

CEDAW and Abortion

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For the complete text of CEDAW go to www.Zonta.org, click on Advocacy, Then at the bottom of the Advocacy page under heading Additional Resources, Click on “The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)” Then click on Text of the Convention and select English as the language you want.

CEDAW Articles related to women’s reproductive life:

Part I, Article 5 States Parties shall take all appropriate measures:

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

Part III

Article 10 (Education)

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

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

Article 11 (Employment)

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

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

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

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

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

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

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

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

Article 12 (Health Care)

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care **in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.**

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

Article 14 (Rural Women)

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

PART IV (Legal Equality)

Article 16 (Family Law)

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

CEDAW and Abortion:

There are NO provisions or statements about abortion in the CEDAW document.

No CEDAW provisions about access to “family planning” advocate abortion. The treaty is silent on the subject, leaving it up to each government to determine policies and laws regarding this issue.

The U.S. State Department has concluded that CEDAW is “abortion neutral.”

Many countries that have ratified CEDAW prohibit or severely restrict abortions. Among these are Ireland, Burkina Faso and Rwanda. These countries have not been “censured” or “punished” because of their anti-abortion policies.

CEDAW establishes a Committee on the Elimination of Discrimination against Women (referred to as the Committee) to evaluate the annual reports each nation submits describing the progress it has made in implementing the Convention. The Committee of twenty-three members reports annually to the General Assembly of the United Nations and may recommend steps individual nations might take to achieve their goals.

The Committee **has** suggested ways that certain countries with a high incidence of abortion can REDUCE abortions and ensure better health of women and children.

For example, The Committee has urged Ireland to engage in a national dialogue on women's reproductive rights, and to improve family planning services and the availability of contraception in order to REDUCE the number of Irish women who travel outside the country to obtain abortions.

In addition, after Romania noted in its report to the Committee in 1999 that abortion was the primary method of birth control in the nation and that ignorance about reproductive health and the risks of abortions contributed to a high maternal mortality rate, the Committee encouraged Romania to improve the teaching of sex education in schools, to review and revise teaching materials about family planning and maternal health, and to improve and devise methods of educating women through the media and more effective health and family planning institutions.

The evidence demonstrates that CEDAW seeks to ensure that women have access to information about reproductive options, access to family planning measures, and safe and healthy means of spacing pregnancies. In sum, CEDAW supports women's right to make personal choices about reproduction without discrimination because of their sex.

Zonta International's Advocacy Policies:

Zonta International's Advocacy Policies include provisos that advocacy shall be nonpartisan and nonsectarian, and that Zonta International, Zonta Districts and clubs should NOT take a stance on controversial issues which "confront ones moral, ethical or religious beliefs" (such as abortion, legalized prostitution, and euthanasia) and would divide the membership.

For additional information about CEDAW and its impact on women and girls, I recommend you visit www.womenstreaty.org as well as the link mentioned above on the Zonta International website.

Please feel free to contact me if you have any additional questions:
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