

Improving Women's Health by Respecting Women's Rights:

CEDAW as a Tool against AIDS



The most vexing and intolerable dimension of the pandemic is what is happening to women. Gender inequality is driving the pandemic, and we will never subdue the gruesome force of AIDS until the rights of women become paramount in the struggle.

-Stephen Lewis, Keynote Speech at International AIDS Conference, Toronto

I. Introduction: Women and AIDS: Why CEDAW Matters

- Women account for about 50% of people living with HIV world-wide and the numbers are growing. In sub-Saharan Africa, women account for more than 60% of those who are living with HIV. The social and economic inequities faced by women make them particularly vulnerable to HIV/AIDS infection.
- Globally, far too many women lack access to education about HIV/AIDS and reproductive health, face stigmatization if found to be HIV-positive, have little or no access to prenatal care, and lack the economic and social agency to make decisions about their sexual behavior.
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the most comprehensive document of international law on women's rights and is a powerful tool in addressing the structural inequalities that make women especially vulnerable to HIV/AIDS.
- Since being adopted by the United Nations in 1979, CEDAW has been ratified by all but 8 members of the United Nations: Iran, Qatar, Palau, Nauru, Tonga, Somalia, Sudan, and the United States.

In Article 1, CEDAW defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

II. Health

- Women all over the world lack access to basic healthcare or experience gender-based discrimination that prevents them from utilizing access.
- In Kenya, Uganda and Ethiopia, only 40% of pregnant women go to a health facility to give birth. Many of the women who choose not to seek maternal healthcare cite the disrespectful attitudes of health practitioners. In countries where programs for the Prevention of Mother to Child Transmission of AIDS exist, fear of stigma and reluctance to be tested prevent the vast majority of eligible women from participating.
- CEDAW contains numerous rights and stipulations which address women seeking and accessing healthcare such as measures to eliminate discrimination against women in health (Article 12), the right to prenatal care and family planning (Article 12) and the rights of women in rural areas to accessible healthcare (Article 14).

III. Education

- Education has proven to be an invaluable tool in fighting the spread of HIV/AIDS and for promoting health and well-being.

- Almost half of recent global AIDS incidence has been among people under 25 years old. Many of these cases could be prevented through education.
- In Kenya, a comprehensive national HIV/AIDS education program in high schools has helped reduce incidence by 50% over the last decade. In Nigeria, a 10 week sex education trial program affected significant, measurable change in students' knowledge about and attitude towards sexuality and health.
- Education is also linked to a decrease in maternal mortality and vertical transmission as well as an increase in the ability to make positive decisions about one's health. Globally, the gender gap in education means that many girls will not be sent to school and provided critical information.
- Article 6 in CEDAW obligates states to provide equal access to education regardless of gender. This obligation includes both formal schooling and educational information provided to ensure health and well-being, family planning, and so on.

IV. Economic Equality

- The economic disempowerment of women worldwide is an important mediating factor vulnerability to HIV/AIDS. Studies show that women who lack access to economic opportunities are at higher risk of HIV/AIDS and are more likely to be sexually exploited and are less likely to have the agency to negotiate safer sexual practices.
- A study in Kenya demonstrated that higher gender inequality between young women and adult men was strongly correlated to HIV infection.
- HIV/AIDS also perpetuates poverty and the disempowerment of women, who often must serve as caregivers. In India, the financial burden on households with HIV-positive members was 82% of the income for people at the lowest fifth of income levels and 20% for those in the highest.
- Article 11 of CEDAW obligates states to provide equal economic opportunity and remuneration to women. Furthermore, article 6 requires appropriate measures to end traffic in women and the exploitation of sex workers.

V. Domestic Issues

- Lack of marital rape laws and civil disempowerment of married women prevents women from negotiating safer sex in marriage, even in the face of infidelity. For some women, suggesting condom use can raise accusations of promiscuity or of having AIDS which can potentially mean expulsion from the family, loss of inheritance and stigma within the community.
- In 2005, about 33% of married clients tested in VCT centers in Uganda were HIV-positive. Over 90% were unsure of their partner's HIV status. Furthermore, the proportion of men who reported having more than one sexual partnership was 37%, almost three times that of women.
- The U.N. and other major organizations have pointed out the disproportionate risk for HIV that married women all over the world face. In some areas of the world, married women are more likely to be infected than unmarried women.
- Articles 15 and 16 of CEDAW establish the obligation for women to enjoy equal rights in marriage and family relations, as well as civil equality. These rights include the right to enter into marriage out of free choice, freedom of movement, equality in the responsibilities of parenthood, and the right to own property.