



PRESIDEN
REPUBLIK INDONESIA

**UNDANG-UNDANG REPUBLIK INDONESIA
NOMOR 7 TAHUN 1984
TENTANG
PENGESAHAN KONVENSI MENGENAI PENGHAPUSAN SEGALA BENTUK
DISKRIMINASI TERHADAP WANITA
(CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN)**

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

Menimbang:

- a bahwa segala warga negara bersamaan kedudukannya di dalam hukum dan pemerintahan, sehingga segala bentuk diskriminasi terhadap wanita harus dihapuskan karena tidak sesuai dengan Pancasila dan Undang-Undang Dasar 1945;
- b bahwa Majelis Umum Perserikatan Bangsa-Bangsa di dalam sidangnya pada tanggal 18 Desember 1979, telah menyetujui Konvensi mengenai Penghapusan Segala Bentuk Diskriminasi terhadap Wanita (Convention on the Elimination of All Forms of Discrimination Against Women);
- c bahwa ketentuan-ketentuan di dalam Konvensi tersebut di atas pada dasarnya tidak bertentangan dengan Pancasila, Undang-Undang Dasar 1945 dan peraturan perundang-undangan Republik Indonesia;
- d bahwa Pemerintah Republik Indonesia telah menandatangani Konvensi tersebut pada tanggal 29 Juli 1980 sewaktu diadakan Konferensi Sedunia Dasawarsa Perserikatan Bangsa-Bangsa bagi Wanita di Kopenhagen;
- e bahwa berhubung dengan hal tersebut di atas maka dipandang perlu mengesahkan Konvensi sebagaimana tersebut pada huruf b di atas dengan Undang-Undang.

Mengingat:

1. Pasal 5 ayat (1), Pasal 11, Pasal 20 ayat (1) dan Pasal 27 ayat (1) Undang-Undang Dasar 1945;
2. Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor II/MPR/1983 tentang Garis-Garis Besar Haluan Negara.

Dengan Persetujuan:

DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA,

MEMUTUSKAN:

menetapkan.

UNDANG-UNDANG TENTANG PENGESAHAN KONVENSI MENGENAI PENGHAPUSAN
SEGALA BENTUK DISKRIMINASI TERHADAP WANITA (CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN)

Pasal 1

Mengesahkan Konvensi mengenai Penghapusan Segala Bentuk Diskriminasi terhadap Wanita (Convention on the Elimination of All Forms of Discrimination Against Women) yang telah disetujui oleh Majelis Umum Perserikatan Bangsa-Bangsa pada tanggal 18 Desember 1979, dengan persyaratan (reservation) terhadap Pasal 29 ayat (1) tentang penyelesaian perselisihan mengenai penafsiran atau penerapan Konvensi ini, yang salinannya dilampirkan pada Undang-undang ini.

Pasal 2

Undang-undang ini mulai berlaku pada tanggal diundangkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan Undang-undang ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Disahkan Di Jakarta,
Pada Tanggal 24 Juli 1984
PRESIDEN REPUBLIK INDONESIA,
Ttd.
SOEHARTO

Diundangkan Di Jakarta,
Pada Tanggal 24 Juli 1984
MENTERI/SEKRETARIS NEGARA REPUBLIK INDONESIA,
Ttd.
SUDHARMONO, S.H.

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 1984 NOMOR 29

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The convention elaborates and puts into the form of a multilateral treaty the substantive provisions of the DECLARATION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. It establishes international machinery for the implementation of its provisions along the lines of those established for implementation of the INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, i.e., an 18-member COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN empowered to settle disputes between States parties concerning observance of the convention and to receive and examine information from them on measures taken to achieve its goals. The convention's underlying philosophy is that discrimination against women is incompatible with human dignity and constitutes an obstacle to the full realization of the potentialities of women; therefore, the right of women to share equally in improved conditions of life must be promoted and protected.

The convention was adopted by the UN General Assembly on 18 December 1979 (resolution 34/180) and entered into force on 3 September 1981; the text, annexed to the resolution, is as follows:

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 right 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, neocolonialism, 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 that the strengthening of international peace and security, the relaxation of international tension, mutual cooperation 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 programs 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 programs of continuing education, including adult and functional literacy programs, 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 programs 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 1 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

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, counseling and services in family planning;
 - (c) To benefit directly from social security programs;

- (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. State 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 fulfillment 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 depository 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.



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5. 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.

PENJELASAN
UNDANG-UNDANG REPUBLIK INDONESIA
NOMOR 7 TAHUN 1984
TENTANG
PENGESAHAN KONVENSI MENGENAI PENGHAPUSAN SEGALA BENTUK
DISKRIMINASI TERHADAP WANITA
(CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN)

I. UMUM

Pada tahun 1967 Perserikatan Bangsa-Bangsa telah mengeluarkan Deklarasi mengenai Penghapusan Diskriminasi terhadap wanita. Deklarasi tersebut memuat hak dan kewajiban wanita berdasarkan persamaan hak dengan pria dan menyatakan agar diambil langkah-langkah seperlunya untuk menjamin pelaksanaan Deklarasi tersebut.

Oleh karena Deklarasi itu sifatnya tidak mengikat maka Komisi Perserikatan Bangsa-Bangsa tentang Kedudukan Wanita berdasarkan Deklarasi tersebut menyusun rancangan Konvensi tentang Penghapusan Segala Bentuk Diskriminasi terhadap Wanita.

Pada tanggal 18 Desember Tahun 1979 Majelis Umum Perserikatan Bangsa-Bangsa telah menyetujui Konvensi tersebut. Karena ketentuan Konvensi pada dasarnya tidak bertentangan dengan Pancasila dan Undang-Undang Dasar 1945, maka Pemerintah Republik Indonesia dalam Konferensi Sedunia Dasawarsa Perserikatan Bangsa-Bangsa bagi Wanita di Kopenhagen pada tanggal 29 Juli 1980 telah menandatangani Konvensi tersebut.

Penandatanganan itu merupakan penegasan sikap Indonesia yang dinyatakan pada tanggal 18 Desember 1979 pada waktu Majelis Umum Perserikatan Bangsa-Bangsa melakukan pemungutan suara atas resolusi yang kemudian menyetujui Konvensi tersebut.

Dalam pemungutan suara itu Indonesia memberikan suara setuju sebagai perwujudan keinginan Indonesia untuk berpartisipasi dalam usaha-usaha internasional menghapus segala bentuk diskriminasi terhadap wanita karena isi Konvensi itu sesuai dengan dasar negara Pancasila dan Undang-Undang Dasar 1945 yang menetapkan bahwa segala warga negara bersamaan kedudukannya di dalam hukum dan pemerintahan.

Ketentuan dalam Konvensi ini tidak akan mempengaruhi asas dan ketentuan dalam peraturan perundang-undangan nasional yang mengandung asas persamaan hak antara pria dan wanita sebagai perwujudan tata hukum Indonesia yang sudah kita anggap baik atau lebih baik bagi dan sesuai, serasi serta selaras dengan aspirasi bangsa Indonesia.

Sedang dalam pelaksanaannya, ketentuan dalam Konvensi ini wajib disesuaikan dengan tata kehidupan masyarakat yang meliputi nilai-nilai budaya, adat istiadat serta norma-norma keagamaan yang masih berlaku dan diikuti secara luas oleh masyarakat Indonesia. Pancasila sebagai pandangan hidup bangsa dan Undang-Undang Dasar 1945 sebagai sumber hukum nasional memberikan keyakinan dan jaminan bahwa pelaksanaan ketentuan Konvensi ini sejalan dengan tata kehidupan yang dikehendaki bangsa Indonesia.

II. PASAL DEMI PASAL

Pasal 1

Pasal 29 Konvensi memuat ketentuan tentang cara untuk menyelesaikan setiap perselisihan antara negara peserta Konvensi mengenai penafsiran atau penerapan ketentuan Konvensi.



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Pemerintah Indonesia tidak bersedia untuk mengikatkan diri pada ketentuan pasal tersebut, karena pada prinsipnya tidak dapat menerima suatu kewajiban untuk mengajukan perselisihan internasional, dimana Indonesia tersangkut, kepada Mahkamah Internasional.

Dengan pertimbangan tersebut di atas Indonesia mengadakan persyaratan terhadap Pasal 29 ayat (1) Konvensi, hingga dengan demikian Indonesia menyatakan dirinya tidak terikat oleh pasal tersebut.

Pasal 2

Cukup jelas.

TAMBAHAN LEMBARAN NEGARA REPUBLIK INDONESIA NOMOR 3277