
International Developments

Conventions and Agreements

U.N. Convention on the Elimination of All Forms of Discrimination against Women

The six-part, 30 Article Convention was adopted by the U.N. General Assembly on 18 December 1979. Discrimination against women is defined as - "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The first 16 articles of the Convention cover measures to be taken by States to eliminate discrimination in various fields, including political and public life, the right to nationality, education, employment, health, marriage and family. The rights of rural women are given special attention, as are the elimination of stereotypes and the suppression of prostitution.

Among the specific duties required of States party to the Convention is legislative action against laws, regulations, customs and practices which discriminate against women. States are required to modify social and cultural patterns of conduct to eliminate prejudices or practices based on the idea of the inferiority or superiority of either sex or on stereotyped roles for men and women. States must ensure that education includes a proper understanding of maternity as a social function and the common responsibility of men and women in the upbringing of their children.

States are also bound to suppress traffic in women and the exploitation of prostitution of women. They must grant women equal rights with men to acquire, change or retain their nationality and ensure that neither marriage to an alien nor change of the husband's nationality during marriage would automatically change the nationality of the wife, render her stateless or force upon her the nationality of her husband.

The Convention also deals with marriage and family relations. It binds States to ensure that men and women have the same right to freely choose a spouse and enter into marriage with only their free and full consent, the same rights and responsibilities during marriage and at its dissolution, equal rights as parents including the right to decide on the number and spacing of their children, and the same rights with regard to guardianship, trusteeship and adoption, in all cases keeping the interest of the children paramount.

In the areas of health, education and employment, which are the sub-themes of the World Conference for Women, States are required to ensure on the basis of equality of men and women, access for women to health care services, including those relating to family planning.

Regarding education, the Convention binds States to give women equal access to educational establishments, to the same curricula as men, and to scholarships and programmes of continuing education, particularly

those aimed at reducing any existing gap in education between men and women. It also requires States to eliminate stereo-typed concepts of the roles of men and women.

In the area of employment, the Convention establishes the right to work as an inalienable right of all human beings. It requires States to give women the right to the same employment opportunities as men, to free choice of profession, to equal remuneration, promotion and job security. States are also required to prohibit the dismissal of women on the grounds of pregnancy, to introduce maternity leave with pay and to encourage the development of child-care facilities.

The rest of the Convention concerns the establishment of a Committee composed of 23 experts "of a high moral standing and competence" who would serve in their personal capacity to monitor the implementation of the Convention. States party to the Convention are required to report to the Committee in the first year and then every four years on the measures they have taken to put into effect the provisions of the Convention.

The Convention also includes articles covering the settlement of disputes between States over the interpretation or application of the Convention.

(C.L.B. April 1980 pp.643-644)

Intensifying the promotion of family planning as a basic human right

The International Planned Parenthood Federation 1982-84 Plan states that while most governments have signed international instruments recognizing family planning as a basic human right within the context of the United Nations Declaration of Human Rights, some still do not facilitate or even allow the exercise of this right. Restriction of family planning for demographic, political, religious, ethnic or social reasons continues. In many societies the exercise of family planning as a human right is inhibited by discriminatory attitudes. Organized opposition to family planning is increasing in several countries, jeopardizing the availability of family planning to those who need it most.

The Plan includes the following recommendations:-

- (1) To focus attention of those prevented from exercising the human right to family planning and take action to assist them.
- (2) Enlist the support of key international opinion leaders in promoting understanding of the health and social benefits of family planning.
- (3) Join forces with other international organizations to counteract organized opposition to family planning.
- (4) Increase the commitment of governments and other organizations to the provision of family planning information and services.

Further details of the Plan are set out in the Commonwealth Law Bulletin.

(C.L.B. July 1981 pp.1081-1083)

International Code of Marketing Breast-milk Substitutes: implementation

More than 100 members States of the World Health Organization are taking action to implement the International Code of Marketing of Breast-milk

Substitutes, which was adopted by the thirty-fourth World Health Assembly in May 1981. Of these, some 40 States have adopted legislation or other measures to ensure compliance with the Code. More than 60 others are in the process of enacting a variety of measures to implement it.

The status of compliance with and implementation of the Code was the subject of a Report by Dr. Halfdan Mahler, W.H.O. Director-General which was presented to the W.H.O. Executive Board at its seventy-first session in January 1983 and to the thirty-sixth World Health Assembly in May 1983, together with a summary of the present global nutritional situation, with particular reference to infants and young children and a report on steps taken in compliance with the Assembly's resolution concerning the nutritional value and safety of products specifically intended for infant and young child feeding.

National authorities have taken steps to reinforce and protect breast-feeding while monitoring marketing practices where breast-feeding substitutes are concerned. The Code stresses that breast-feeding is an unequalled way of providing ideal food for the healthy growth and development of infants.

While noting that infant formula and suitable ingredients from which to prepare it should be made accessible to those who need them the Code calls for the elimination of director consumer promotion, including advertising, gifts and samples, and labelling practices which may interfere with the protection and promotion of breast-feeding.

(C.L.B. July 1983 p.i051)

AUSTRALIA

Convention on the Political Rights of Women

The Convention was opened for signature in New York on 31 March 1953. Australia acceded to the Convention on 10 December 1974. The Convention entered into force for Australia on 10 March 1975.

Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value

The Convention was adopted at Geneva by the International Labour Organisation Conference on 29 June 1951. Australia ratified the Convention on 10 December 1974. The Convention entered into force on 10 December 1975.

(C.L.B. July 1976 p.247)

United Nations Convention on the Elimination of All Forms of Discrimination Against Women

The Hague Convention on the Celebration and Recognition of the Validity of Marriage

In July 1980 Australia signed the Convention. The major benefit from the move is in the area of foreign marriages. Under the Convention, Australia can refuse to recognise a marriage only if either of the parties is already married; the parties are in a prohibited relationship; or either party does not freely or effectively consent to the

marriage.

(C.L.B. January 1981 p.304)

Convention of the Recovery Abroad of Maintenance 1956

The Federal Attorney-General has announced that Australia is to become a party to the International Convention providing for the Reciprocal Enforcement of Maintenance Orders. He added that Australia would accede to the United Nations Convention on the Recovery Abroad of Maintenance, probably early in 1983.

The Attorney-General said that the Government had allocated \$A60,000 in the Budget to implement the Convention.

At present Australia has reciprocal maintenance provisions with the Commonwealth countries and it is virtually impossible to enforce maintenance orders made by the Family Court of Australia where the party against whom the order is made goes to a non-Commonwealth country.

(C.L.B. January 1983 p.222)

CYPRUS

European Convention on the Legal Status of Children born out of Wedlock.

This Convention which was signed on 1 December 1978 has been ratified by the European Convention on the Legal Status of Children born out of Wedlock (Ratification) Law 1979 (No.50 of 1979)

(C.L.B. October 1979 p.1233)

Convention on the Recognition of Divorces and Legal Separations (Ratification) Law 1982 (No.63 of 1982)

This Law ratifies the Convention which applies to the recognition in one Contracting State of divorces and legal separations obtained in another Contracting State which follow judicial or other proceedings official recognised in that State and which are legally effective there.

(C.L.B. April 1983 p.620)

INDIA

Indian National Code for Protection and Promotion of Breast-feeding

The Ministry of Social Welfare, by a Resolution of 19 December 1983 adopted the Code for the Protection and Promotion of Breast-feeding. The Code is reproduced in full in the Commonwealth Law Bulletin.

(C.L.B. April 1984 pp.949-954)

KENYA

Convention on the Elimination of All Forms of Discrimination against

Women 1979

The Convention entered into force on 3 September 1981. Kenya acceded to the Convention on 9 March 1984. The six-part, 30 article-convention sets forth measures to be taken to eliminate discrimination against women in various fields. The Convention has so far (27 March 1984) been ratified or acceded to by 56 States.

(C.L.B. July 1984 p.1319)

MAURITIUS

Convention on the Elimination of All Forms of Discrimination against Women 1979

Mauritius acceded to the Convention on 9 July 1984.

(C.L.B. January 1985 p.208)

NIGERIA

Convention on the Elimination of All Forms of Discrimination against Women 1979

Nigeria acceded to the Convention on 23 April 1984.

The Convention so far (8 October 1984) has been ratified or acceded to by 59 States including: Australia, Barbados, Canada, Dominica, Guyana, Kenya, Mauritius, Saint Lucia, Saint Vincent and Sri Lanka.

(C.L.B. January 1985 p.208)

NEW ZEALAND

Convention on the Elimination of All Forms of Discrimination Against Women 1979

The Human Rights Commission of New Zealand has recommended ratification of the Convention. The new Government has announced its acceptance of the Commission's recommendation. There has been widespread campaigning among some sections of the community to reject the Convention on ethical grounds.

(C.L.B. October 1984 p.1862)

PAPUA NEW GUINEA

The Convention on the Political Rights of Women

This Convention opened for signature in New York on 31 March 1953. The instrument of accession on behalf of Papua New Guinea was deposited on 27 January 1982.

(C.L.B. April 1982 p.749)

SAINT LUCIA

Convention on the Elimination of All Forms of Discrimination against Women 1979

The instrument of accession on behalf of St. Lucia was deposited on 8 October 1982.

(C.L.B. April 1983 p.618)

UNITED KINGDOM

Convention on the Recovery Abroad of Maintenance (New York 1956)

This Convention entered into force in the United Kingdom on 12 April 1975.

(C.L.B. October 1975 p.38)

European Convention on the Legal Status of Children born out of Wedlock

The United Kingdom instrument of ratification was deposited on 24 February 1981 and the Convention entered into force for the United Kingdom on 25 May 1981.

(C.L.B. October 1981 p.1481)