

DECONSTRUCTING MEANING ARTICLE 14 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

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Abstrak

CEDAW merupakan upaya penghapusan diskriminasi terhadap perempuan dengan meminta pertanggungjawaban negara atas diskriminasi yang terjadi di wilayahnya. Perumusan CEDAW diawali dengan Bill of Rights of Women atau Pernyataan Permanen Hak Perempuan sebagai Hak Asasi Manusia pada Sidang Umum PBB pada tanggal 18 Desember 1979. CEDAW memiliki tiga prinsip utama. Pertama, prinsip kesetaraan. Kedua, prinsip non-diskriminasi. Ketiga, asas kewajiban kepada negara. Perlindungan CEDAW dari diskriminasi mendefinisikan dan melarang diskriminasi terhadap perempuan, menjamin partisipasi politik perempuan dan otonomi reproduksi, serta menjamin hak-hak perempuan di bidang hukum, pendidikan, pekerjaan, budaya dan kehidupan keluarga. CEDAW merupakan salah satu konvensi utama di tingkat internasional yang membela hak-hak perempuan sebagaimana tertuang dalam resolusi Pengadilan Umum no. 34/180 tanggal 18 Desember 1979. CEDAW disiapkan untuk diadopsi dan diratifikasi oleh negaranegara anggota PBB. CEDAW memuat 30 pasal dan secara resmi dan sah dinyatakan sebagai dokumen internasional (berlaku) pada tanggal 3 September 1981. CEDAW telah diratifikasi oleh Indonesia melalui UU No. 7/1984 tanggal 24 Juli 1984 dengan melakukan reservasi (reservasi) pasal 29 ayat 1. Meskipun fokus utama CEDAW adalah kesetaraan gender, pengakuan CEDAW terhadap perempuan pedesaan juga dapat dilihat sebagai cerminan aspirasi terhadap kesetaraan spasial atau setidaknya pengakuan atas hak-hak perempuan di pedesaan. kesenjangan spasial.

Kata kunci: CEDAW, Kesetaraan Gender, Diskriminasi

Abstract

CEDAW is an effort to eliminate discrimination against women by holding the state accountable for discrimination that occurs in its territory. The formulation of CEDAW began with the Bill of Rights of Women or the Permanent Statement of Women's Rights as Human Rights at the UN General Assembly on December 18, 1979. CEDAW has three main principles. First, the principle of equality. Second, the principle of non-discrimination. Third, the principle of obligation to the state. CEDAW protection from discrimination defines and prohibits discrimination against women, ensures women's political participation and reproductive autonomy, and guarantees women's rights in the fields of law, education, employment, culture and family life. CEDAW is one of the main conventions at the international level defending women's rights as stated in General Court resolution no. 34/180 dated December 18, 1979. CEDAW is prepared for adoption and ratification by UN member states. CEDAW contains 30 articles and is officially and legally declared an international document (applicable) on September 3, 1981. CEDAW has been ratified by Indonesia through Law no. 7/1984 dated July 24, 1984 by making a reservation (reservation) article 29 paragraph 1. While CEDAW's principal focus is gender equality, its recognition of rural women might also be seen as reflecting an aspiration to spatial equality or at least an acknowledgment of spatial inequalities.

Keywords: CEDAW, Gender Equality, Discrimination

INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination Against Women, is one of the most widely ratified human rights treaties in history,¹ yet many view it as a failure in terms of what it has achieved for women.² Beside that, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the first human rights instrument to recognize explicitly rural-urban differences.³ It does so by enumerating specific rights for rural women in Article 14 and recognizes rural women as a particularly disadvantaged group in need additional rights.⁴ Article 14 addresses rural women exclusively and specifically, stipulating that they-like their urban counterparts-should enjoy the panoply of CEDAW rights: education, health care, and an array of civil and political rights. Moreover, Article 14 enumerates for rural women rights related to participation in agriculture and development more generally.⁵

Article 14, also includes the right for women to organize self-help groups (SHGs) and cooperatives for purposes of obtaining “equal access to economic opportunities through employment or self employment,” a right not enumerated elsewhere in relation to all women.⁶ Finally, Article 14 enumerates for rural women a wider range of socioeconomic rights than CEDAW elsewhere recognizes for all women.⁷ These include rights to various types of infrastructure, including water, sanitation, electricity, transportation, and housing.⁸

In spite of Article 14 roles to inspired feminist activism around the world and helped raise women’s legal consciousness its still have a lack of interpretation about the character of rurality and rural-urban difference. Hence, we will discuss its drafting history of Article 14 or it’s *Travaux Préparatoires* and examine the use of spatial equality in this exact article to determined its meaning and significance.

1 E.g., Noreen Burrows, The 1979 Convention on the Elimination of All Forms of Discrimination Against Women, 32 NETH. INT’L L. REV. 419, 446-48 (1985); Jo Lynn Elizabeth Evatt, Eliminating Discrimination Against Women: The Impact of the UN Convention, 18 MELB. U.L.REV. 435, 435 (1991-92); Overview of the Convention, UNITED NATIONS DIV. FOR THE ADVANCEMENT OF WOMEN, <http://www.un.org/womenwatch/daw/cedaw/index.html> (last visited Jan. 31, 2011).

2 Ratification, Accessions and Successions Status of Convention on the Elimination of All Forms of Discrimination against Women, UNITED NATIONS TREATY COLLECTION [hereinafter Ratification], http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV8&chapter=4&lang=en (last visited Jan. 31, 2011).

3 See, e.g., Christine Min Wotipka & Francisco O. Ramirez, World Society and Human Rights: An Event History Analysis of the Convention on the Elimination of All Forms of Discrimination Against Women, in THE GLOBAL DIFFUSION OF MARKETS AND DEMOCRACY 303, 305 (Beth A. Simmons et al. eds., 2008).

4 Hillock, supra note 6, at 500 (citing Harold Hongju Koh, Why America Should Ratify the Women’s Rights Treaty (CEDAW), 34 CASE W. RES. J. INT’L L. 263, 266 (2002);

5 Afra Afsharipour, Empowering Ourselves: The Role of Women’s NGOs in the Enforcement of the Women’s Convention, 99 COLUM. L. REV. 129, 130 n.4 (1999)

6 See Marsha A. Freeman, Women, Development and Justice: Using the International Convention on Women’s Rights, in OURS BY RIGHT: WOMEN’S RIGHTS AS HUMAN RIGHTS.

7 (Joanna Kerr ed., 1993) (calling Article 14 “unique as a statement of human rights because it emphasizes the rights of a particular sub-group to which special attention should be paid”).

8 Wotipka & Ramirez, supra note 7, at 303. See also Aída González Martínez, Human Rights of Women, 5 WASH. U. J.L. & POL’Y 157, 171 (2001) (referring to Article 14 as “a recognition that [rural women] constitute a group that faces specific problems and that requires special attention”). This focus on group membership reflects the so-called third generation of human rights. Hilary Charlesworth, What are “Women’s International Human Rights”?, in HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES 58, 58 (1994).

History of The Convention on The Elimination of All Forms of Discrimination against Women (CEDAW)

After the founding of the United Nations, the Commission on the Status of Women (CSW) first met at Lake Success, New York, in February 1947. It was represented by 15 government representatives who were all women. From its commencement, the Commission was supported by a unit of the United Nations which later became the Division for the Advancement of Women (DAW) in the UN Secretariat. From the year 1947 to the year 1962, the Commission concentrated on setting standards and formulating international conventions to bring change in discriminatory legislation and foster global awareness about women's issues. In addition to the drafting of the Universal Declaration of Human Rights, the CSW successfully debated against references to "men" as a synonym for humanity, and succeeded in introducing new, more inclusive language.

To understand the legal rights of women globally, the commission needed an analytical data. Extensive research was carried out which gave and produced a detailed analysis of each country gave a clear picture of status of women in political and legal standing. This over a time period became instrumental in drafting human rights policy and laws. To bring about necessary upliftment, the commission drafted the international conventions on women's rights such as 1953 the conventions on the political rights of women. This convention was the first international which aimed to recognize and protect the political rights of women. In the 1957, the first international agreements on women's rights in marriage was drafted which was Convention on the Nationality of Married Women, and the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

The commission also focused on and contributed to Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, which protected the principle of equal pay for equal work (the International Labour Organization's 1951). In 1963, the UN assembly approached the commission to consolidate standards on women's rights and draft a Declaration on the Elimination of Discrimination against Women, this was adopted in 1967 by the Assembly. This was followed by Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979.

Simultaneously, as research and data were getting collected, the attention was drawn through wards the developing countries rural development, agricultural work, family planning, and scientific and technological advances. The developing countries largely faced issues were women were disproportionately affected by poverty. Therefore, the UN system expanded its technical assistance to further the advancement of women in developing countries. In 1972, to mark its 25th anniversary, the commission proposed 1975 to be designated as 'The International Women's Year'. The aim was to draw attention to the importance of women's equality with men and their contributions to development and peace. The year had remarkable addresses and conferences related to women empowerment like

- a. the First World Conference on Women in Mexico City.
- b. followed by the 1976–1985 UN Decade for Women: Equality, Development and Peace.
- c. world conferences took place in Copenhagen in 1980.
- d. Nairobi in 1985.

Followed by this New UN offices dedicated to women were established, particularly the UN Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW). As part of follow-up to the Third World Conference on Women in Nairobi, in 1987, the Commission took the lead in coordinating and promoting the

UN system's work on economic and social issues for women's empowerment. Its agenda and efforts shifted to promoting women's issues as cross-cutting and part of the mainstream of society and development, rather than as separate issues of concerns.

During this period for the first time, the Commission also brought to forefront the issues of violence against women in international debates. These efforts and struggle resulted in the Declaration on the Elimination of Violence against Women which was adopted by the General Assembly on 20 December 1993. In 1994, a UN Special Rapporteur on violence against women was appointed by the Commission on Human Rights, to find its causes and consequences, with a mandate to research, investigate and report on every aspects of violence against women. In 2011, the four parts of the UN system mentioned that is DAW, INSTRAW, OSAGI and UNIFEM, merged to become UN Women, now the Secretariat of the Commission on the Status of Women.⁹

CEDAW is an effort to eliminate discrimination against women by holding the state accountable for discrimination that occurs in its territory. A "convention" is slightly different from a treaty, but it is also a written agreement between international entities. CEDAW can be considered an international law on women's rights. The Convention recognizes that persistent discrimination against women exists and urges member states to take action. CEDAW provisions include:

- a) States Parties to, or signatories to, the Convention must take all "appropriate measures" to amend or eliminate existing laws and practices that discriminate against women.
- b) States Parties should suppress trafficking in women, exploitation and prostitution.
- c) Women should be able to vote in all elections on the same terms as men.
- d) Equal access to education, including in rural areas.
- e) Equal access to health care, financial transactions, and property rights.

History of Women's Rights in the United Nations: The United Nations Commission on the Status of Women (CSW) has previously worked on women's political rights and the minimum age for marriage. Although the UN charter adopted in 1945 addresses human rights for all people, there are arguments that the various UN agreements on sex and gender equality are a piecemeal approach that fails to address discrimination against women as a whole.

Growing Awareness of Women's Rights: During the 1960s, there was a worldwide increase in awareness of the many ways women were subject to discrimination. In 1963, the UN asked the CSW to prepare a declaration that would collect in one document all international standards regarding equal rights between men and women. The CSW produced the Declaration on the Elimination of Discrimination against Women, adopted in 1967, but this Declaration was only a statement of political intent rather than a binding agreement. Five years later, in 1972, the General Assembly asked the CSW to consider working on a binding agreement. This led to the working groups of the 1970s and ultimately the 1979 Convention.

⁹ Dr. Gazala Bhoje, Dr. Samina Shaikh, "History of CEDAW and Women Empowerment", *International Journal for Multidisciplinary Research (IJFMR)*, Volume 5, Issue 2, March-April 2023.

Adoption of CEDAW: The international rulemaking process can be slow. CEDAW was adopted by the General Assembly on 18 December 1979. CEDAW entered into legal force in 1981, after being ratified by twenty member states (nation states, or states). This convention actually came into force sooner than any previous convention in the history of the UN. The Convention has been ratified by more than 180 countries. The only Western industrialized country that has not ratified is the United States, leading observers to question the US's commitment to international human rights.

CEDAW has nations to give helps Women's Rights. In theory, once States Parties ratify CEDAW, they enact laws and other measures to protect women's rights. Of course, it's not easy, but the Convention is a binding legal agreement that helps with accountability. The United Nations Development Fund for Women (UNIFEM) cites many CEDAW success stories, including:

- a. Austria implemented the CEDAW committee's recommendations on protecting women from intimate partner violence.
- b. Bangladesh's High Court outlaws sexual harassment, based on CEDAW's employment equality statement.
- c. In Colombia, the court that overturned a total ban on abortion cited CEDAW and recognized reproductive rights as human rights.
- d. Kyrgyzstan and Tajikistan have revised land ownership processes to ensure equal rights and meet standards in the Convention.¹⁰

The formulation of CEDAW began with the Bill of Rights of Women or the Permanent Statement of Women's Rights as Human Rights at the UN General Assembly on December 18, 1979. This formulation began with the UN General Assembly's special attention to a draft convention on the Elimination of All Forms of Discrimination against Woman. This convention was then ratified in 1981 after 20 countries agreed to it.¹¹ The approval of CEDAW has a specific objective, namely to protect and introduce women's rights to the international community, which was finally addressed by the UN Commission on the Status of Women, a body that was formed in 1947 by the UN as a council for considerations and policy makers to improve the quality and position of women.¹²

CEDAW is one of the main conventions at the international level that defends women's rights as stated in the General Court resolution no. 34/180 dated 18 December 1979. CEDAW was prepared for adoption and ratification by UN member states. CEDAW contains 30 articles and was formally and legally declared an international document (entry into force) on 3 September 1981. CEDAW has been ratified by Indonesia through Law no. 7/1984 dated July 24, 1984 by making a reservation (reservation) article 29 paragraph 1. This means that Indonesia does not recognize a mechanism for both arbitration and settlement in the International Court of Justice if there are problems with the interpretation of the contents of the convention with other countries. The contents of the article are as follows:

10 Sejarah budaya: a brief history of CEDAW, <https://www.greelane.com/id/sastra/sejarah--budaya/brief-history-of-cedaw-3529470/>, diakses pada tanggal 31 Agustus 2023.

11 Hans Kelsen, *Hak Asasi Manusia Kaum Perempuan Langkah Demi Langkah*, terj. LBH APIK (Jakarta: LBH APIK, 2001), p.13.

12 *Ibid.*, pp. 13-15

Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court¹³

The article states clearly that any dispute that occurs between two or more countries, regarding the interpretation or application of the convention that cannot be resolved through negotiations, then at the request of one of the parties to the dispute will be submitted to arbitration. If within six months from the date of the request for arbitration the parties to the organization are unable to agree on arbitration, then either of the parties may submit a dispute to the International Court of Justice upon request in accordance with court procedures.

In Indonesia, however, there seems to be a lack of harmonization between National law and CEDAW, especially considering the relationship between State law, Islamic law and customary law.¹⁴ So it is difficult to synchronize between national law and the convention. In fact, countries in the world should not be exempt from the obligation to comply with CEDAW provisions based on their national legal provisions. If national law reduces the implementation of an international agreement, national law must be changed. This obligation is coupled with the CEDAW article which states that countries participating in CEDAW are obliged to amend national laws in order to eliminate discrimination against women and protect women's rights.¹⁵

CEDAW has three main principles. First, the principle of equality, namely efforts to see substantive equality for men and women. Second, the principle of nondiscrimination, both sex discrimination and the fulfillment of basic freedoms and human rights. Third, the principle of obligation to the state, in this case the state is the main actor who is responsible for realizing equality that participating countries are the main actors who have the responsibility to ensure the realization of equal rights for men and women in enjoying all economic, social, cultural, civil rights and politics.¹⁶

The UN General Assembly notes that discrimination against women is still increasing, so it is necessary to draft a Declaration on the Elimination of Discrimination against Women. In 1965, the Commission began preparing and in 1966 a draft Declaration on the Elimination of All Forms of Discrimination Against Women was issued. In 1967, this draft was approved to become a Declaration on the Elimination of All Forms of Discrimination against Women based on social facts.¹⁷

After the Declaration on the Elimination of Discrimination against Women was formed, the Commission on the Status of Women prepared a Conference to draw up a World Framework on Women where this Conference called for a Convention on the Elimination of All Forms of Discrimination against Women. The Conference's encouragement was welcomed by the UN General Assembly which then designated the period from 1976 to 1985 as the Women's Decade and urged

13 *Loc cit*, p.13.

14 Jimly Assididqie, *Perempuan Dan Hak Konstitusi: Perempuan Dalam Relasi Agama Dan Negara*, (Jakarta: Komisi Nasional Anti Kekerasan terhadap Kaum Perempuan, 2010), hlm. 120.

15 *Ibid.*, hlm. 121

16 Hans Kelsen, *Hak Asasi Manusia*, hlm. 13

17 . Amina Wadud Muhsin, *Qur'an Menurut Perempuan*, terj. Abdullah Ali, (Jakarta: Serambi Ilmu Pustaka, 2001), hlm. 145.

the Commission on the Status of Women to complete the Convention in the middle of the Decade (1979 to be exact).¹⁸ Indonesia began to follow and officially enter into the convention. through the stipulation of Law No.7/1984. This determination is motivated by the discrimination and stereotypes experienced by women, both secretly and openly.¹⁹

Chapter 14 contains:

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
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:
 - a. To participate in the elaboration and implementation of development planning at all levels;
 - b. To have access to adequate health care facilities, including information, counselling and services in family planning;
 - c. To benefit directly from social security programmes;
 - d. To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - e. To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
 - f. To participate in all community activities;
 - g. To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.²⁰

The Meaning of Rural Area in CEDAW

In this chapter, we will consider closely the language of Article 14 to assess the meaning of each subsection in the context of CEDAW as a whole. Article 14(1): States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present

18 Umi Sumbulah, *Kata Pengantar Problematika Gender dalam Gender Dan Demokrasi*, (Malang: Avveroes Press, 2008), hlm. XXI.

19 Sobar Hartini, *Civil Rights dan Demokratisasi: Pengalaman Indonesia II*, disampaikan dalam Forum Diskusi Interaksi di Kuningan, Jawa Barat 27-29 Januari 2003

20 The Convention on The Elimination of All Forms of Discrimination against Women

Convention to women in rural areas.²¹ This provision calls attention to rural women broadly speaking, and it indicates that they should enjoy all of the rights stipulated elsewhere in the Convention. This part also makes certain assumptions about rural women, for example, that they play economic roles and not only nurturing ones in relation to their families. Indeed, it assumes that rural women have families. Both assumptions are present elsewhere in CEDAW with respect to all women.

Second, Article 14's reference to the "non-monetized sectors of the economy" associates both women and rurality with the informal economy (i.e., selfprovisioning, bartering of goods and services). On the one hand, this association is beneficial for rural women because it acknowledges in a very positive way the significance of an economic sector little attended to in national or international legal systems. Rural women exist principally outside "official statistics relating to GDP and employment, and have very often been ignored in development planning." On the other hand, it might be seen as negative to the extent it suggests that rural populations including women do not suffer deprivation in the way that urban populations do because the well-being of the former cannot be measured strictly in monetary terms (i.e., the international poverty standard of one dollar per day). That is, the informal economy may be seen as ameliorating poverty as measured in strictly monetary terms. While that suggestion could lessen the perceived need to assist rural women, the remainder of Article 14 makes clear the particular needs of this group, and it indicates how member states should respond to them.

The use of the word "appropriate" to modify member states' commitment under Article 14 might be read as giving member states flexibility with respect to actually achieving CEDAW's mandates regarding to rural women. The *Travaux Préparatoires*, however, indicate that the United Kingdom suggested the word "appropriate" here in order that "nothing extreme, like violence, could be used to eliminate discrimination against women in rural areas."

The next article 14(2) stated that 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[.] The first clause of this sentence tracks standard CEDAW language (regarding member states taking measures to eliminate sex discrimination), adding only "in rural areas" to modify women and define the protected class. This part of Section 14(2), the prefatory statement to more specific and substantive rights, notes the critical importance of development to rural populations. The provision's second clause emphasizes the perceived need for and significance of development to rural populations, a focus that is reinforced in part (2)(a). The concerns enumerated in the subsections that follow refer to a variety of aspects of development, from investment in physical infrastructure, including sewage systems and telecommunications lines; to economic development, including access to credit and marketing facilities; to enhancement of human capital, including education and health care. These provisions regarding rural women are primarily programmatic, setting forth aspirational "future policy for governments to follow in their development planning." Only one land reform clearly implicates law or legal change. I take up other

21 Welch, *supra* note 2, at 556; see also A/32/269, *supra* note 30, ¶ 13 (referring to the United Nations' "new basic-needs approach to economic development and technology choices" as manifest in a 1977 document by an ad hoc Working Group on Appropriate Technology in relation to the U.N. Conference on Science and Technology for Development).

aspects of CEDAW's focus on development in the next section. Article 14(2)(a): To participate in the elaboration and implementation of development planning at all levels.

This provision's emphasis on development seems somewhat redundant of both the provision that precedes it and of some of the substantive and detailed subsections that follow. The "at all levels" language adds something new, however. It suggests that women should have a say in development planning not only at the community level (via self-help groups, co-operatives, community activities and such, as suggested in other parts of 14(2)), but that they should also be integrated and included at higher levels, such as those of the region and even the nation state. This CEDAW provision seems to contemplate decentralization, which international donors have identified as a positive force in rural development.

A number of U.N. documents and reports appear to have influenced the inclusion of Article 14(2)(a). Some of these documents are listed in the Secretary-General's 1977 Report on Women in Rural Areas, and two other preliminary reports are also evidence of the U.N.'s view of rural women in relation to development planning. These were (1) the Secretary-General's proposal to the General Assembly, at its thirty-first session, of further research discussing "the extent to which women participate in fields such as agriculture, industry, trade and science and technology," and (2) a questionnaire that the Secretariat (the staff of the Secretary-General) sent to member states in order to evaluate progress related to the United Nations' International Development Strategy for its Second Development Decade and for International Women's Year. These reports were preceded by General Assembly Resolution 3523 on "Women in Rural Areas," and Resolution 31/175 on the "Effective Mobilization of Women in Development." The questionnaires and resolutions focused on facilitating women's equal participation with men in all development efforts and, in particular equal access to political parties, trade unions, training, especially in agriculture, co-operatives, and credit and loan systems, as well as equal opportunities to participate in policy-making in the economic field, in commerce and trade and in the advanced efforts of industry.

Similar areas of concern are mentioned in CEDAW's Article 14, sections (2)(e) (self-help groups and co-operatives), (2)(f) (community activities), and (2)(g) (agriculture and economics). Section (2)(a) might thus be seen as an umbrella for the subsections that follow it, as those subsections elaborate on different aspects of development. This focus on development in Article 14 assumes that rural places are in need of development, which might be read as suggesting that they should become urban—or at least more urban-like. After all, urban places are necessarily more developed than rural ones by some measures. On this basis, Article 14 might be seen in its entirety as reflecting an urban bias. Arturo Escobar's critique of development would thus presumably see at least some aspects of CEDAW's Article 14 as problematic in that it risks articulating a false consciousness for rural populations.

Escobar challenges the assumption that "peasants" desire development as manifest, for example, in production for the market. He expresses offense that the development community sees development as "about growth, about capital, about technology, about becoming modern," which may be inconsistent with the wishes of villagers themselves. Article 14, then, appears to mandate what Escobar believes rural residents do not necessarily seek because it effectively makes choices for rural populations by suggesting what the good life entails, for example, increased production and production for the market.

Nevertheless, Article 14(2)(a) may have some redeeming qualities in relation to the otherwise hegemonic nature of development. Specifically, Article 14(2)(a)'s call for the engagement of rural women development "at all levels" aspires for rural women to have a say in the path of development there by endowing them with the power to reject certain development courses, should they so choose. Indeed, the CEDAW working group stressed "the need for the participation of people at the grass-roots level, so as to ensure that actual conditions in rural areas are taken into account in the planning process."

CONCLUSION

CEDAW is an effort to eliminate discrimination against women by holding the state accountable for discrimination that occurs in its territory. CEDAW provisions include:

- a. States Parties to, or signatories to the Convention shall take all 'appropriate measures' to change or eliminate existing laws and practices that discriminate against women.
- b. States Parties shall suppress the trafficking of women, exploitation and prostitution.
- c. Women must be able to vote in all elections on the same terms as men.
- d. Equal access to education, including in rural areas.
- e. Equal access to health care, financial transactions, and property rights.

CEDAW thus assumes women are subjects to be acted upon to be developed in the same way rural people and places are to be acted upon and improved. The parallel between women and rurality suggested by CEDAW's use of the term "development" regarding both reflects a pervasive and long-standing association between the feminine and the rural. Both rurality and women have also long been associated with the private sphere, with that which is beyond the law's reach.

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