaya Mission ensured that all schools must have at least one toilet for the benefit of women. Government also implemented schemes for the working women to have a safe staying place by building hostels for them. Many such schemes were introduced by India to protect women against discrimination and to ensure gender equality, after ratifying CEDAW.

But despite all these measures, India is not completely successful in implementing CEDAW. Till today women in India are facing discrimination and still gender inequality is prevailing, in rural areas many women are not getting the right to go to school and child marriage is still existing, sexual harassment in the workplace has not been eliminated. There is no protecting for women, most recently a girl has been gang raped by 5 men and they have harassed her brutally. The Implementation of CEDAW is not so effective. As India has not ratified optional protocol, women are not able to compliant about their issues to the UN directly, this is also one of the reasons for improper implementation of CEDAW. So, government and officials should take effective measures to check on these areas and provide women a discrimination and harassment free society. India should check all these areas and implement many more laws and schemes in the future for the betterment of women and to be successful country in

ratifying CEDAW.

## **XVI. CONCLUSION**

Finally, the remarkable impact of the Convention to eliminate all forms of gender discrimination as a driving force for change is revealed by "Breaking the Chain": CEDAW's role on women's empowerment. The essence of CEDAW's mission, to eliminate barriers that have historically prevented women from reaching their full potential, is succinctly illustrated by the metaphor of breaking chains. As we go through historical developments and principles embedded within CEDAW, it will become clear to us that the global instrument is not mere legislation but a powerful tool for empowering women around the world. In fact, examples of how CEDAW has broken the hierarchy of unequal treatment that enables women to take appropriate positions in society are being presented here. The narrative emphasises the complexity of CEDAW's impact, which ranges from economics to education and politics. This is the roadmap to women's empowerment that guides nations in a future where gender equality has become not only an ideal, but a reality.

However, the article which emphasises the need to continuously work towards full implementation of CEDAW's potential, recognises the persistent obstacles and stresses that further efforts are needed. In order for women's problems worldwide to be dealt with, metaphoric chain breaking requires continuous effort, advocacy and collaboration. Finally, this article is not just documentation of progress but a call for action. It invites readers to recognize the power of CEDAW in unshackling women from systemic inequalities and to contribute actively to the ongoing narrative of empowerment. The concluding message is based on the conviction that we are all able, collectively, to break the chains holding back half of humanity's potential and make a future where women thrive as equals in every aspect of life.