

CONVENTION ON THE POLITICAL RIGHTS OF WOMEN

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1. Introduction

The Convention on the Political Rights of Women (hereinafter the “CPRW” or the “Convention”) was adopted by the General Assembly of the United Nations on 20 December 1952 by resolution 640(VII). The Convention entered into force on 7 July 1954 and has 47 signatories and 123 parties as of 31 May 2023. The Convention was preceded by the Universal Declaration of Human Rights (hereinafter the “UDHR”) which tackled human rights in relation to politics and public office holding, providing for equal opportunity for everyone (art. 21). However, it was the first convention aimed at implementing the principle of equality of rights for men and women as contained in the Charter of the United Nations and is very specific on implementing the equality principle with regard to political rights between men and women. It recognizes that “everyone has the right to take part in the government of his country, directly or indirectly” (para. 3). The Convention also provides for equal access to public services to everyone as a right, as it desires to bridge the status of men and women in the enjoyment and exercise of political rights as stipulated in the Charter of the United Nations and the UDHR.

2. Historical context

The United Nations has been committed to the advancement of women’s rights. This is evident in the preamble of the Charter of the United Nations which reaffirms faith in fundamental human rights, in the dignity of the human person, in the equal rights of men and women and of Nations large and small. Despite the early push for women’s rights at its inception, there were only four women out of the 160 signatories of the Charter of the United Nations (Pietilä H, 2007 p. 10). This resonates with the United Nations Blue Book on the advancement of women, confirming that only a handful of women were involved in the founding of the United Nations. The report acknowledged women’s underrepresentation and their insignificant proportion to male delegates. It notes that only 4 women out of the 588 representatives, alternates and advisers from 59 Member States attended the regular and special sessions of the General Assembly (The United Nations and the Advancement of Women, 1945-1996, [ST/DPI/1804, p. 8, para. 23; p.138, paras. 18-19).

The recognition of the political rights of women resulted in the emergence of women’s international non-governmental organizations. These organizations used various avenues and platforms, such as the League of Nations, to agitate for women’s political rights (Daw, 1970, p. 308). Women used the League of Nations as an arena to advance their objectives on peace, human rights and equality (Pietilä H, 2009, p. 163). One of the demands put forth by the organizations was that all countries entering the League of Nations should grant women suffrage (Fraser, 1999, p. 880). This was rejected by the League of Nations on the account that it was a feminist agenda which had no space at the League of Nations. However, the League yielded to the demand that a provision guaranteeing women equal access to positions within the League to be included in the Covenant of the League of Nations (art. 7(3)). The women selected for these positions brought discourse on the political rights of women to the floor of the Assembly.

Humphrey asserts that in the aftermath of the Second World War, human rights protection at an international level became a necessity and an obligation to be undertaken by all States (Humphrey J, 1968, p. 2). This led to the creation of the United Nations and the emergence of international human rights law. In June 1946, the United Nations Economic and Social Council (hereinafter the “ECOSOC”) created the Commission on Status of Women (hereinafter the “Commission”) to ensure the equality of women and to promote their rights (E/RES/11(II), 21 June 1946). The

Commission made women's political rights a high priority in the early years of its work (Humphrey J, 1968, p. 5). From 1947 to 1962, the Commission focused on promoting women's rights and equality. Further, it set standards and formulated international conventions aimed at changing discriminatory legislation and fostering global awareness of women's issues.

During its first session, the Commission unanimously decided to have a general principle:
to raise the status of women, irrespective of nationality, race, language or religion, to equality with men in all fields of human enterprise, and to eliminate all discrimination against women in the provisions of statutory law, in legal maxims or rules, or in interpretation of customary law. (E/281/Rev.1, 25 February 1947).

In 1945, only 25 of the original 51 United Nations Member States allowed women equal voting rights with men. In his 1950 report to the Commission on discrimination against women in the field of political rights, the Secretary-General noted that in 22 countries, women still did not have equal rights to vote or hold political office, and that in some countries where women were granted such rights by legislation, these rights were not put into practice (E/CN.6/131, 15 March 1950). A global assessment of the status of women was then conducted. The research revealed a detailed picture of the political and legal status of women, which over time became the basis for drafting human rights instruments (The United Nations and the Advancement of Women, 1945-1996, [ST/]DPI/1804, 1995/1996, p. 4).

The Commission's efforts to draft an international treaty on women's rights were first opposed by ECOSOC, as it maintained that dissemination of knowledge, educational measures and annual studies would be more effective means of promoting human rights (Daw 1970, p. 316). However, persistence and pressure from delegates of some States drove ECOSOC to abandon its position. After an extensive debate, the Convention on the Political Rights of Women, drafted by the Commission, was adopted by the General Assembly on 20 December 1952. It was the first international law instrument to recognize and protect the political rights of women worldwide. The Convention spelt out that women, on an equal basis with men, were entitled to vote in any election, run for election to any office, and hold any public office or exercise any public function under national law (General Assembly resolution 640 VII, 20 December 1952).

3. Summary of key provisions

The Convention consists of a preamble and 11 articles. The preamble makes reference to the Charter of the United Nations and the UDHR, recognizing that "everyone has the right to take part in the government of his country directly or indirectly through freely chosen representatives, and the right to equal access to public service in his country, and desiring to equalize the status of men and women in the enjoyment and exercise of political rights...".

Arts. 1, 2 and 3 of the Convention are substantive articles which accord women integral political rights in society. Art. 1 provides that women are entitled to vote in all elections on equal terms with men, without any discrimination. Art. 2 states that women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without discrimination. Art. 3 provides that women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

The remaining provisions of the Convention concern issues such as ratification, accession, entry into force, denunciation, and settlement of disputes arising between two or more Contracting States on the interpretation and application of the Convention and on language versions of the Convention. The Convention envisages the possibility of reservations at the time of signature, ratification or accession (art. 7).

4. Influence of the Convention on subsequent legal developments

4.1 International treaties

Being the first international instrument addressing the rights of women, the Convention influenced the establishment of more international instruments that address specific issues and elaborate on the rights of women. Some of the instruments discussed include the following.

a. International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (hereinafter the “ICCPR” or the “Covenant”) was adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 and entered into force on 23 March 1976. The CPRW influenced the ICCPR in so many ways being the first-ever international document to provide for equality and non-discrimination in the enjoyment of human rights among men and women. Suffice it to say that it greatly impacted political rights and the right to hold public office by women. For instance, art. 3 of the ICCPR requires its members to undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights. Furthermore, art. 25(a) of the ICCPR gives every citizen the right and opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives. Equal opportunity has also been accorded to both women and men to participate in elections by voting and/or being elected during elections, which by characteristic is universal and equal suffrage done through a secret ballot as a guarantee of free expression of the will of the electorates (art. 25(b)). The above-mentioned provisions of the ICCPR are in congruent with the dictates of the CPRW, which signifies the actual influence of the CPRW on the ICCPR.

b. Convention on the Elimination of All Forms of Discrimination Against Women

Another important international instrument influenced by the CPRW is the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter the “CEDAW”). It was adopted and opened for signature, ratification and accession by the General Assembly resolution 34/180 of 18 December 1979, and entered into force on 3 September 1981.

The main aim of CEDAW was to eliminate any form of discrimination against women and provide for equality between men and women. CEDAW provides for a raft of measures to be undertaken in order to realize the objective. For practical realization of the principle of equity, CEDAW provides that such a principle should be embodied in the national constitutions or other appropriate legislation of Member States (art. 2(a)).

Of particular interest is art. 3 of CEDAW which provides that States parties shall take all appropriate measures in all fields, including legislation, to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on an equality basis with men. It is implied that State parties must enact legislation to promote and protect women’s participation in politics and decision-making. Art. 4 is important as it provides for temporary special measures that States parties are required to adopt to accelerate women’s equality. Such measures include affirmative action or quotas. Art. 7 of CEDAW has direct nexus to CPRW. It provides for women’s participation in politics and public life in their country on an equal footing with men. The explanation here is that women have equal rights to vote, hold public office, and participate in civil society. Art. 8 provides for participation at the international level. It envisages a situation where women are given the opportunity to represent their country internationally and work with international organizations on an equal basis with men.

c. Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities was adopted on 13 December 2006 by the United Nations General Assembly resolution 61/106. By advocating for the rights of people with disability and obligating States to guarantee persons with disabilities the right to participate in political and public life on equal footing with others, the Convention takes cognizance of the fact that women suffer triple jeopardy when they are also classified as people living with disability and therefore, make provision for their inclusion in the political and public

life of their country. The Convention echoes the principles embodied in Nairobi Forward-Looking Strategies, which advocates for the inclusion of women with disability to participate in all aspects of life.

4. 2 International frameworks

The influence of CPRW extended to certain frameworks at the international and regional levels that promote women's political participation and gender equality.

a. Nairobi Forward-Looking Strategies 1985

The Nairobi Forward-Looking Strategies for the Advancement of Women (1985) provides a firm foundation for a practical and effective guide for global action for promoting greater equality and opportunity for women's advancement in all spheres of life. Para. 32 stipulates that women must enjoy their right to take part in national and international decision-making processes to effectively promote their interests. Such interest is best served when women mobilize to increase their participation in the promotion of peace within and between nations. Para. 33 takes cognizance of the obstacles that women face in political participation and call for major measures such as legislation and constitutional provisions to accelerate their inclusion in politics and decision-making. It calls for participation of women in the decision-making processes related to the promotion of international peace and cooperation. Para. 266 encourages Governments to take the necessary measures to facilitate women's participation by institutional, educational and organizational means in the peace process. This was amplified by the United Nations Security Council resolution 1325 on Women, Peace and Security (31 October 2000).

b. The Cairo Programme of Action 1994

The Programme of Action, adopted at the International Conference on Population and Development, Cairo, 1994, recognizes that the empowerment and autonomy of women and the improvement of their political, socio-economic and health status is an important end in itself (para. 4). It calls upon States to empower women and take steps to eliminate inequalities between men and women (para. 4.4). Such steps include setting up mechanisms for women's participation and equitable representation at all levels of the political processes and public life among others, which resonates with the spirit embodied in the CPRW.

c. The Beijing Declaration and Platform for Action 1995

The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women (4-15 September 1995), aimed at entrenching equality between men and women, as well as boys and girls. It focuses on 12 key areas that needed to be addressed for equality to be achieved. Of most relevance to the CPRW is "women in power and decision making." The participants of the Conference were convinced that the participation of women in decision-making processes and access to power is key to the achievement of equality, development and peace (para. 13). Additionally, para. 182 recognizes that women who hold political and decision-making positions in their governments redefine political priorities, and place new items in the political agenda that reflect and address women's concerns. This position is a reflection of the provisions of the CPRW, that women should have the right to participate in their respective States.

In order to increase the number of women in decision-making, the United Nations organized an Expert Group Meeting (EGM) on "Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership" (24 – 27 October 2005). The Expert Group Meeting recommended that government actors ratify international instruments, including the Political Rights of Women, and incorporate them into their national law for implementation (EGM/EPDM/2005/REPORT, 2005). In addition, various resolutions adopted by the United Nations' principal organs bear connection with CPRW. The ECOSOC resolution 1990/15 of 24 May 1990 which emanated from the first review and appraisal of the implementation of the Nairobi Forward Strategies advocated for an increase of women's leadership to 30% by 1995 and achieving equality between men and women by 2000 among governments, political parties, trade unions and professional and other representative groups

(Recommendation VI). The Security Council resolution 1325 of 31 October 2000 on women and peace and security stresses the importance of women's participation and involvement in all efforts to maintain peace and security, as well as the need to increase their role in decision-making with regard to conflict prevention and resolution. It also urges the Secretary-General to appoint more women in offices on his behalf and to enhance women's contributions and roles in the United Nations field-based operations (para. 2). Similarly, the Security Council resolution 2122 of 18 October 2013, resolution 2467 of 23 April 2019 and resolution 2493 of 29 October 2019 affirm the Security Council's endeavor to promote women's participation in the peace and security sector. Furthermore, the General Assembly resolution 66/130 on women and political participation of 19 December 2011 calls upon States parties to enhance the political participation of women, to accelerate the achievement of equality between men and women and, in all situations, including political transition, to promote and protect the human rights of women with respect to engaging in political activities and taking part in the conduct of public affairs, among others.

It is not a surprise that with sustained advocacy, the United Nations prides itself on having attained gender parity within its workforce at the most senior ranks of full-time Under- and Assistant Secretaries-General – 90 women and 90 men (Secretary-General's remarks to the United Nations Human Rights Council: "The Highest Aspiration: A Call to Action for Human Rights", 24 February 2020).

4.3 Regional arrangements

At the continental level, the influence is demonstrated by certain frameworks that promote women's political participation and gender equality.

In Africa, there is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol 2003). Art. 9 calls upon Member States to take positive action to promote equal participation of women in the governance and politics of their countries. They are also obligated to ensure increased and effective representation and participation of women at all levels of decision-making. African Union has taken the lead by ensuring equal participation in decision-making through the appointment of commissioners and "elected women to high levels posts such as the Pan African Parliament" (Rose Gawayya & Rosemary Mukasa, 2005, p.45).

The African Union Agenda 2063 amplifies the Maputo Protocol through its Aspiration No. 6. One of its key goals is strengthening the role of Africa's women by ensuring gender equality and parity in all spheres of life (political, economic and social). This is critical for women's political participation as mandated by the CPRW and its ripple effect in Africa.

Others include Nairobi Declaration on the African Women's Decade 2010-2020 under the theme "Grassroots Approach to Gender Equality and Women's Empowerment". It was a demonstration by the African Union Member States to promote gender equality in the political and decision-making spheres within their jurisdictions. The Declaration endorsed the thematic areas identified by the African Union to be implemented, including theme IX on Women and Decision-making whose objective is to ensure equal opportunities for women in legislative, executive and judiciary.

In America, there is the Inter-American Convention on the Granting of Political Rights to Women, adopted on 5 February 1948 at the ninth international conference of American States in Bogota, Colombia, and entered into force on 29 December 1954. Art.1 of the Convention stipulates that "the High Contracting Parties agree that the right to vote and to be elected to national office shall not be denied or abridged by reasons of sex".

The other critical instrument which has progressive provision on women's political participation is the Inter-American Democratic Charter of 2001, adopted by the General Assembly of the Organization of American States at its special session held in Lima, Peru, on September 11, 2001. Art. 28 categorically obligates States to promote the full and equal participation of women in the political structures of their countries as a fundamental element in the promotion and exercise of a democratic culture.

Europe also has a framework for political participation, the Charter of Fundamental Rights of the European Union (2000). Arts. 39 and 40 provide that every citizen of the Union has the right to vote and to stand as a candidate at European Parliament and municipal elections, respectively in the Member State in which he or she resides under the same conditions as nationals of that State. Women are part of the citizenry and thus have equal opportunities as men to participate.

The Council of Europe Recommendation Rec (2003)3 on balanced participation of women and men in political and public decision-making, adopted by the Committee of Ministers of the Council of Europe on 12 March 2003, notes that democracy must become gender sensitive and include women with different backgrounds in political and public decision-making at all levels. It encouraged Member States to protect and promote the equal civil and political rights of women and men, including running for office and freedom of association; adopt special measures to stimulate and support women's will to participate in political and public decision-making; and to consider setting targets ensure a balanced participation of women and men in political and public decision making among others.

To increase women's participation, the Council developed the Council of Europe Gender Equality Strategy 2014-2017. Its strategic objective 4 is aimed at achieving balanced participation of women and men in political and public decision-making and explicit that representation should not be below 40%. Gender Equality Strategy 2018-2023 follows the 2014-2017 and still aims to accelerate the Council's commitment to women's empowerment. It calls upon member states to review the effectiveness of Recommendation Rec (2003)3 and support women's participation through the implementation of gender mainstreaming strategies and policies.

In Asia, the Association of Southeast Asian Nations (ASEAN) has initiated notable changes in its frameworks towards promoting gender equality and parity in politics despite the patriarchal and customary norms that continue to influence both personal and collective opinions (SIGI 2021 Regional Report for Southeast Asia). The Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (ASEAN, 2010[1]) demonstrates the commitment by ASEAN to gender equality. Clause 13 of the Declaration stipulates concrete measures to enhance women's capacity and promote women's participation in decision-making and leadership in all fields and at all levels.

Furthermore, as the first international instrument on women's rights, the adoption of CPRW provided an opportunity to protect the political rights of women in States where women were denied such rights and had a positive effect with a majority of States worldwide granting women political rights. Political participation allows women to develop agendas and enhance women's presence and their ability to transform outcomes, their content as well as the ways in which public actors make public policies (EGM/EPDM /2005/REPORT, 2005). The Convention has also contributed to the inclusion of gender quotas in the constitutions and legislation of various countries globally. According to the Atlas of Electoral Gender Quotas, around 118 countries and territories have some type of gender quota for an electoral office (International IDEA, IPU, SU, 2013). This is also evident in the increased number of women who are heads of State. In the past fifty years, it has been reported by the World Economic Forum that about 56 out of 146 countries have had female heads for at least one year, and in 31 of the States, the women held office for below five years (World Economic Forum, Global Gender Gap Report 2021). This is a clear indication of the contribution of international instruments and States' commitment to gender equality in promoting women's participation in politics and decision-making positions. Notable is the fact that despite the slow progress, there has been an upward trajectory in the number of women elected as leaders in various spheres.

5. Conclusion

The principles anchored in the CPRW provide a foundation for the recognition, protection and implementation of women's political rights. These principles have been adopted by international legal instruments such as the ICCPR and the CEDAW, and influenced the workings of the United Nations Security Council, Commission on the Status of Women, as well as regional bodies such as the Organization of American States, African Union, and Association of Southeast Asian Nations.

The CPRW has been instrumental in expanding the recognition of women's rights, in documenting the reality of women's lives throughout the world, in shaping global policies on gender equality and empowerment of women, and in ensuring that the work of the United Nations in all areas incorporates a gender perspective. Through the CPRW, milestones have been achieved in promoting women's participation in politics and decision-making. There is progress but more needs to be done by all to achieve meaningful participation of women in all spheres.

For the women, looking at their history and acknowledging the struggles of many of them, one can plant the necessary consciousness for understanding and harnessing their struggle towards a better political and socio-economic order. The milestones would not be what they are today without the women's rights movements and those who genuinely support the cause through collaboration including the commitment to change. Indeed, one can conclude that the CPRW has had an influence on women's political landscape since its inception as witnessed by the discussion and this needs to be continuously documented.

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