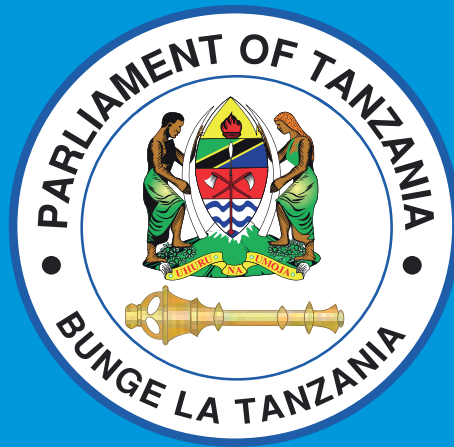


JAMHURI YA MUUNGANO WA TANZANIA

BUNGE LA TANZANIA



**Mkataba wa Kimataifa wa
Kutokomeza aina zote za ubaguzi
dhidi ya Wanawake wa Mwaka 1979:
Ufafanuzi, utekelezaji wake Nchini
Tanzania na tafsiri**



DIBAJI

Chapisho hili linatoa tafsiri ya Mkataba wa Kimataifa wa Kuondoa Aina zote za Ubaguzi dhidi ya Wanawake wa Mwaka 1979 (The Convention on the Elimination of All Forms of Discrimination against Women – CEDAW) katika lugha ya Kiswahili na kufafanua namna Mkataba huo unavyochelezwa nchini. Chapisho limeandaliwa na Bunge la Tanzania kupitia Awamu ya Pili ya Mradi wa Kulijengea Uwezo Bunge (Legislative Support Programme (LSP II) katika maeneo mbalimbali yanayohusiana na majukumu yao ili wayatekeleze kwa urahisi na ufanisi zaidi.

Hivyo, chapisho hili linazingatia umuhimu wa majukumu ya Bunge katika kulinda na kuendeleza haki za wanawake nchini na duniani kwa ujumla. Kwa kuzingatia umuhimu wa haki hizo, imeonekana kuwa ni vema Wabunge wakapata tafsiri ya CEDAW kwa lugha ya Kiswahili pamoja na ufafanuzi wa utekelezaji wake katika muktadha wa Tanzania.

Kwa msingi huo, chapisho hili linatoa ufafanuzi wa jumla kuhusu msingi wa haki za binadamu, chimbuko la Mkataba, wajibu wa Nchi wanachama, utekelezaji wa Mkataba nchini Tanzania pamoja na tafsiri ya kila Ibara ya Mkataba kwa lugha ya Kiswahili. Inatazamiwa kuwa, Wabunge na wasomaji wengine wa chapisho hili watajengewa uwezo wa kuulewa vema Mkataba huu na kila mmoja kwa nafasi yake kuhakikisha kuwa ubaguzi wa aina yoyote dhidi ya wanawake unakomeshwa na hivyo wanawake kupata haki zote kwa usawa na wanaume.

KANUSHO (DISCLAIMER)

Tafsiri ya Mkataba huu imefanywa na Sekretarieti ya Bunge la Tanzania kwa lengo la kusaidia kujenga uelewa wa Mkataba wa Kimataifa wa kutokomeza aina zote za ubaguzi dhidi ya Wanawake wa mwaka 1979 kwa Wabunge na Sekretarieti ya Bunge. Tafsiri hii isitumike kama tafsiri rasmi ya Mkataba huu, na wala isitumiwe na mtu yeyote nje ya utaratibu wa shughuli rasmi za Bunge la Tanzania



YALIYOMO

DIBAJI	i
KANUSHO (DISCLAIMER)	ii
YALIYOMO	iii
SURA YA KWANZA	1
UFAFANUZI NA UTEKELEZAJI WA MKATABA NCHINI TANZANIA	1
1.0 UTANGULIZI	1
1.1 Msingi wa Haki za Binadamu	1
1.2 Makubaliano ya Kimataifa kuhusu Haki za Binadamu	1
1.2.1 Tamko la Kimataifa la Haki za Binadamu la Mwaka 1948 (The Universal Declaration of Human Rights, 1948)	1
1.2.2 Mkataba wa Kimataifa wa Haki za Kiraia na Kisiasa wa Mwaka 1966	2
1.2.3 Mkataba wa Kimataifa wa Haki za Kiuchumi, Kijamii na Kiutamaduni wa Mwaka 1966	2
1.2.4 Mikataba ya Kimataifa kuhusu Haki za Makundi Mbalimbali	2
2.0 MKATABA WA KIMATAIFA WA KUTOKOMEZA AINA ZOTE ZA UBAGUZI DHIDI YA WANAWAKE WA MWAKA 1979	2
2.1 Chimbuko la Mkataba (CEDAW)	2
2.1.1 Hatua zilizochukuliwa na Tume	2
2.2 Mchakato wa Kutungwa kwa Mkataba (CEDAW)	3
2.3 Kupitishwa kwa Mkataba (CEDAW)	3
2.4 Makubaliano yaliyoainishwa na Mkataba (CEDAW)	3
2.4.1 Maudhui ya Mkataba	3
3.0 UTEKELEZAJI WA CEDAW NCHINI TANZANIA	5
3.1 Kuingiza Misingi ya usawa kwa wanawake katika Katiba	5
3.2 Kutunga na kurekebisha Sheria mbalimbali	5
3.3 Kuweka mfumo wa kitaasisi kuhusu masuala ya wanawake	6
3.4 Elimu kwa wanawake	7
3.5 Mpango wa Elimu bure kwa shule za msingi na sekondari	7
3.6 Kampeni za Kujenga ueleva kwa Umma kuhusu haki za wanawake na watoto	7
4.0 MIKATABA MINGINE INAYOLINDA HAKI ZA WANAWAKE	7
5.0 HITIMISHO	8

SURA YA PILI	9
TAFSIRI YA MKATABA WA KIMATIFA WA KUTOKOMEZA AINA ZOTE ZA UBAGUZI DHIDI YA WANAWAKE	9
UTANGULIZI	9
SEHEMU YA I	10
Ibara ya 1: Tafsiri	10
Ibara ya 2: Hatua za Kisera na Kisheria	10
Ibara ya 3: Hatua za kuleta Usawa katika nyanja zote za kisiasa, kijamii, kiuchumi, kiutamaduni na kisheria	10
Ibara ya 4: Hatua mahsusi za muda kuharakisha Haki ya Usawa	10
Ibara ya 5: Hatua za kuondoa mila na desturi kandamizi	10
Ibara ya 6: Hatua za kuzuia Usafirishaji Wanawake na Ukahaba	10
SEHEMU YA II	11
Ibara ya 7: Hatua za kuhakikisha Haki katika Shughuli za Umma	11
Ibara ya 8: Hatua za kuleta Usawa katika Uwakilishi Kimataifa	11
Ibara ya 9: Hatua za Usawa wa Uraia	11
SEHEMU YA III	11
Ibara ya 10: Hatua za Usawa katika Elimu	11
Ibara ya 11: Hatua za Usawa katika Ajira	12
Ibara ya 12: Hatua za Usawa katika Huduma za Afya	12
Ibara ya 13: Hatua za Usawa Kiuchumi	12
Ibara ya 14: Hatua za kuleta Usawa kwa Wanawake wa Vijijini	12
SEHEMU YA IV	13
Ibara ya 15: Hatua za kuleta Usawa mbele ya Sheria	13
Ibara ya 16: Hatua za Usawa katika masuala ya Ndoa na Familia	13
SEHEMU YA V	14
Ibara ya 17: Kamati ya kusimamia Utekelezaji wa Mkataba na Muundo wake	14
Ibara ya 18: Uwasilishaji Taarifa za Utekelezaji wa Mkataba	14
Ibara ya 19: Kanuni za uendeshaji shughuli za Kamati	14
Ibara ya 20: Mikutano ya Kamati	14
Ibara ya 21: Taratibu za Kamati kuwasilisha Taarifa	15
Ibara ya 22: Ushiriki wa Mashirika ya Umoja wa Mataifa	15
SEHEMU YA VI	15
Ibara ya 23: Masharti ya Mkataba kutoathiri Sheria za Nchi Wanachama	15
Ibara ya 24: Hatua za kulinda Haki za Wanawake	15
Ibara ya 25: Mkataba kusainiwa na kuridhiwa	15
Ibara ya 26: Maombi ya kuupitia Mkataba	15
Ibara ya 27: Mkataba kuanza kutumika	15
Ibara ya 28: Maelezo ya kutofungwa na baadhi ya Ibara za Mkataba	15
Ibara ya 29: Utatuzi wa Migogoro kuhusu tafsiri na matumizi ya Mkataba	16
Ibara ya 30: Mkataba kuhifadhiwa katika Lugha rasmi	16
KIAMBATISHO: CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	16
MAREJEO	25

SURA YA KWANZA

UFAFANUZI NA UTEKELEZAJI WA MKATABA NCHINI TANZANIA

1.0 UTANGULIZI

Mkataba wa Kimataifa wa Kutokomeza Aina zote za Ubaguzi dhidi ya Wanawake wa mwaka 1979 (The Convention on the Elimination of All Forms of Discrimination against Women – CEDAW) ulipitishwa Jijini New York, Marekani kwa Azimio la Baraza Kuu la Umoja wa Mataifa Namba 34/180 tarehe 18 Disemba, 1979. Mkataba huu unabainisha wajibu mahsusi kwa nchi wanachama katika kuhakikisha kuwa wanawake wanapata haki zote za binadamu kwa usawa na wanaume kwa kuondoa aina zote za ubaguzi dhidi ya wanawake.

Aidha, Mkataba umefafanua ubaguzi kuwa ni utofautishaji, utengaji au katazo kwa misingi ya jinsi kunakoathiri wanawake, bila kujali hadhi yao ya ndoa, katika kupata haki za msingi za binadamu kwa usawa na wanaume katika nyanja za kisiasa, kiuchumi, kijamii, kiutamaduni, kiraia na nyinginezo.

Kwa kuridhia au kukubali Mkataba huu, nchi wanachama zinakubali wajibu wa kuweka usawa kati ya wanaume na wanawake katika mfumo wake wa kisheria na kitaasisi. Aidha, nchi wanachama zinawajibika kutoa taarifa ya utekelezaji wa Mkataba kila baada ya miaka minne.

Aidha, Mkataba huu unaweka masharti ya wajibu kwa Nchi Wanachama tu katika kuhakikisha kuwa wanawake wanapata haki kwa usawa bila kuainisha haki hizo. Kwa msingi huo, Mkataba huu unapaswa kuzingatiwa katika misingi ya haki za binadamu sambamba na mikataba na hati nyingine za kisheria kuhusu haki za binadamu kwa ujumla.

1.1 Msingi wa Haki za Binadamu

Haki za binadamu ni haki ambazo binadamu yoyote anastahili kuwa nazo tangu anapozaliwa bila kujali jinsi au kigezo kingine chochote kwa kuwa ni za asili kwa utu wa binadamu. Haki hizi ni kama vile haki ya kuishi, haki ya usawa, haki ya uhuru wa mawazo, haki ya kwenda mahali popote na haki ya kujihifadhi ikiwa ni pamoja na faragha.

Kwa msingi huu, siyo lazima haki za msingi za binadamu ziainishwe kwenye mkataba wa kimataifa au kwenye hati nyingine yoyote ya kisheria ili mtu aweze kuzipata. Hata hivyo, kutokana na changamoto mbalimbali zilizojitokeza duniani hususan madhila ya vita ya kwanza na vita ya pili ya dunia, Jumuiya ya Kimataifa iliona umuhimu wa kuchukua hatua madhubuti za kuhakikisha haki za msingi za binadamu zinaendelezwa na kulindwa ipasavyo.

1.2 Makubaliano ya Kimataifa kuhusu Haki za Binadamu

Makubaliano mbalimbali ya kimataifa kuhusu haki za binadamu yalipitishwa na kuridhiwa ili kulinda haki za binadamu duniani kote. Yafuatayo ndiyo makubaliano ya msingi katika masuala yote yanayohusu haki za binadamu duniani:

1.2.1 Tamko la Kimataifa la Haki za Binadamu la Mwaka 1948 (The Universal Declaration of Human Rights, 1948)

Tamko la Kimataifa la Haki za Binadamu la Mwaka 1948 limekubaliwa na kupitishwa na Baraza Kuu la Umoja wa Mataifa tarehe 10 Disemba, mwaka 1948. Tamko hili linajumuisha aina zote za haki za binadamu, yaani haki za kiraia na kisiasa pamoja na haki za kiuchumi, kijamii na kiutamaduni.

Tamko hili linachukuliwa kuwa ndiyo tafsiri na ufafanuzi rasmi wa viwango vya kimataifa vya haki za binadamu. Aidha, tamko hili ndiyo kielelezo kikuu cha viwango vya haki za binadamu kwa kila nchi na hivyo kuwa na uzito hata kwa nchi ambazo hazijaweka mfumo thabiti wa kuendeleza na kulinda haki za binadamu.

Licha ya hivyo, Tamko hili lina mapungufu ya kukosa misingi ya kisheria ya kuzibana nchi wanachama kutekeleza haki za binadamu. Hata hivyo, tamko hili lina heshima kubwa kimataifa ambapo nchi nyingi duniani zimelitambua na kuingiza misingi ya tamko hili kwenye katiba zao. Mathalan, Tanzania imeainisha misingi hiyo katika Ibara ya 9 (f) ya Katiba ya Jamhuri ya Muungano wa Tanzania ya mwaka 1977.

Kutokana na Tamko hili kukosa nguvu ya kisheria, mwaka 1966 jumuiya ya kimataifa kupitia

Baraza Kuu la Umoja wa Mataifa iliamua kupitisha mikataba miwili ya msingi kwa ajili ya kuendeleza na kulinda haki za binadamu kisheria. Mikataba hiyo ni Mkataba wa Kimataifa wa Haki za Kiraia na Kisiasa wa Mwaka 1966 (International Covenant on Civil and Political Rights of 1966) na Mkataba wa Kimataifa wa Haki za Kiuchumi, Kijamii na Kiutamaduni wa Mwaka 1966 (International Covenant on Economic, Social and Cultural Rights of 1966).

1.2.2 Mkataba wa Kimataifa wa Haki za Kiraia na Kisiasa wa Mwaka 1966

Mkataba wa Kimataifa wa Haki za Kiraia na Kisiasa ulipitishwa tarehe 16 Disemba, 1966 na kuanza kutumika tarehe 23 Machi, 1976. Haki za kiraia na kisiasa zilizoainishwa katika Mkataba huu ni:

- i) Haki ya kuishi, ukamilifu, uhuru na usalama wa mtu;
- ii) Haki mbele ya vyombo vya sheria;
- iii) Haki ya faragha;
- iv) Haki ya kuabudu dini au imani;
- v) Haki ya kutoa maoni na kujieleza;
- vi) Haki ya mtu kwenda kokote na makazi;
- vii) Haki ya kukusanyika na kujiunga kwenye kikundi au chama chochote;
- viii) Haki ya kushiriki katika masuala ya kisiasa; na
- ix) Haki ya uhuru wa mawazo.

Tanzania iliridhia mkataba huu mwaka 1976 na kuzianisha haki hizi katika Sura ya Kwanza, Sehemu ya Tatu (Ibara za 12 hadi 32) ya Katiba ya Jamhuri ya Muungano wa Tanzania ya mwaka 1977.

1.2.3 Mkataba wa Kimataifa wa Haki za Kiuchumi, Kijamii na Kiutamaduni wa Mwaka 1966

Mkataba wa Kimataifa wa Haki za Kiuchumi, Kijamii na Kisiasa ulipitishwa tarehe 16 Disemba 1966 na kuanza kutumika tarehe 3 Januari 1976. Mkataba huu unajumuisha haki zifuatazo:

- i) Haki ya kufanya kazi katika mazingira mazuri ya kazi;
- ii) Uhuru wa kuwa au kujiunga kwenye vyama vya wafanyakazi;
- iii) Haki ya kiwango cha kutosheleza cha maisha (ikiwemo chakula, mavazi na malazi);
- iv) Haki ya afya, kupumzika, burudani na starehe;
- v) Haki ya elimu; na
- vi) Haki ya kushiriki katika maisha ya kiutamaduni ya jamii inayomhusu.

Tanzania iliridhia mkataba huu mwaka 1976 na kuziainisha haki hizi katika Ibara ya 11 pamoja na Sura ya Kwanza, Sehemu ya Tatu (Ibara ya 12 hadi 32) ya Katiba ya Jamhuri ya Muungano wa Tanzania ya mwaka 1977.

1.2.4 Mikataba ya Kimataifa kuhusu Haki za Makundi Mbalimbali

Pamoja na uwepo wa Mikataba iliyopitishwa na kuridhiwa kuhusu haki za binadamu, jumuiya ya kimataifa iliona kuna umuhimu wa kuainisha na kutambua haki za makundi mbalimbali kama vile wanawake, watoto, wazee na kundi la watu wenye ulemavu. Miongoni mwa Mikataba iliyopitishwa katika kutambua haki za makundi hayo ni Mkataba wa Kimataifa wa Kutokomeza Aina zote za Ubaguzi dhidi ya Wanawake wa mwaka 1979.

2.0 MKATABA WA KIMATAIFA WA KUTOKOMEZA AINA ZOTE ZA UBAGUZI DHIDI YA WANAWAKE WA MWAKA 1979

Kwa kuzingatia asili na misingi ya haki za binadamu, wanawake na wanaume wana haki sawa lakini kutokana na sababu mbalimbali, wanawake hawakuweza kupata haki zao kwa usawa na wanaume. Hivyo, ili kuhakikisha wanawake wanapata haki sawa na wanaume Umoja wa Mataifa ulipitisha Mkataba wa Kimataifa wa Kuondoa Aina zote za Ubaguzi dhidi ya Wanawake wa mwaka 1979

2.1 Chimbuko la Mkataba (CEDAW)

Mkataba huu ulitokana na kuundwa kwa Tume ya Kimataifa ya Kufuatilia Hadhi ya Wanawake (Commission on the Status of Women – CSW) mnamo tarehe 21 Juni, 1946 kwa kupitia mchakato ufuatao:

2.1.1 Hatua zilizochukuliwa na Tume

Jukumu la msingi la Tume hii ni kutoa mapendekezo kwa Baraza la Kimataifa la Masuala ya

Kiuchumi na Kijamii kuhusu uendelezaji wa haki za wanawake katika nyanja za kisiasa, kiuchumi, kijamii na kielimu pamoja na masuala yote ya dharua kwa wanawake katika nyanja hizo. Kwa kipindi cha mwaka 1949 hadi 1959, Tume ilipendekeza na kupitishwa kwa Mikataba na hati za kisheria zifuatazo:

- i) Mkataba wa Haki za Kisiasa za Wanawake wa mwaka, 1952 (The Convention on the Political Rights of Women, adopted by the General Assembly on 20th December 1952);
- ii) Mkataba wa Utaifa wa Wanawake Walioolewa wa mwaka 1957 (The Convention on the Nationality of Married Women, adopted by the Assembly on 29th January 1957);
- iii) Mkataba kuhusu Ridhaa ya Kuolewa, Umri wa chini wa Kuolewa na Usajili wa Ndoa wa mwaka 1962 (The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 7th November 1962); na
- iv) Mapendekezo kuhusu Ridhaa ya Kuolewa, Umri wa chini wa Kuolewa na Usajili wa Ndoa ya mwaka 1965 (The Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 1st November 1965).

2.2 Mchakato wa Kutungwa kwa Mkataba (CEDAW)

Pamoja na Mikataba iliyotokana na mapendekezo ya Tume kulinda na kuendeleza haki za wanawake, Tume ilibaini kuwa Mikataba na mapendekezo hayo hayakujitosheleza, hususan katika kutokomeza ubaguzi dhidi ya wanawake.

Kutokana na mapungufu yaliyobainika, mwaka 1963 Baraza Kuu la Umoja wa Mataifa lilielekeza kuandaliwa kwa tamko litakalojumisha mikataba na mapendekezo yote yanayohusu haki za wanawake katika hati moja ya kisheria. Hatua hiyo ilisababisha kupitishwa kwa Tamko la Kutokomeza Ubaguzi dhidi ya Wanawake la mwaka 1967 ambalo, hata hivyo, halikuwa na nguvu ya kisheria. Aidha, tamko hilo lilionekana kuwa na mapungufu makubwa katika utekelezaji kuhusu masuala ya usawa katika ndoa, familia na ajira.

Tume ya Kimataifa ya Kufuatilia Hadhi ya Wanawake ilifanyia kazi mapungufu yaliyobainika ambapo mwaka 1972 Tume hiyo ilipendekeza kupitishwa kwa mkataba utakaokuwa na nguvu ya kisheria kuhusu haki za wanawake. Hivyo, Umoja wa Mataifa ulianzisha mchakato wa kupitishwa kwa Mkataba wa Kimataifa wa Kutokomeza Aina zote za Ubaguzi dhidi ya Wanawake.

2.3 Kupitishwa kwa Mkataba (CEDAW)

Mkataba huo ulipitishwa kwa ajili ya kuanza kusainiwa, kuridhiwa na kukubaliwa kwa Azimio la Baraza Kuu la Umoja wa Mataifa Namba 34/180 la tarehe 18 Disemba, 1979. Aidha, Mkataba huu ulianza kutumika rasmi tarehe 3 Septemba, 1981 baada ya nchi ya ishirini kuridhia na kuwasilisha Hati Idhini (Instruments) kwa Katibu Mkuu wa Umoja wa Mataifa. Tanzania ilisaini tarehe 17 Julai, 1980 na kuuridhia Mkataba huu mnamo tarehe 20 Agosti, 1985.

2.4 Makubaliano yaliyoainishwa na Mkataba (CEDAW)

Kama ilivyoelezwa awali, lengo kuu la Mkataba huu ni kutokomeza aina zote za ubaguzi dhidi ya wanawake duniani. Hivyo, Mkataba huu umeandikwa kwa mfumo wa kuweka wajibu kwa nchi wanachama kutekeleza masharti hususan kwenye masuala ambayo yameainishwa katika **Ibara ya 2** ya Mkataba kuwa ni:

- a) Kuingiza kanuni ya usawa kwa wanawake katika katiba na sheria.
- b) Kuweka sheria na adhabu pale inapobidi ili kukataza aina zote za ubaguzi dhidi ya wanawake.
- c) Kulinda haki za wanawake kwa msingi ya usawa.
- d) Kufuta sheria zote zinazobagua wanawake.
- e) Kupitisha sheria, kurekebisha, kufuta sheria, mila na desturi zinazochangia kuleta ubaguzi dhidi ya wanawake.

2.4.1 Maudhui ya Mkataba

Maudhui ya Mkataba wa Kimataifa wa Kutokomeza Aina zote za Ubaguzi Dhidi ya Wanawake ni kama ifuatavyo:

- i) **Ibara ya 1** inatoa tafsiri ya ubaguzi dhidi wanawake ili kuweka usawa kati ya wanaume na wanawake kisiasa, kiuchumi, kijamii, kiutamaduni kiraia au nyanja nyingine.
- ii) **Ibara ya 2** inainisha hatua za kiseria na kisheria zinazopaswa kuchukuliwa na Nchi Wanachama katika kuhakikisha kuwa wanawake wanalindwa na kupata haki sawa na wanaume.

- iii) **Ibara ya 3** Nchi Wanachama kuchukua hatua madhubuti ili kuhakikisha kuwa wanawake wanaendelezwa na kujengewa uwezo ili waweze kupata haki za msingi za binadamu.
- iv) **Ibara ya 4** inatoa fursa kwa Nchi Wanachama kuchukua hatua maalum za muda mfupi katika kuendeleza na kulinda haki ya usawa kwa wanawake wakati ikiweka mkakati wa kutekeleza malengo ya Mkataba.
- v) **Ibara ya 5** imeainisha hatua zinazopaswa kuchukuliwa na Nchi Wanachama katika kuondoa mila na desturi kandamizi dhidi ya wanawake na kujenga uelewa kuhusu wajibu wa mwanaume na mwanamke katika uzazi na makuzi ya watoto.
- vi) **Ibara ya 6** Nchi Wanachama kuchukua hatua stahiki ili kuzuia biashara haramu ya usafirishaji wanawake na ukahaba.
- vii) **Ibara ya 7** Nchi Wanachama kuchukua hatua za kuhakikisha wanawake wanashiriki sawa na wanaume katika shughuli za kisiasa na kijamii.
- viii) **Ibara ya 8** Nchi Wanachama kuchukua hatua zitakazowezesha wanawake kupata fursa sawa na wanaume za kushiriki na kuwakilisha serikali zao katika vyombo vya kimataifa.
- ix) **Ibara ya 9** Nchi Wanachama kutoa fursa sawa kwa wanawake na wanaume kuchagua uraia wao na uraia wa watoto wao.
- x) **Ibara ya 10** Nchi Wanachama kuchukua hatua zitakazoweka usawa kati ya wanaume na wanawake katika masuala yote yanayohusu elimu.
- xi) **Ibara ya 11** Nchi Wanachama kuchukua hatua zitakazotoa haki kwa wanawake na kuweka usawa kati ya wanaume na wanawake katika masuala yote yanayohusu ajira, ujira na usalama mahali pa kazi.
- xii) **Ibara ya 12** Nchi Wanachama kuchukua hatua zitakazoweka usawa kati ya wanaume na wanawake katika masuala yote yanayohusu huduma ya afya.
- xiii) **Ibara ya 13** Nchi Wanachama kuchukua hatua zitakazoweka usawa kati ya wanaume na wanawake katika masuala ya kiuchumi na kijamii.
- xiv) **Ibara ya 14** Nchi Wanachama kuchukua hatua za makusudi kuondoa ubaguzi katika nyanja zote dhidi ya wanawake wanaoishi vijijini.
- xv) **Ibara ya 15** Nchi Wanachama kutoa haki sawa kwa wanaume na wanawake katika masuala ya sheria.
- xvi) **Ibara ya 16** Nchi Wanachama kuchukua hatua zinazofaa kuondoa ubaguzi dhidi ya wanawake katika masuala yote yanayohusu ndoa na mahusiano ya kifamilia.
- xvii) **Ibara za 17** Kamati ya kusimamia utekelezaji wa Mkataba pamoja na muundo wake
- xviii) **Ibara ya 18** inaainisha utaratibu za kuwasilisha taarifa za utekelezaji wa Mkataba.
- xix) **Ibara ya 19** inaainisha kanuni na utaratibu wa kuendesha shughuli za Kamati na upatikanaji wa uongozi wa Kamati.
- xx) **Ibara ya 20** inaeleza kuhusu muda na mahali ambapo mikutano ya Kamati itafanyika.
- xxi) **Ibara ya 21** inaeleza kuhusu uwasilishaji wa taarifa za Kamati kwenye Baraza Kuu la Umoja wa Mataifa na kufafanua namna zitakavyofanyiwa kazi.
- xxii) **Ibara ya 22** inatoa fursa kwa Mashirika ya Umoja wa Mataifa kushiriki katika tathmini na kuwasilisha taarifa ya utekelezaji wa Mkataba maeneo yanayoangukia katika wigo wa majukumu yao.
- xxiii) **Ibara ya 23** inaeleza kuwa masharti ya Mkataba hayataathiri mafanikio yaliyopo katika sheria za Nchi Wanachama au katika Mikataba ya Kimataifa ya kutokomeza ubaguzi dhidi ya wanawake.
- xxiv) **Ibara ya 24** inaweka masharti kwa Nchi Wanachama kuchukua hatua madhubuti kuhakikisha haki za wanawake kwa mujibu wa mkataba huu zinalindwa.
- xxv) **Ibara ya 25** inatoa fursa kwa Nchi yoyote kusaini na kuridhia Mkataba na kufafanua utaratibu wa kuhifadhi nyaraka za Mkataba
- xxvi) **Ibara ya 26** inatoa fursa kwa Nchi Wanachama kuwasilisha maombi ya kuupitia Mkataba kwa ajili ya kuuboresha.
- xxvii) **Ibara ya 27** inaeleza kuhusu kuanza kutumika kwa Mkataba.

- xxviii) **Ibara ya 28** inaeleza kuhusu uwasilishaji wa maelezo ya Nchi Wanachama kutofungwa na masharti ya baadhi ya Ibara za Mkataba.
- xxix) **Ibara ya 29** inatoa ufafanuzi wa utatuzi wa migogoro kuhusu tafsiri na matumizi ya Mkataba miongoni mwa Nchi Wanachama.
- xxx) **Ibara ya 30** inataja kuwa Mkataba utahifadhiwa katika lugha 6 rasmi zilizodhibitishwa.

3.0 UTEKELEZAJI WA CEDAW NCHINI TANZANIA

Tangu Mkataba wa CEDAW uliporidhiwa mnamo tarehe 20 Agosti, 1985, hatua mbalimbali zimechukuliwa na Tanzania katika kuutekeleza kwa mujibu wa matakwa ya Ibara ya 2 ya Mkataba. Hatua zilizochukuliwa ni pamoja na:

3.1 Kuingiza Misingi ya usawa kwa wanawake katika Katiba

Tanzania imetekeleza matakwa ya Mkataba kwa kuweka misingi ya usawa kwa wanawake na wanaume kwenye Katiba ya Jamhuri ya Muungano wa Tanzania ya Mwaka 1977 na Katiba ya Zanzibar ya Mwaka 1984 katika maeneo yafuatayo:

(a) Haki za Binadamu

Haki za binadamu zimeainishwa kwa usawa bila ubaguzi wa aina yoyote katika Sura ya Kwanza, Sehemu ya Tatu ya Katiba ya Jamhuri ya Muungano (Ibara za 12 hadi 32) na katika Sura ya Tatu (Ibara za 11 hadi 25A) ya Katiba ya Zanzibar.

(b) Ushiriki wa wanawake katika masuala ya siasa

Katiba imezingatia haki ya usawa katika siasa kutokana na asili ya utamaduni wa jamii nyingi za Kitanzania. Kwa msingi huo, Ibara ya 66(1) (b) ya Katiba ya Jamhuri ya Muungano wa Tanzania imetoa fursa ya kuwa na Wabunge wanawake wa viti maalum vya uwakilishi Bungeni wasiopungua asilimia thelathini ya Wabunge wote.

Kwa upande wa Zanzibar, Katiba inatambua haki ya usawa kwa wanawake kushiriki katika siasa kwa kuweka nafasi za viti maalum kwa wanawake katika Baraza la Wawakilishi. Ibara ya 67(1) inabainisha kuwa, kutakuwa na Wajumbe wa Baraza la Wawakilishi wanawake kwa idadi ya asilimia arobaini ya wajumbe wote wa kuchaguliwa katika majimbo ya uchaguzi.

Vilevile, Ibara ya 66(1)(c) ya Katiba ya Jamhuri ya Muungano inaweka msingi kuwa katika idadi ya Wabunge kumi wanaoteuliwa na Rais, angalau Wabunge watano kati yao wanapaswa kuwa wanawake.

3.2 Kutunga na kurekebisha Sheria mbalimbali

Katika kutekeleza Mkataba wa CEDAW Tanzania imetunga na kurekebisha sheria mbalimbali ili kuondoa masharti ya kibaguzi dhidi ya wanawake. Marekebisho hayo yanalenga kuweka masharti ya usawa kati ya wanaume na wanawake katika nyanja mbalimbali kama ifuatavyo:

(a) Ajira

Sheria na Kanuni mbalimbali kuhusu masuala ya ajira zilirekebishwa ili kusisitiza sharti kuwa katika kuchagua na kuajiri (selection and recruitment) lazima kuzingatia usawa kati ya wanaume na wanawake. Mfano wa sheria hizo ni Sheria ya Utumishi wa Umma na Kanuni zake pamoja na miongozo (Public Service Act, 2002, Public Service Regulations 2003, Public Employment Guideline na Public Service Scheme).

Aidha, Sheria ya Ajira na Mahusiano Kazini (the Employment and Labour Relations Act, 2004) katika kifungu cha 7 inaweka sharti la fursa sawa kwa wanawake na wanaume na kukataza ubaguzi wa aina yoyote mahali pa kazi. Vifungu vidogo vya (4) na (5) vinaeleza kuwa ni kosa la jinai kwa waajiri kufanya vitendo vyovyote vyenye kubagua wafanyakazi.

Vilevile, katika kifungu cha 10(2)(a) cha Sheria ya Ajira ya Zanzibar kinamtaka mwajiri kutoa fursa sawa kwa wanaume na wanawake mahali pa kazi. Sheria hiyo pia ina kataza ubaguzi wowote mahali pa kazi.

(b) Katazo la ubaguzi wa wanaume na wanawake kwa misingi mbalimbali

Tanzania imetunga Sheria mbalimbali kama vile Sheria ya Kuzuia na Kudhibiti UKIMWI (The Prevention of HIV/AIDS Act, 2008) ambayo inakataza ubaguzi kwa misingi ya ugonjwa wa UKIMWI. Aidha, Sheria ya Watu wenye Ulemavu (The Persons with Disabilities Act, 2010) ambayo inakataza ubaguzi kwa misingi ya ulemavu.

Vilevile, Sheria ya Mtoto (The Law of the Child Act, 2009) na Sheria ya Watoto ya Zanzibar (Zanzibar Children's Act, 2011) zote zinakataza ubaguzi katika malezi ya watoto ambapo hapo awali jukumu hilo lilikuwa linafanywa na wanawake peke yao. Aidha, sheria hii imeweka masharti ya kuhakikisha haki za mtoto wa kike zinalindwa ikiwa ni pamoja na kupata elimu kwa kuzuia ndoa za utotoni

(c) Sheria ya Kanuni za Adhabu (The Penal Code, Cap. 16)

Hii ni miongoni mwa Sheria iliyofanyiwa marekebisho ya msingi ili kuweka kosa la ukeketaji kwa wanawake (Female Genital Mutilation) na kutambua kuwa unyanyasaji wa aina yoyote dhidi ya wanawake ni kosa la jinai.

(d) Sheria ya Makosa ya Kujamiiana (Sexual Offences (Special Provisions) Act, 1998)

Mwaka 1998 Bunge lilipitisha Sheria ya Makosa ya Kujamiiana (Sexual Offences (Special Provisions) Act, 1998) kwa lengo la kulinda hadhi ya wanawake katika jamii. Kimsingi, sheria ya Makosa ya Kujamiiana imefanya mabadiliko katika sheria tano ambazo zinahusiana moja kwa moja na makosa ya kujamiiana ambazo ni:

- i) Sheria ya Kanuni za Adhabu (The Penal Code, Cap. 16);
- ii) Sheria ya Mwenendo wa Mashtaka ya Jinai (The Criminal Procedure Act, 1985);
- iii) Sheria ya Ushahidi ya (The Evidence Act, 1967);
- iv) Sheria ya Watoto na Vijana Wadogo (The Children and Young Persons Act, Cap. 13 ambayo kwa sasa imefutwa na Sheria ya Mtoto, 2009); na
- v) Sheria ya Kiwango cha Chini cha Adhabu (The Minimum Sentences Act, 1972).

(e) Sheria ya Kuzuia Usafirishaji Haramu wa Binadamu, 2008 (The Anti-Trafficking in Persons Act, 2008)

Kutungwa kwa Sheria ya Kuzuia Usafirishaji Haramu wa Binadamu, 2008 nchini ni mojawapo ya hatua za kutekeleza Mkataba huu. Sheria hii inaendana na masharti ya Ibara ya 6 ya Mkataba inayozitaka nchi wanachama kuchukua hatua madhubuti za kuzuia usafirishaji haramu wa binadamu na ukahaba.

(f) Sheria ya Huduma za Msaada wa Kisheria, 2017 (The Legal Aid Act, 2017)

Sheria ya Huduma ya Msaada wa Kisheria ya mwaka 2017 ilitungwa ili kuweka mfumo wa kisheria wa kutoa, kusimamia na kuratibu utoaji wa huduma ya msaada wa kisheria kwa mashauri ya jinai na madai kwa watu wasioweza wa kumudu gharama za huduma za kisheria kwa malipo. Pamoja na mambo mengine, sheria hii inatoa fursa sawa kwa wanaume na wanawake wanaoishi vijijini kupata haki kama inavyotakiwa na Ibara ya 14 ya Mkataba.

3.3 Kuweka mfumo wa kitaasisi kuhusu masuala ya wanawake

Tanzania imeanzisha taasisi mbalimbali ambazo pamoja na mambo mengine, zinasimamia na kuhamasisha utekelezaji wa Mkataba kama ifuatavyo:

(a) Kuundwa kwa Wizara inayosimamia Masuala ya Jinsia

Tanzania imekuwa ikidumisha utaratibu wa kuwa na Wizara inayosimamia masuala ya jinsia. Wizara hii imekuwa na jukumu la kuratibu, kutekeleza na kusimamia masuala yote yanayohusu haki za wanawake. Mpaka Oktoba 2018 Wizara inayosimamia eneo hili ni Wizara ya Afya, Maendeleo ya Jamii, Jinsia, Wazee na Watoto.

(b) Kutunga Sera kuhusiana na Masuala ya Wanawake

Tanzania imetunga Sera ya Jinsia (National Gender Policy) inayoelekeza kila taasisi ya Umma, Wakala na Mamlaka za Serikali za Mitaa kuunda vyombo vitakavyotekeleza Mkataba wa CEDAW na Nyongeza yake (Protocol) kwa kuunda Kamati za masuala ya jinsia. Aidha, Sera ya utoaji bure wa huduma ya afya ilitungwa ili kusimamia huduma hiyo kwa wanawake wajawazito na watoto.

(c) Kuanzisha madawati ya jinsia na watoto

Madawati ya jinsia na watoto yanasimamiwa na Wizara ya Mambo ya Ndani ya Nchi katika vituo vya polisi nchini. Lengo la kuanzisha madawati hayo ni kushughulikia malalamiko kuhusu vitendo vya unyanyasaji. Madawati hayo yanaratibiwa na wataalamu waliopata mafunzo kuhusu masuala ya jinsia na watoto. Aidha, uwepo wa madawati haya unatoa fursa muhimu kwa wanawake wanaokabiliwa na vitendo vya unyanyasaji kutafuta haki zao.

(d) Asasi za kiraia

Tanzania imeweka mfumo wa kisheria wa uanzishaji na uendeshaji wa taasisi zisizo za kiserikali. Kupitia fursa hii, baadhi ya Taasisi hizo zimeanzishwa kwa lengo la kuelimisha na kuhamasisha umma pamoja na kuendesha kampeni za kupambana na unyanyasaji dhidi ya wanawake. Vilevile taasisi hizo hutoa mchango katika kufanya tathimini na kufuatilia utekelezaji wa Mkataba. Zifuatazo ni baadhi ya taasisi

hizo:

- i) The Tanzania Women Parliamentary Group (TWPG)
- ii) Association for the Prevention of Torture (APT)
- iii) Campaign on Good Governance (CGG)
- iv) Feminist Activism (FEMACT)
- v) Taaluma Women Group (TWG)
- vi) Legal and Human Rights Centre (LHRC)
- vii) Tanzania Women Lawyers Association (TAWLA)
- viii) Women's Legal Aid Centre (WLAC)
- ix) Tanzania Gender Networking Programme (TGNP)
- x) Women in Law and Development in Africa (WiLDAF)

3.4 Elimu kwa wanawake

Katika kutekeleza Malengo wa Milenia kuhusu elimu, Tanzania iliongeza udahili kwa watoto wa kike katika ngazi mbalimbali za elimu. Mfano, kutoa kipaumbele katika mikopo ya elimu ya juu kwa watoto wa kike ili kupunguza tofauti kati ya wanawake na wanaume katika elimu.

3.5 Mpango wa Elimu bure kwa shule za msingi na sekondari

Serikali ya awamu ya Tano imeanzisha utaratibu wa kutoa elimu bure kwa shule za msingi na sekondari. Mpango huu unatoa fursa kwa watoto wengi kupata elimu ikiwemo watoto wa kike.

3.6 Kampeni za Kujenga uelewa kwa Umma kuhusu haki za wanawake na watoto

Katika kutekeleza Mkataba, elimu kuhusu haki za wanawake na watoto imekuwa ikitolewa kwa makundi mbalimbali kama vile watumishi wa umma na sekta binafsi. Aidha, miongoni mwa njia zinazotumika kutoa elimu ni semina, mikutano, makongamano na kupitia vyombo vya habari. Mfano, wa vipindi vinavyorushwa kupia vyombo vya habari ni;

- (a) Ijue Sheria (ITV),
- (b) Kona ya Sheria (TBC 1),
- (c) Kumepambazuka –Sheria (Radio One),
- (d) Wanawake Live (EATV)
- (e) Nitetee (Star TV)
- (f) Wanawake katika Uongozi (TBC1), nk.

Vilevile, Serikali iliendesha kampeni ya kutokomeza kabisa unyanyasaji dhidi ya wanawake “DECLARE ZERO TOLERANCE NOW” kwa lengo la kujenga uelewa na kutafuta suluhu ya kutokomeza unyanyasaji huo.

4.0 MIKATABA MINGINE INAYOLINDA HAKI ZA WANAWAKE

Katika kulinda na kuendeleza haki ya usawa kati ya wanawake na wanaume Tanzania imesaini na kuridhia mikataba mingine mbalimbali ya kimataifa ambayo baadhi ni:

- (a) Mkataba wa Kimataifa wa Kuondoa Ubaguzi katika Ajira na Eneo la Kazi wa mwaka (The Convention on the Elimination of Discrimination in Employment and Occupation, 1958);
- (b) Mkataba wa Kimataifa wa Usawa katika Ajira na Ujira kwa Kazi (The Convention on Equal Remuneration for work of Equal Value, 1951);
- (c) Mkataba wa Kimataifa wa Wafanyakazi wenye Majukumu ya Familia wa mwaka 1981 (The Convention on Workers with Family Responsibilities, 1981);
- (d) Mkataba wa Kimataifa wa kuhusiana na Masuala ya Uzazi wa mwaka 2000 (The Convention on Maternity Protection, 2000);
- (e) Maazimio ya Mkutano wa Kimataifa wa Wanawake uliofanyika Beijing mwaka 1995 (The Beijing Platform for Action 1995);
- (f) Maazimio ya Mkutano wa Kimataifa kuhusu Idadi ya Watu na Maendeleo mwaka 1994 (The Integrated Conference on Population and Development Plan of Action 1994);
- (g) Tamko la Milenia la mwaka 2000 (The Millennium Declaration, 2000);
- (h) Itifaki ya Mkataba wa Afrika wa Haki za Binadamu na Watu wa mwaka 1981 kuhusu Haki za Wanawake ya mwaka 2003 (The Protocol to the African Charter on Human and Peoples' Rights (ACPHR) on the Rights of Women in Africa (2003).

- (i) Tamko la Usawa wa Kijinsia Afrika chini ya Mkataba wa Afrika wa Haki za Binadamu na Watu wa mwaka 1981 (The Declaration on Gender Equality in Africa, the African Charter on Human and Peoples' Rights, 1981);
- (j) Tamko kuhusu Janga la VVU/UKIMWI katika Mkutano wa Kimataifa kuhusu UKIMWI na Magonjwa ya Zinaa Afrika la mwaka 1999 (The Declaration on the HIV/AIDS Epidemic at the XI International Conference on AIDS and STDs in Africa 1999);
- (k) Tamko la Wanawake na Ajenda kuhusu Utamaduni na Amani Afrika la mwaka 1999 (The Women's Declaration and Agenda for a Culture of Peace in Africa adopted at the close of a Pan African Conference in Zanzibar in 1999);
- (l) Tamko la Jumuiya ya Maendeleo ya Nchi za Kusini mwa Afrika kuhusu Jinsia na Maendeleo la mwaka 1997 (The SADC Declaration on Gender and Development, 1997)

5.0 HITIMISHO

Mkataba wa Kimataifa wa Kuondoa Aina zote za Ubaguzi dhidi ya Wanawake wa Mwaka 1979 ni mojawapo ya hati muhimu za kisheria katika kulinda na kuendeleza haki za wanawake pamoja na kuleta usawa katika jamii. Masharti ya Mkataba huu yanapaswa kuzingatiwa sambamba na Tamko la Haki za Binadamu Duniani la mwaka 1948 pamoja na Mikataba ya Haki za Binadamu ya mwaka 1966 ambayo imeweka misingi mikuu ya uzingatiaji wa haki za binadamu duniani.

Tangu kusaini na kuridhia Mkataba wa CEDAW Tanzania imekuwa ikichukua hatua mbalimbali za utekelezaji ili kuleta usawa kati ya wanawake na wanaume. Hatua hizo zinadhihirika katika sheria mbalimbali na uwepo wa taasisi zinazosimamia masuala ya wanawake kupata haki sawa na wanaume.

SURA YA PILI

TAFSIRI YA MKATABA WA KIMATAIFA WA KUTOKOMEZA AINA ZOTE ZA UBAGUZI DHIDI YA WANAWAKE

Mkataba wa Kimataifa wa Kutokomeza Aina zote za Ubaguzi Dhidi ya Wanawake Ulipitishwa kwa ajili ya kuanza kusainiwa, kuridhiwa na kukubaliwa kwa Azimio la Baraza Kuu la Umoja wa Mataifa Namba 34/180 la tarehe 18 Disemba, 1979 Ulianza kutumika rasmi tarehe 3 Septemba, 1981, kwa mujibu wa Ibara ya 27(1)

UTANGULIZI

Nchi Wanachama kwa Mkataba huu, Kwa kutambua kuwa Mkataba wa Umoja wa Mataifa unasisitiza uaminifu katika haki za msingi za binadamu, utu na thamani ya mtu na katika usawa wa haki za wanaume na wanawake,

Kwa kutambua kwamba Tamko la Dunia la Haki za Binadamu linaisitiza kanuni ya kukataa ubaguzi na kutamka kuwa binadamu wote wamezaliwa huru na kwa usawa katika utu na haki na kwamba kila mmoja anastahili haki zote na uhuru kama zilivyoainishwa katika Tamko hilo, bila kuweka tofauti ya aina yoyote, ikiwemo kuweka tofauti kwa kuzingatia jinsi,

Kwa kutambua kwamba Nchi Wanachama zilizoridhia Mikataba ya Kimataifa ya Haki za Binadamu zina wajibu wa kuhakikisha haki sawa kwa wanaume na wanawake katika kupata haki zote za kiuchumi, kijamii, kiutamaduni, kiraia na kisiasa,

Kwa kuzingatia kwamba Mikataba ya Kimataifa iliyopitishwa chini ya usimamizi wa Umoja wa Mataifa na mashirika yake mahsusi inakuza usawa wa haki za wanaume na wanawake,

Kwa kuzingatia kwamba maazimio, matamko na mapendekezo yaliyopitishwa na Umoja wa Mataifa na Mashirika ya Umoja wa Mataifa katika kuhimiza haki sawa baina ya wanaume na wanawake

Kwa kuzingatia, hata hivyo, kwamba licha ya uwepo wa Mikataba hii bado ubaguzi mkubwa dhidi ya wanawake unaendelea kuwepo,

Kwa kutambua kwamba ubaguzi dhidi ya wanawake unakiuka misingi ya usawa wa haki na heshima ya utu wa binadamu ni kikwazo cha ushiriki wa wanawake, kwa usawa na wanaume, katika nyanja za kisiasa, kijamii, kiuchumi na kiutamaduni katika nchi zao, kunaathiri ustawi wa jamii na familia na kuleta ugumu katika kuwezesha wanawake kutumikia nchi zao na kujali ubinadamu,

Kwa kutambua kwamba katika hali ya umaskini wanawake wana nafasi finyu ya kupata mahitaji ya chakula, afya, elimu, mafunzo, fursa za ajira na mahitaji mengine,

Kwa kushawishika kwamba kuanzishwa kwa mfumo mpya wa kimataifa wa kiuchumi unaozingatia usawa na haki kutachangia kwa kiasi kikubwa katika kukuza usawa kati ya wanaume na wanawake,

Kwa kusisitiza kwamba kuondoa mfumo wa ubaguzi wa rangi nchini Afrika Kusini (Apartheid), aina zote za ubaguzi wa kimbari, ubaguzi wa rangi, ukoloni, ukoloni mamboleo, uvamizi wa nchi, utawala wa mabavu na kuingilia mambo ya ndani ya nchi nyingine ni muhimu katika upatikanaji wa haki za wanaume na wanawake,

Kwa kuthibitisha kwamba kuimarishwa kwa amani na usalama kimataifa, kupunguzwa kwa mizozo ya kimataifa, ushirikiano wa pamoja miongoni mwa mataifa bila kujali mifumo yao ya kijamii na kiuchumi, kuondoa matumizi ya nguvu za kijeshi hususan kutokomeza silaha za kinyuklia chini ya usimamizi mkali unaowekwa kimataifa, uthibitishaji wa kanuni za haki, usawa na manufaa ya pamoja katika mahusiano baina ya nchi na kutambua kuwa watu waliopo katika nchi zinazotawaliwa na nchi za kigeni, nchi zilizo chini ya ukoloni na zinazotawaliwa wana haki ya kujitawala na kuwa huru, pamoja na kuheshimu mamlaka ya taifa na kutovamia mipaka ya nchi nyingine, kutakuza maendeleo ya kijamii na hivyo kuchangia upatikanaji wa usawa kamili kati ya wanaume na wanawake,

Kwa kushawishika kwamba kunahitajika ushiriki wa hali ya juu wa wanawake kwa usawa na wanaume ili kupata maendeleo kamili ya nchi, usawa duniani na kuwepo kwa hali ya amani,

Kwa kuzingatia kuwa mchango mkubwa wa wanawake katika ustawi wa familia na maendeleo ya jamii hautambuliki ipasavyo, umuhimu wa uzazi kijamii na jukumu la wazazi wote katika familia na malezi ya watoto, na kwa kutambua kuwa jukumu la wanawake kuzaa halipaswi kuwa ndiyo msingi wa ubaguzi kwa kuwa malezi ya watoto yanahitaji kusaidiana majukumu kati ya wanaume, wanawake na jamii kwa ujumla,

Kwa kuelewa kwamba kunahitajika mabadiliko ya desturi iliyozoeleka ya mgawanyo wa majukumu kati ya wanaume na wanawake katika jamii na familia ili kupata usawa kamili kati ya wanaume na wanawake,

Kwa kukusudia kutekeleza kanuni zilizowekwa na Tamko la Kutokomeza Ubaguzi dhidi ya Wanawake na hivyo kuweka njia zinazohitajika kwa ajili ya kutokomeza ubaguzi huo na mambo mengine yote yanayoambatana na ubaguzi,

Zamekubaliana kama ifuatavyo:

SEHEMU YA I

Ibara ya 1: Tafsiri

Kwa madhumuni ya Mkataba huu, maneno “ubaguzi dhidi ya wanawake” yatakuwa na maana ya kutofautishwa, kutengwa au kuzuiwa kwa namna yoyote kwa misingi ya jinsia kwa lengo la kudhoofisha au kubatilisha kutambuliwa, kufurahia au uwezo wa kutenda wa wanawake, bila kujali hadhi yao ya ndoa, kwa misingi ya usawa kati ya wanaume na wanawake, haki za kibinadamu na misingi ya uhuru wa asili wa kisiasa, kiuchumi, kijamii, kiutamaduni, kiraia au eneo lolote lile.

Ibara ya 2: Hatua za Kiseru na Kisheria

Nchi Wanachama zinalaani ubaguzi dhidi ya wanawake katika aina zake zote, zinakubaliana kutunga na kutekeleza kwa njia zozote zile zinazofaa na bila kuchelewa, sera kwa ajili ya kutokomeza ubaguzi dhidi ya wanawake na, katika kutimiza lengo hili, kufanya yafuatayo:

- (a) Kuingiza dhana ya usawa wa wanaume na wanawake katika Katiba zao au katika sheria yoyote inayofaa endapo haki hiyo bado hajaingizwa, na kuhakikisha kuwa, kupitia sheria na njia nyingine zinazofaa haki ya usawa kati ya wanaume na wanawake inatekelezwa ipasavyo;
- (b) Kuchukua hatua muhimu za kisheria au hatua nyinginezo zinazofaa, ikiwa ni pamoja na kuweka adhabu inapobidi, ili kuzuia ubaguzi wa aina yoyote dhidi ya wanawake;
- (c) Kuanzisha ulinzi wa kisheria wa haki za wanawake kwa misingi ya usawa kati yao na wanaume na kuhakikisha kuwa kwa kupitia mahakama zenye mamlaka za nchi na taasisi nyingine za umma zinazohusika kuna ulinzi imara kwa wanawake dhidi ya vitendo vya ubaguzi;
- (d) Kutojihusisha na vitendo vyovyote vile au mila na tamaduni za ubaguzi dhidi ya wanawake na kuhakikisha kuwa mamlaka za umma na taasisi zinatekeleza majukumu kwa kuzingatia wajibu huu;
- (e) Kuchukua hatua zote zinazofaa kutokomeza ubaguzi dhidi ya wanawake unaofanywa na mtu yeyote, taasisi au kampuni binafsi;
- (f) Kuchukua hatua zote zinazofaa, ikiwa ni pamoja na kutunga sheria, kurekebisha au kufuta sheria zilizopo, kanuni, tamaduni, mila na desturi zinazoendekeza ubaguzi dhidi ya wanawake.
- (g) Kufuta vifungu vyote vya sheria zinazotoa adhabu ambavyo vina mianya ya ubaguzi dhidi ya wanawake.

Ibara ya 3: Hatua za kuleta Usawa katika nyanja zote za kisiasa, kijamii, kiuchumi, kiutamaduni na kisheria

Nchi Wanachama zitachukua hatua zote zinazofaa katika nyanja zote, hususan kisiasa, kijamii, kiuchumi na kiutamaduni, zikiwemo za kisheria, kuhakikisha kuna maendeleo na ustawi kamili wa wanawake, kwa lengo la kuwahakikisha kuwa wananufaika na haki za binadamu na misingi ya uhuru kwa vigezo vya usawa kati yao na wanaume.

Ibara ya 4: Hatua mahsusi za muda kuharakisha Haki ya Usawa

1. Nchi Wanachama zitachukua hatua mahsusi za muda mfupi kwa lengo la kuharakisha upatikanaji wa haki ya sawa kati ya wanaume na wanawake, na jambo hilo halitachukuliwa kuwa ni ubaguzi kama ilivyotafsiriwa katika Mkataba huu, bali kwa namna yoyote ile hatua hizo hazitahusishwa na matokeo ya ukosefu wa usawa au viwango tofauti baina ya wanaume na wanawake; hatua hizi zitasitishwa endapo malengo ya fursa za usawa na utekelezaji wake vitakapopatikana.
2. Nchi Wanachama kuchukua hatua mahsusi, ikiwa ni pamoja na hatua zilizomo katika Mkataba huu kwa lengo la kulinda masuala ya uzazi, hayataafsiriwa kuwa ni ubaguzi.

Ibara ya 5: Hatua za kuondoa mila na desturi kandamizi

Nchi Wanachama zitachukua hatua zote zinazofaa katika:

- (a) Kurekebisha mifumo ya kijamii na kiutamaduni kuhusu mienendo ya wanaume na wanawake, kwa lengo la kuondoa madhara ya tamaduni au mila na desturi zenye misingi ya kutweza au kukuza jinsi moja ijisikie duni kuliko nyingine, au ijione bora kuliko nyingine kwa misingi ya mgawanyo wa majukumu ya kila mmoja.
- (b) Kuhakikisha kwamba elimu ya familia inazingatia uelewa sahihi wa elimu ya uzazi kama jukumu la kijamii na kutambuliwa kuwa ni jukumu la pamoja kati ya wanaume na wanawake katika malezi, makuzi na maendeleo ya watoto wao, na ikieleweka kwamba maslahi ya watoto yanatakiwa kuzingatiwa na kupewa kipaumbele katika mazingira ya aina yoyote.

Ibara ya 6: Hatua za kuzuia Usafirishaji Wanawake na Ukahaba

Nchi Wanachama zitachukua hatua zote muhimu, ikiwa ni pamoja na kutunga sheria, kuzuia aina zote za usafirishaji haramu wa wanawake na unyonyaji wa wanawake kupitia vitendo vya ukahaba.

SEHEMU YA II

Ibara ya 7: Hatua za kuhakikisha Haki katika Shughuli za Umma

Nchi Wanachama zitachukua hatua zote zinazofaa kutokomeza ubaguzi dhidi ya wanawake katika masuala ya kisiasa na maisha ya kijamii katika nchi zao, hususan, kuhakikisha kuwa wanawake na wanaume wanapata haki zifuatazo:

- (a) Kupiga kura katika chaguzi zote na kura za maoni na kuwa na sifa za kugombea na kuchaguliwa kwenye vyombo vyote vya umma vya kiuchaguzi;
- (b) Kushiriki katika kutunga sera za serikali na utekelezaji wake na kushika madaraka katika ofisi za umma na kutekeleza majukumu ya umma katika ngazi zote serikalini;
- (c) Kushiriki katika asasi zisizokuwa za kiserikali na vyama vingine vinavyohusika na maisha ya kijamii na kisiasa katika nchi.

Ibara ya 8: Hatua za kuleta Usawa katika Uwakilishi Kimataifa

Nchi Wanachama zitachukua hatua zote zinazofaa kuwahakikishia wanawake kwa misingi iliyo sawa na wanaume, bila ubaguzi wowote, kuwa wanapata fursa ya kuwakilisha Serikali zao katika ngazi ya kimataifa na kushiriki katika shughuli za mashirika ya kimataifa.

Ibara ya 9: Hatua za Usawa wa Uraia

1. Nchi Wanachama zitatoa haki sawa kwa wanawake na wanaume kupata, kubadilisha au kurudishiwa uraia wao. Zitahakikisha kimsingi kuwa kufunga ndoa na raia wa kigeni au mume kubadilisha uraia wakiwa kwenye ndoa haitabadilisha uraia wa mke, au kumfanya asiwe na uraia au kumlazimisha kuchukua uraia wa mume wake.
2. Nchi Wanachama zitatoa haki sawa kwa wanawake na wanaume kuhusu uraia wa watoto wao.

SEHEMU YA III

Ibara ya 10: Hatua za Usawa katika Elimu

Nchi Wanachama zitachukua hatua zote zinazofaa kutokomeza ubaguzi dhidi ya wanawake ili kuwahakikishia haki sawa na wanaume katika elimu, hususan, kuwahakikisha kuwa, katika misingi ya usawa wa wanaume na wanawake:

- (a) Mazingira sawa ya kazi na mwongozo wa mafunzo ya kitaalamu, fursa za masomo na kufuzu katika taasisi za elimu kwa aina zote za elimu katika maeneo ya vijijini na mijini; usawa huu utazingatiwa katika ngazi za masomo ya awali, kawaida, ufundi, kitaaluma na ngazi ya elimu ya juu ya ufundi pamoja na aina zote za mafunzo ya kuongeza ujuzi na utaalamu wa kazi;
- (b) Fursa ya kupata mafunzo kwa kutumia mitaala sawa, kupewa mtihani sawa, kufundishwa na walimu wenye sifa na viwango sawa, na kusoma katika mazingira ya shule na vifaa vyenye ubora sawa;
- (c) Kutokomeza unyanyapaa kwa misingi ya majukumu kati ya wanaume na wanawake katika ngazi zote na katika aina zote za elimu kwa kusisitiza elimu kwa jinsi zote kwa pamoja na aina nyingine za elimu ambazo zitasaidia kufanikisha lengo hili, hususan, kufanyia marejeo vitabu vya kiada na programu za shule na kutumia mbinu sahihi za ufundishaji;
- (d) Fursa sawa za kunufaika na ufadhili wa masomo na misaada mengine ya kielimu;
- (e) Fursa sawa katika za kujiendeleza kielimu, ikiwa ni pamoja na elimu ya watu wazima na mpango wa elimu ya kujifunza kusoma na kuandika kwa watu wazima, hususan kwa lengo la kupunguza mapema iwezekanavyo pengo la kielimu kati ya wanaume na wanawake;
- (f) Kupunguza kiwango cha wanafunzi wa kike wanaoacha shule na kuweka mipango ya elimu kwa wasichana na wanawake walioacha shule mapema;
- (g) Fursa sawa ya kushiriki katika michezo na elimu ya mazoezi ya viungo;
- (h) Fursa ya kupata taarifa mahususi za kielimu ili kuhakikisha masuala ya afya na ustawi wa familia, pamoja na taarifa na ushauri kuhusu uzazi wa mpango.

Ibara ya 11: Hatua za Usawa katika Ajira

1. Nchi Wanachama zitachukua hatua zote zinazofaa kutokomeza ubaguzi dhidi ya wanawake katika nyanja za ajira ili kuhakikisha, katika misingi ya usawa wa wanaume na wanawake, haki sawa hususan:
 - (a) Haki ya kufanya kazi kama haki stahili ya asili kwa binadamu wote;
 - (b) Haki sawa katika fursa za ajira, ikiwemo matumizi ya vigezo sawa vya uteuzi katika masuala ya ajira;
 - (c) Haki ya uhuru wa kuchagua taaluma na ajira, haki ya kupandishwa daraja, usalama wa kazi na marupurupu yote na mazingira mazuri ya kazi na haki ya kupata mafunzo ya kuongeza ujuzi na utaalamu kazini ya mara kwa mara, ikiwa ni pamoja na mafunzo kazini, mafunzo ya elimu ya juu ya kitaalamu na mafunzo ya kujiendeleza mara kwa mara kazini;
 - (d) Haki ya kupata malipo sawa, ikiwa ni pamoja na marupurupu, na kupata manufaa mengine kazini kwa usawa na kwa thamani sawa, pamoja na usawa katika kupima tathmini ya kazi;
 - (e) Haki ya kupata huduma za hifadhi ya jamii, hususan mafao ya kustaafu, ukosefu wa ajira, ugonjwa, hali ya kukosa uwezo wa kufanya kazi na uzee, pamoja na likizo ya malipo;
 - (f) Haki ya ulinzi kiafya na usalama katika mazingira ya kazi, ikiwa ni pamoja na usalama katika uzalishaji mali;
2. Ili kuzuia ubaguzi dhidi ya wanawake kwa misingi ya ndoa au masuala ya uzazi na kuhakikisha ufanisi wa haki yao ya kufanya kazi, Nchi Wanachama zitachukua hatua muhimu zifuatazo:
 - (a) Kuzuia kufukuzwa kazini kwa sababu ya kupata ujauzito au likizo ya uzazi na kupiga marufuku ubaguzi wa kufukuzwa kazi kwa misingi ya hadhi ya ndoa, na kuweka adhabu kwa watakaokiuka masharti haya.
 - (b) Kuanzisha likizo ya malipo ya uzazi au yenye mafao ya hifadhi za kijamii bila kupoteza ajira, cheo, daraja au posho husika;
 - (c) Kuhimiza utolewaji wa huduma muhimu za kijamii kusaidia wazazi kuunganisha majukumu ya kifamilia pamoja na majukumu ya kazi na ushiriki katika shughuli za umma, hususan katika kukuza uanzishwaji na uendelezaji wa mtandao wa huduma za malezi ya watoto;
 - (d) Kutoa ulinzi mahsusi kwa wanawake wakati wa ujauzito kwa aina ya kazi zilizothibitishwa kuwa na madhara kwao;
3. Sheria zitakazotungwa kutoa ulinzi kwa wanawake katika masuala yaliyofafanuliwa katika ibara hii zitafanyiwa mapitio kila mara kwa vipindi maalum kwa muktadha wa ugunduzi wa kisayansi na kiteknolojia na hivyo zitafanyiwa maboresho, kufutwa au kupanuliwa kadiri itakavyoonekana inafaa.

Ibara ya 12: Hatua za Usawa katika Huduma za Afya

1. Nchi Wanachama zitachukua hatua zote zinazofaa kutokomeza ubaguzi dhidi ya wanawake katika eneo la huduma za afya ili kuhakikisha, katika misingi ya usawa baina ya wanaume na wanawake kuna fursa kwa huduma za kiafya, ikiwa ni pamoja na huduma zinazohusu uzazi wa mpango.
2. Bila ya kuathiri masharti ya aya ya 1 ya ibara hii, Nchi Wanachama zitawahakikishia wanawake huduma zinazofaa wakati wa ujauzito, wakati wa kujifungua, baada ya kujifungua, kutoa huduma bure pale inapobidi, na pia kutoa lishe ya kutosha wakati wa ujauzito na wakati wa kunyonyesha.

Ibara ya 13: Hatua za Usawa Kiuchumi

Nchi Wanachama zitachuka hatua zote zinazofaa kutokomeza ubaguzi dhidi ya wanawake katika maeneo mengine ya kiuchumi na kijamii ili kuhakikisha, kwa misingi ya usawa baina ya wanaume na wanawake, haki sawa, hususan:

- (a) Haki ya mafao ya kifamilia;
- (b) Haki ya kupata mikopo ya kibenki, dhamana za mikopo na aina nyinginezo mikopo ya kifedha;
- (c) Haki ya kushiriki katika shughuli za burudani, michezo na aina zote za maisha ya kiutamaduni.

Ibara ya 14: Hatua za kuleta Usawa kwa Wanawake wa Vijijini

1. Nchi Wanachama zitazingatia matatizo halisi yanayowakumba wanawake wa vijijini na shughuli muhimu wanazofanya

wanawake hao katika kuinua hali za kiuchumi za familia zao, ikiwa ni pamoja na kazi katika sekta za uchumi zisizokuwa za kibiashara, na Nchi Wanachama zitachukua hatua zote muhimu kuhakikisha masharti ya Mkataba huu yanatumika kwa wanawake wa maeneo ya vijijini.

2. Nchi Wanachama zitachukua hatua zote zinazofaa kutokomeza ubaguzi dhidi ya wanawake katika maeneo ya vijijini ili kuhakikisha kuwa katika misingi ya usawa kati ya wanaume na wanawake, kwamba wanashiriki na kunufaika kutokana na maendeleo vijijini, hususan, zitawahakikishia wanawake hao haki ya:
 - (a) Kushiriki katika mchakato na utekelezaji wa mipango ya maendeleo katika ngazi zote;
 - (b) Kupata fursa ya huduma za kuridhisha za kiafya, ikiwa ni pamoja na taarifa, ushauri na huduma za mpango wa uzazi;
 - (c) Kunufaika moja kwa moja kutokana na mipango ya huduma za hifadhi za kijamii;
 - (d) Kupata kila aina ya mafunzo ya elimu rasmi na isiyo rasmi, ikiwa ni pamoja na mafunzo ya kusoma na kuandika kwa watu wazima, pamoja na mambo mengine, kunufaika na huduma zote za kijamii ili kuongeza ujuzi na ufanisi wao;
 - (e) Kuunda vikundi vya kujitegemea na vyama vya ushirika ili kuweza kupata fursa sawa za kiuchumi kupitia ajira au kujiajiri;
 - (f) Kushiriki katika shughuli zote za kijamii;
 - (g) Kupata fursa ya mikopo ya kilimo, huduma za masoko, teknolojia sahihi na kushiriki kwa usawa katika maboresho ya ardhi na shughuli za kilimo pamoja na mipango ya matumizi bora ya ardhi na mipango ya ugawaji upya ardhi yao;
 - (h) Kufurahia mazingira ya kuridhisha ya kuishi, hususan yanayohusu nyumba, huduma za maji safi na taka, huduma za usambazaji umeme na maji, usafiri na mawasiliano.

SEHEMU YA IV

Ibara ya 15: Hatua za kuleta Usawa mbele ya Sheria

1. Nchi Wanachama zitatoa haki sawa kwa wanaume na wanawake mbele ya sheria.
2. Nchi Wanachama zitatoa kwa wanawake, katika masuala ya kijamii, uwezo wa kisheria unaofanana na ule wa wanaume na fursa sawa za kutekeleza uwezo huo. Hususan, watatoa haki sawa kwa wanawake kuingia kwenye mikataba na kusimamia mali na watawatendea kwa usawa katika hatua zote za taratibu za kimahakama na mabaraza ya hutoaji haki.
3. Nchi Wanachama zinakubaliana kwamba, mikataba yote na makubaliano ya aina yoyote binafsi yenye nguvu za kisheria yanayolenga kuzuia uwezo wa kisheria wa wanawake yatachukuliwa kuwa ni batili.
4. Nchi Wanachama zitatoa haki sawa kwa wanawake na wanaume kuhusu sheria zinazohusu uhuru wa kwenda popote atakako na uhuru wa kuchagua sehemu ya kuishi.

Ibara ya 16: Hatua za Usawa katika masuala ya Ndoa na Familia

1. Nchi Wanachama zitachukua hatua zote zinazofaa kutokomeza ubaguzi dhidi ya wanawake katika masuala yote yanayohusu ndoa na mahusiano ya kifamilia na hususan zitahakikisha, kwa misingi ya usawa wa wanaume na wanawake:
 - a) Haki sawa ya kufunga ndoa;
 - b) Haki sawa ya kuchagua mwenza na kufunga ndoa kwa hiari na bila kulazimishwa;
 - c) Haki na wajibu sawa wakati wa ndoa na wakati wa talaka;
 - d) Haki na wajibu sawa kama wazazi, bila kujali hali ya ndoa, katika masuala yanayohusu watoto wao; katika hali yoyote, maslahi ya watoto yatapelewa kipaumbele;
 - e) Haki sawa ya kuamua kwa uhuru na kuwajibika juu ya idadi ya watoto wao na muda wa kuwazaa na kuwa na fursa ya kupata taarifa, elimu na njia ya kuwawezesha kutekeleza haki hizi;
 - f) Haki na wajibu sawa katika malezi, matunzo, udhamini na kuasili watoto, au taasisi kama hizo ambazo dhana hizi zinapatikana katika sheria za nchi; katika hali yoyote maslahi ya watoto yatapelewa kipaumbele;
 - g) Haki sawa za kibinafsi kama mume na mke, ikiwa ni pamoja na haki ya kuchagua jina la familia, taaluma na kazi;
 - h) Haki sawa kwa wanandoa kuhusu kumiliki, kupata, kusimamia, kusimamia, kunufaika na kuuza au kutoa mali bure.
2. Uchumba na ndoa kwa mtoto havitakuwa na nguvu za kisheria, na hatua zote zinazofaa zitachukuliwa, ikiwemo kutungwa kwa sheria ili kuainisha umri wa chini wa kuingia kwenye ndoa na kulazimika kusajili ndoa kwa msajili wa ndoa

SEHEMU YA V

Ibara ya 17: Kamati ya kusimamia Utekelezaji wa Mkataba na Muundo wake

1. Kwa madhumuni ya uzingatiaji wa hatua iliyofikiwa katika utekelezaji wa Mkataba huu, kutaanzishwa Kamati ya Kutokomeza Ubaguzi dhidi ya Wanawake (katika Mkataba huu ikijulikana kama Kamati) ambayo wakati wa kuanza kutumika kwa Mkataba huu, itakuwa na wajumbe kumi na nane, na baada ya kuridhiwa kwa Mkataba na Nchi Mwanachama wa thelathini na tano, Kamati itakuwa na wataalamu wabobezi ishirini na tatu wenye maadili ya hali ya juu na walioboea katika maudhui yaliyoainishwa katika Mkataba huu. Wataalamu hao watachaguliwa na Nchi Wanachama kutoka miongoni mwa raia wa nchi hizo na watahudumu kwa nafasi zao binafsi bila maelekezo ya nchi zao. Kigezo cha uwakilishi itakuwa mgawanyo wa usawa wa maeneo ya kijiografia na uwakilishi wa aina tofauti za tamaduni pamoja na mifumo ya kisheria.
2. Wajumbe wa Kamati watachaguliwa kwa kura ya siri kutoka kwenye orodha ya majina ya watu waliopendekezwa na Nchi Wanachama. Kila Nchi Mwanachama inaweza kupendekeza mtu mmoja kutoka miongoni mwa raia wake.
3. Uchaguzi wa awali utafanyika miezi sita baada ya tarehe ya kuanza kutumika kwa Mkataba huu. Angalau miezi mitatu kabla ya tarehe ya kila uchaguzi, Katibu Mkuu wa Umoja wa Mataifa ataandika barua kwa Nchi Wanachama kuwataka kuwasilisha majina ya waliopendekezwa ndani ya miezi miwili. Katibu Mkuu ataandaa orodha ya majina yote yaliyopendekezwa kwa mtiririko wa kialfabeti, akionyesha Nchi Wanachama zilizowapendekeza na ataiwasilisha kwa Nchi Wanachama.
4. Uchaguzi wa Wajumbe wa Kamati utafanyika katika mkutano wa Nchi Wanachama utakaoitishwa na Katibu Mkuu kwenye Makao Makuu ya Umoja wa Mataifa. Katika Mkutano huo, theluthi mbili ya Nchi Wanachama itakuwa ndio akidi, wajumbe watachaguliwa kwenye Kamati watakuwa ni wale ambao wamepata kura nyingi na idadi kubwa ya kura za wawakilishi wa Nchi Wanachama waliohudhuria na kupiga kura.
5. Wajumbe wa Kamati watachaguliwa kwa kipindi cha miaka minne. Hata hivyo, wajumbe tisa waliochaguliwa katika uchaguzi wa kwanza, watamaliza kipindi chao baada ya miaka miwili kuisha. Mara tu baada ya uchaguzi wa kwanza, majina ya wajumbe hao tisa yatachaguliwa na Mwenyekiti wa Kamati kwa utaratibu utakaowekwa.
6. Uchaguzi wa Wajumbe wengine watano wa Kamati utafanyika kwa mujibu wa masharti ya aya 2, 3 na 4 za ibara hii, kufuatia kusainiwa na kuridhiwa na Nchi Mwanachama wa thelathini na tano. Muda wa kukaa madarakani wa wajumbe wengine wawili wa ziada waliochaguliwa katika tukio hili utakoma baada ya miaka miwili, wajumbe hawa wawili watachaguliwa na Mwenyekiti wa Kamati kwa utaratibu utakaowekwa.
7. Kwa kujaza nafasi wazi, Nchi Mwanachama ambaye mtaalamu wake amekoma kuwa mjumbe wa Kamati, itachagua mtaalamu mwingine kutoka miongoni mwa raia wake, kwa idhini ya Kamati.
8. Wajumbe wa Kamati, kwa idhini ya Baraza Kuu, watapokea malipo kutoka vyanzo vya Umoja wa Mataifa kulingana na vigezo na masharti yatakayoamuliwa na Baraza Kuu kwa kuzingatia umuhimu wa majukumu ya Kamati.
9. Katibu Mkuu wa Umoja wa Mataifa ataipatia Kamati watumishi na nyenzo muhimu kwa ajili ya utekelezaji bora wa majukumu yake chini ya Mkataba huu.

Ibara ya 18: Uwasilishaji Taarifa za Utekelezaji wa Mkataba

1. Nchi Wanachama zitawasilisha kwa Katibu Mkuu wa Umoja wa Mataifa taarifa kuhusu hatua za kisheria zilizochukuliwa, kimahakama, kiutawala au hatua nyingine ambazo zimechukuliwa kwa ajili ya utekelezaji wa masharti ya Mkataba huu na hatua nyingine za kimaendeleo zilizofikiwa ili zijadiliwe na Kamati;
 - a) Ndani ya mwaka mmoja baada ya Mkataba kuanza kutumika katika nchi husika;
 - b) Baada ya hapo, angalau kila baada ya miaka minne au zaidi pale ambapo Kamati itakapoomba.
2. Taarifa zinaweza kuonyesha sababu na ugumu unaoathiri kiwango cha utekelezaji wa wajibu chini ya Mkataba huu.

Ibara ya 19: Kanuni za uendeshaji shughuli za Kamati

1. Kamati itajiwekea Kanuni na taratibu za uendeshaji shughuli zake.
2. Kamati itachagua uongozi wake kwa kipindi cha miaka miwili.

Ibara ya 20: Mikutano ya Kamati

1. Kwa utaratibu wa kawaida, Kamati itakutana kwa kipindi kisichozidi wiki mbili kwa mwaka, kwa ajili ya kupitia taarifa zilizowasilishwa kwa mujibu wa ibara ya 18 ya Mkataba huu.
2. Kwa kawaida, Mikutano ya Kamati itakuwa ikifanyika kwenye Makao Makuu ya Umoja wa Mataifa au katika sehemu

nyingine yoyote inayofaa kama itakavyoamuliwa na Kamati.

Ibara ya 21: Taratibu za Kamati kuwasilisha Taarifa

1. Kamati, kupitia Baraza la Uchumi na Jamii itatoa taarifa kila mwaka kwenye Baraza Kuu la Umoja wa Mataifa juu ya shughuli zake na inaweza kutoa ushauri na mapendekezo ya jumla kulingana na tathmini ya taarifa zilizopokelewa kutoka Nchi Wanachama. Ushauri na mapendekezo hayo yatajumuishwa kwenye taarifa ya Kamati pamoja na maoni, kama yapo, kutoka Nchi Wanachama.
2. Katibu Mkuu wa Umoja wa Mataifa atazipeleka taarifa za Kamati kwenye Tume ya Hali ya Wanawake kwa taarifa.

Ibara ya 22: Ushiriki wa Mashirika ya Umoja wa Mataifa

Mashirika ya Umoja wa Mataifa yatakuwa na haki ya kuwakilishwa katika kufanya tathmini ya utekelezaji wa masharti ya Mkataba huu yanayoangukia ndani ya wigo wa shughuli zao. Kamati inaweza kualika Mashirika hayo kuwasilisha taarifa juu ya utekelezaji wa Mkataba kwenye maeneo yanayoangukia ndani ya wigo wa shughuli zao.

SEHEMU YA VI

Ibara ya 23: Masharti ya Mkataba kutoathiri Sheria za Nchi Wanachama

Mkataba huu hautaathiri masharti ya kisheria yenye malengo ya kufanikisha upatikanaji wa usawa kati ya wanaume na wanawake yaliyoainishwa kwenye:-

- (a) Sheria za Nchi Mwanachama; au
- (b) Mikataba ya kimataifa inayotumika kwenye Nchi Mwanachama.

Ibara ya 24: Hatua za kulinda Haki za Wanawake

Nchi Wanachama zitapaswa kuchukua hatua zote zinazofaa katika ngazi ya kitaifa kwa lengo la kufanikisha utekelezaji wa haki zilizotambuliwa katika Mkataba huu.

Ibara ya 25: Mkataba kusainiwa na kuridhiwa

1. Mkataba huu utakuwa wazi kwa ajili ya kusainiwa na Nchi zote.
2. Katibu Mkuu wa Umoja wa Mataifa ndiye atakuwa mwenye dhamana ya kutunza Mkataba huu.
3. Mkataba huu sharti uridhiwe kwanza. Hati Idhini za kuridhia Mkataba huu zitahifadhiwa kwa Katibu Mkuu wa Umoja wa Mataifa.
4. Mkataba huu utakuwa wazi kuridhiwa na Nchi nyingine zitakazoamua kusaini Mkataba huu hapo baadae. Hatua ya kuridhia Mkataba huu itakamilika kwa kukabidhi Hati Idhini kwa Katibu Mkuu wa Umoja wa Mataifa.

Ibara ya 26: Maombi ya kuupitia Mkataba

1. Ombi la kuupitia Mkataba huu laweza kutolewa muda wowote na Nchi Mwanachama kwa kutoa taarifa ya maandishi kwa Katibu Mkuu wa Umoja wa Mataifa.
2. Baraza Kuu la Umoja wa Mataifa litafanya uamuzi kuhusu hatua za kuchukua, kama zipo, kuhusu ombi hilo.

Ibara ya 27: Mkataba kuanza kutumika

1. Mkataba huu utanza kutumika siku ya thelathini baada ya Katibu Mkuu wa Umoja wa Mataifa kupokea Hati Idhini ya nchi ya ishirini ya kuridhia Mkataba huu.
2. Kila nchi itakayoridhia Mkataba huu baada ya kuwasilisha Hati Idhini ya ishirini ya uridhiaji, Mkataba utanza kutumika siku ya thelathini baada ya tarehe ambayo Nchi Mwanachama ilikabidhi Hati Idhini hiyo.

Ibara ya 28: Maelezo ya kutofungwa na baadhi ya Ibara za Mkataba

1. Katibu Mkuu wa Umoja wa Mataifa atapokea na kupeleka kwa Nchi Wanachama maelezo ya kutofungwa na baadhi ya ibara za Mkataba huu zilizoonishwa na Nchi Wanachama wakati wa kuridhia Mkataba huu.
2. Maelezo ya kutofungwa na baadhi ya ibara za Mkataba huu ambayo hayaendani na malengo na madhumuni ya Mkataba huu hayataruhusiwa.

3. Maelezo ya kutofungwa na baadhi ya ibara za Mkataba yaweza kuondolewa wakati wowote kwa kutoa taarifa ya maandishi kwa Katibu Mkuu wa Umoja wa Mataifa ambaye atazitaarifu Nchi husika. Taarifa hiyo itaanza kutumika tarehe iliyopokelewa.

Ibara ya 29: Utatuzi wa Migogoro kuhusu tafsiri na matumizi ya Mkataba

1. Mgogoro wowote baina ya Nchi mbili au zaidi Wanachama kuhusu tafsiri au matumizi ya Mkataba huu ambao hauwezi kutatuliwa kwa njia ya majadiliano utawasilishwa kwa ajili ya usuluhishi kwa ombi la Mwanachama mmojawapo. Iwapo mgogoro huu hautatuliwa ndani ya miezi sita baada ya kuwasilishwa, Mwanachama mmojawapo anaweza kuomba kuupeleka mgogoro huo kwenye Mahakama ya Haki ya Kimataifa kwa kuzingatia masharti ya sheria za Mahakama hiyo.
2. Kila Nchi Mwanachama, wakati wowote wa kuridhia Mkataba huu, inaweza kutoa tamko la kutofungwa na masharti ya aya ya 1 ya Ibara hii. Nchi nyingine wanachama hazitafungwa na masharti ya aya hiyo kwa Nchi Mwanachama ambayo imetoa tangazo hilo.
3. Nchi Mwanachama iliyotoa tamko kwa mujibu wa aya ya 2 ya Ibara hii inaweza muda wowote kufuta tamko hilo kwa kutoa taarifa kwa Katibu Mkuu wa Umoja wa Mataifa.

Ibara ya 30: Mkataba kuhifadhiwa katika Lugha rasmi

Mkataba huu utakuwa katika lugha za Kiarabu, Kichina, Kiingereza, Kifaransa, Kirusi na Kihispania ambazo zimethibitishwa kuwa ni lugha rasmi utahifadhiwa na Katibu Mkuu wa Umoja wa Mataifa.

KWA USHUHUDA, Wawakilishi wa Nchi Wanachama wakiwa na mamlaka kamili, wamesaini Mkataba huu.

KIAMBATISHO: CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, in accordance with article 27(1)

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term “discrimination against women” shall mean 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.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, 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 a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

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

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
- 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
- 3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
- 2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to family benefits ; (b) The right to bank loans, mortgages and other forms of financial credit; (c) The right to participate in recreational activities, sports and all aspects of cultural life.

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 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.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - (a) Within one year after the entry into force for the State concerned; (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. 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 Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

MAREJEO

SHERIA

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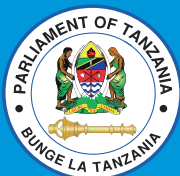
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TOVUTI

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Imeandaliwa na
Ofisi ya Bunge
S. L. P 941
Dodoma

