



THE ACTIVITIES OF THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND ITS LEGAL FOUNDATIONS

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Abstract

This article provides an in-depth analysis of the activities and legal foundations of the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee), established under the Convention on the Elimination of All Forms of Discrimination Against Women. The article begins by examining the historical development and adoption of the CEDAW Convention in 1979 and outlines its significance as a key international legal instrument aimed at protecting women's rights globally. The functions and responsibilities of the CEDAW Committee are scrutinized, including its monitoring mechanisms, the reporting process for State parties, the issuance of general recommendations, and the handling of individual complaints under the Optional Protocol. Furthermore, the article explores the legal and institutional frameworks that empower the Committee's operations, particularly the role of international human rights law, UN Charter obligations, and treaty body jurisprudence. Special attention is given to how the Committee contributes to shaping national legal reforms, influencing judicial practices, and advancing gender equality norms in diverse legal systems. Case studies from selected countries are presented to illustrate the Committee's practical impact on state accountability and legislative changes. Additionally, the article evaluates the challenges the Committee faces, such as political resistance, underreporting, and the lack of enforcement mechanisms, and proposes strategies to strengthen its effectiveness. Through a combination of doctrinal legal analysis and empirical case reviews, the article provides a comprehensive understanding of the CEDAW Committee's pivotal role in the international human rights regime and its ongoing contribution to the elimination of all forms of discrimination against women.



Keywords: United Nations, CEDAW, Women's Rights, International Law, Human Rights, Gender Equality, Discrimination Against Women, CEDAW Committee, Treaty Body, Monitoring Mechanism, State Reporting, General Recommendations, Optional Protocol, Legal Reform, International Human Rights Instruments, Women's Empowerment, UN Charter, Institutional Framework, Compliance, Enforcement Challenges, Jurisprudence, Gender-Based Violence, Policy Advocacy, Global Governance, Legal Accountability, Feminist Legal Theory.

Introduction

The elimination of discrimination against women remains one of the central challenges in the pursuit of universal human rights and gender equality. Despite notable progress in global legal standards and national frameworks, systemic and structural barriers continue to perpetuate inequality and restrict the full enjoyment of rights by women and girls in various regions of the world. Against this backdrop, the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee) serves as a pivotal institutional mechanism for advancing the implementation of international legal obligations pertaining to women's rights. Established under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the UN General Assembly in 1979, the Committee is tasked with monitoring State compliance, interpreting treaty provisions, and guiding member states in their efforts to eradicate gender-based discrimination. It holds a unique legal mandate, derived from both the Convention and the Optional Protocol, enabling it to receive periodic reports, issue general recommendations, conduct inquiries, and consider individual complaints. These functions collectively reinforce the Committee's role as both a supervisory and normative body in the international human rights system. This article aims to examine the legal basis, procedural mechanisms, and practical impact of the CEDAW Committee's activities. It explores the evolution of its jurisprudence, the significance of its general recommendations in shaping international standards, and its influence on domestic legal reforms. By analyzing legal documents, State reports, and selected case studies, the article seeks to provide a comprehensive understanding of how the Committee operates within the framework of international law and contributes to the progressive realization of



gender equality worldwide. Furthermore, it addresses existing challenges—such as limited enforcement powers and political resistance—and offers policy-oriented insights for strengthening the Committee’s effectiveness and global outreach.

Main Body

Legal Foundations of the CEDAW Committee. The Committee on the Elimination of Discrimination Against Women derives its authority from the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a landmark international treaty adopted by the United Nations General Assembly. The Convention defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. As of 2025, the Convention has been ratified by 189 States, making it one of the most widely endorsed human rights treaties globally. The legal basis for the Committee is laid out primarily in Part V of the Convention (Articles 17–22), which establishes the Committee as the body responsible for monitoring the implementation of the Convention by State Parties. In addition, the 1999 Optional Protocol to the CEDAW Convention expands the Committee’s mandate by granting it authority to receive individual complaints (communications) and conduct inquiries into grave or systematic violations of women's rights. These instruments position the Committee within the broader framework of international human rights law, aligning its functions with the principles of the UN Charter and other core treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Core Functions and Operational Mechanisms. The CEDAW Committee operates through several key mechanisms that ensure State compliance and promote the progressive realization of women’s rights:

State Party Reporting Process. All State Parties are required to submit an initial report within one year of ratifying the Convention, followed by periodic reports every four years. These reports detail legislative, judicial, administrative, and other measures adopted to implement the Convention. The Committee reviews these reports in public sessions and engages in constructive dialogue with State representatives. Following each session, the Committee issues "Concluding Observations," which highlight positive developments, identify concerns, and provide recommendations for further action.



General Recommendations. The Committee issues General Recommendations to clarify the scope and meaning of the Convention's provisions. These interpretive instruments are crucial in shaping international jurisprudence on gender equality and influencing national policies. Notable examples include General Recommendation No. 19 on gender-based violence, No. 33 on access to justice, and No. 35 on gender-based violence as a form of discrimination. These documents provide authoritative guidance for States and have been cited in national court decisions and legislation.

Individual Communications and Inquiries (Optional Protocol). Under the Optional Protocol, individuals or groups may submit complaints alleging violations of rights protected under the Convention, provided that all domestic remedies have been exhausted. The Committee may request interim measures, examine the admissibility and merits of cases, and issue non-binding but influential decisions. The inquiry procedure allows the Committee to investigate grave or systematic violations, such as widespread violence against women. Although its findings are not enforceable in the traditional legal sense, they carry significant moral and political weight. Influence on National Legal Systems and Policies. The CEDAW Committee plays a catalytic role in driving legal and institutional reforms at the national level. Its Concluding Observations and General Recommendations often serve as reference points for drafting gender-sensitive legislation, establishing equality commissions, and reforming discriminatory family, labor, and criminal laws. Countries such as Tunisia, Nepal, and Mexico have amended domestic laws on marriage, violence, and property rights in response to CEDAW recommendations. Judicial systems have also increasingly relied on CEDAW provisions. Courts in countries like South Africa, India, and Canada have cited the Convention and the Committee's General Recommendations in landmark gender equality rulings. Furthermore, the Committee's interpretations have contributed to the development of customary international law on women's rights. Collaboration with Other UN Mechanisms and Civil Society. The CEDAW Committee works closely with other UN bodies, including the Human Rights Council, the Office of the High Commissioner for Human Rights (OHCHR), and the Special Rapporteur on Violence Against Women. This inter-agency cooperation enhances coherence in UN responses to gender inequality and ensures that the Committee's findings are integrated into broader UN programming. Civil society organizations (CSOs) play



an essential role in the Committee’s work. Many NGOs submit “shadow reports” that provide alternative perspectives on State compliance and help highlight issues omitted from official reports. The Committee often considers these reports during its review process, thereby strengthening transparency and accountability. Challenges and Limitations. Despite its significant achievements, the CEDAW Committee faces numerous challenges. Limited Enforcement Powers: The Committee’s recommendations are not legally binding, and States may ignore or delay their implementation without direct consequence. Political Resistance: In certain contexts, especially where patriarchal norms are entrenched, the Committee’s work is perceived as infringing on cultural sovereignty or religious traditions. Resource Constraints: The Committee often operates under budgetary and staffing limitations, which affect the depth and frequency of reviews. Underreporting and Delays: Some States fail to submit reports on time or provide incomplete information, hindering effective monitoring. Strategic Opportunities for Strengthening Impact. To enhance its effectiveness, several strategies can be employed. Strengthening follow-up mechanisms to monitor the implementation of recommendations. Expanding technical assistance to States for capacity-building in gender-sensitive governance. Increasing visibility and accessibility of General Recommendations and case outcomes. Promoting ratification of the Optional Protocol in countries that have yet to adopt it. Leveraging digital platforms to facilitate civil society engagement and improve transparency.

Empirical Analysis

Empirical research on the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) offers insight into the practical effectiveness, regional disparities, and evolving jurisprudential impact of the Committee’s work. This section presents an analytical overview based on quantitative data, case studies, and academic evaluations of State compliance, individual communications, and normative influence. State Compliance and Reporting Patterns. A longitudinal review of State Party reporting trends reveals varied compliance rates and qualitative differences in engagement. According to the Office of the High Commissioner for Human Rights (OHCHR), as of 2023, 189 countries had ratified CEDAW, yet over 50 States had failed to submit reports within required timelines. The average delay in periodic reporting among non-



compliant States was 5.6 years, indicating systemic weaknesses in national accountability mechanisms. Countries in Western Europe and Latin America tend to demonstrate higher consistency in reporting and implementation, while many States in Sub-Saharan Africa, the Middle East, and Southeast Asia exhibit intermittent engagement. For example, Norway submitted its 10th periodic report in 2022, including measurable progress on gender wage equity and anti-discrimination legislation. In contrast, Iran, which has signed but not ratified the Convention, continues to withhold full legal commitment, limiting the Committee's capacity to exert oversight. Impact of General Recommendations: Case Study Evaluation. The Committee's General Recommendations (GRs) provide normative clarification and exert substantial influence in legal reforms and judicial interpretations. General Recommendation No. 19 (1992) was foundational in linking gender-based violence to discrimination under Article 1 of CEDAW. Since its issuance, over 70 countries have amended or introduced domestic legislation on domestic violence, sexual harassment, and marital rape. Example: In Tunisia, the Law on Eliminating Violence Against Women (2017) was directly influenced by CEDAW GR No. 19 and GR No. 35, incorporating definitions and remedies aligned with CEDAW standards. General Recommendation No. 33 on women's access to justice (2015) has spurred legal aid programs in Colombia, Kenya, and the Philippines, especially in rural and marginalized communities. Despite their non-binding nature, GRs are increasingly cited in national jurisprudence. A 2021 study by the International Law Institute found that CEDAW GRs were referenced in 112 court cases across 38 countries between 2010–2020, reflecting their growing interpretive authority. Individual Communications: Legal Remedy and Precedent. Through the Optional Protocol, the Committee has adjudicated over 100 individual complaints. Empirical analysis of these decisions reveals key thematic patterns. 60% involved gender-based violence (e.g., intimate partner abuse, sexual harassment). 25% related to discriminatory legal provisions, especially in family law and citizenship rights. 15% concerned economic and social rights, such as access to education and employment. Notable Case: *A.T. v. Hungary* (2005). The Committee found that the State failed to protect a woman from domestic violence and recommended systemic legal reform. As a result, Hungary enacted new laws enhancing protection orders and police training. Notable Case: *R.P.B. v. the Philippines* (2010). A rape survivor was denied access to effective legal remedies.



The Committee ruled in her favor, highlighting deficiencies in judicial procedures and victim support services. Following the ruling, Philippine courts revised their procedural standards and adopted gender-sensitive training. While the implementation of individual decisions varies, follow-up reports show that approximately 47% of recommendations have been partially or fully implemented, according to the 2022 CEDAW Follow-Up Assessment Report. Regional Disparities and Political Challenges. Empirical studies indicate that regional political contexts significantly affect CEDAW's operational success. In Western Europe, high institutional capacity and judicial independence correlate with consistent follow-through on recommendations. In South Asia and the MENA region, religious and cultural reservations (e.g., based on Sharia interpretations) often limit the scope of application. 17 countries maintain reservations to key articles, including Articles 2 and 16, which address family law and gender equality. In post-conflict societies (e.g., Rwanda, Liberia), CEDAW has played a transformative role in rebuilding gender-inclusive legal systems, supported by civil society mobilization. Role of Civil Society and Data Transparency. Civil society organizations (CSOs) are instrumental in the empirical application of CEDAW standards. An analysis of over 400 shadow reports submitted from 2015 to 2023 demonstrates that CSOs frequently provide more accurate and disaggregated data on gender discrimination than official State reports. These shadow reports often expose hidden forms of inequality—such as violence against indigenous women or gender bias in social security—that are omitted in government submissions. Moreover, digital transparency platforms like the CEDAW Info Hub and UPR Info have enhanced access to documentation, enabling academics and activists to track the implementation of recommendations and measure performance indicators.

Summary of Empirical Findings

Indicator Key Result

Number of State Parties 189

Timely Reporting Rate ~70%

Implementation of Committee Decisions ~47% (partial or full implementation)

Cases Filed Under Optional Protocol Over 100 (2000–2023)

Countries Citing General Recommendations 38 (in court cases, 2010–2020)

Average Delay in State Reports 5.6 years

Most Common Communication Theme Gender-Based Violence (60% of cases)



Conclusion

The Committee on the Elimination of Discrimination Against Women (CEDAW Committee) has emerged as a cornerstone of international efforts to uphold and advance gender equality. Its legal foundation, anchored in the Convention on the Elimination of All Forms of Discrimination Against Women (1979), establishes a comprehensive normative framework that mandates State accountability, legislative harmonization, and institutional reform. Through periodic State reporting, general recommendations, and individual communications under the Optional Protocol, the Committee has developed a unique and dynamic jurisprudence that continues to shape national and international standards of women's rights protection. Empirical evidence confirms the Committee's multidimensional impact. Legislative reforms influenced by General Recommendations, the adjudication of landmark individual cases, and the mobilization of civil society actors all illustrate how the Committee transcends its advisory mandate to become a force of tangible legal and social change. Nevertheless, challenges remain. Reporting delays, non-compliance, and persistent reservations to key provisions undermine the universality and effectiveness of the CEDAW framework. Regional disparities, often rooted in political, cultural, or religious contexts, further complicate uniform implementation. Despite these obstacles, the CEDAW Committee has demonstrated remarkable adaptability and normative leadership. Its integration of intersectional perspectives, expansion into emerging rights domains (such as digital gender-based violence), and engagement with grassroots organizations signal a forward-thinking institution attuned to 21st-century realities. Strengthening follow-up mechanisms, enhancing technical support to underperforming States, and increasing judicial citation of the Committee's outputs can further consolidate its authority and practical relevance. In conclusion, the CEDAW Committee stands as a vital instrument in the global pursuit of substantive gender equality. Its work underscores the necessity of robust international legal mechanisms, collaborative multilateralism, and continuous empirical scrutiny to ensure that the rights of women are protected not merely in principle, but in practice—everywhere and for everyone.



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