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PANEL I

Synergies between national-level implementation of the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women

Written statement* submitted by

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* The paper has been reproduced as submitted.

It is a pleasure to be here today to participate in the review of the implementation of the Beijing Declaration and Platform for Action 10 years after their adoption. For a decade, we have been able to use both the Beijing Platform for Action and the Convention on the Elimination of All forms of Discrimination against Women to improve respect for women's human rights.

Certainly, the progress in recognizing women's human rights since the First World Conference on Women 30 years ago is cause for celebration. However, we must also acknowledge that women continue to suffer pervasive human rights violations.

The international community must take this opportunity to send a strong message of renewed commitment to the promotion and protection of women's human rights.

The women's movement pushing forward the human rights agenda

The global women's human rights movement has accomplished extraordinary feats at the international level as well as the national level and this has had a significant impact on the human rights agenda. The movement has reinforced and strengthened basic human rights principles such as respect for diversity and indivisibility of rights. It has also expanded the traditional understanding of human rights to better protect women's rights, as well as the rights of other marginalized groups.

The power of the women's human rights movement emanates from the diversity of its participants and concerns. It is well recognized that women are not a homogenous group and that their priorities differ widely according to region, class, ethnicity, age, education, marital status, and sexual orientation, among many other categories. The women's movement has perceived these differences as a strength. It has sought to embrace these diverse perspectives and adopt a holistic approach to social justice. This holistic approach has allowed a strong emphasis on the equal importance and indivisibility of all human rights—civil, cultural, economic, political and social. The reality of women's lives has demanded this emphasis. The women's human rights movement has also highlighted the centrality of rights to equality and non-discrimination.

Possibly the greatest impact of the women's human rights movement on the human rights agenda has been the expansion of our focus from violations in the public sphere to violations in the private sphere, including the most private of private spheres, the family. Inspired by the work of the CEDAW Committee, the movement emphasised that "the personal is political." They led the way in taking the human rights agenda into the private sphere and supporting the establishment of the "due diligence" standard to hold States accountable for acts committed by private individuals. Most immediately, this change put violence against women on the human rights agenda. On a global level, this encouraged a more comprehensive and inclusive interpretation of human rights. Other

marginalized groups have benefited from this broadened interpretation, as well as the emphasis of the women's movement on indivisibility and non-discrimination.

The strength of the women's movement was particularly evident at the World Conference on Human Rights in Vienna in 1993. There, women's groups from all over the world demonstrated their capacity to voice diverse perspectives and lend support to other traditionally excluded groups. Their work at Vienna and before led to the establishment of the Special Rapporteur on violence against women, its causes and consequences and the elaboration and speedy adoption of the Optional Protocol to CEDAW.

Many of the same women were also active at the 1995 Fourth World Conference on Women, another landmark event in the history of the women's human rights movement. Thanks to the momentum of the movement, ten years after Beijing, the Platform for Action remains the most complete paradigm for State action needed to protect women's human rights and has inspired the introduction of legislation, policies and programmes to advance women's interests at the national level.

Importance of legal framework for guaranteeing women's equality

Women's activism in standard setting in the UN dates back to the drafting of the UN Charter and the Universal Declaration of Human Rights. Since then, women's rights to equality and non-discrimination have been repeatedly affirmed and are explicitly or implicitly enshrined in all human rights instruments, including CEDAW. The value of the human rights framework rests in its legally binding standards. Every State in the world has voluntarily accepted human rights obligations through being a party to one or more of the seven core human rights conventions. CEDAW, accepted by 179 countries, is the principal treaty protecting women's human rights and I am pleased to be joined by the Chairperson of its monitoring Committee.

However, despite political commitments made at Beijing and endorsements made by Heads of State at the Millennium Summit, and despite the establishment of international standards for protection, women's rights are still not adequately guaranteed. CEDAW and other human rights treaties have not been adequately used to ensure action by States in line with the commitments adopted at Beijing and at its five year review in 2000. Making human rights a reality for individual women requires political will, especially at the national level, to implement CEDAW and the Beijing Platform for Action. States must guarantee women's access to justice, ensuring that women are aware of all of their human rights. Law enforcement and judicial systems must facilitate women's capacity to claim their rights. States are also obliged to exercise due diligence in investigating, prosecuting and punishing violations of women's rights perpetrated by private actors. At the international level, we must increase our efforts to support women's use of the international human rights machinery, so it effectively promotes national level implementation.

Continuing violations of women's human rights

The reality of widespread human rights violations against women shows that implementation of standards and commitments at the national level is weak. Nothing illustrates more starkly the continuing, and disastrous, effects of gender discrimination and other violations of women's human rights than the HIV/AIDS pandemic. Recent statistics reveal that, in every region of the world, the number of women with HIV/AIDS has increased. For example, UNAIDS has reported that in Russia, the percentage of women diagnosed with HIV/AIDS grew from 24% in 2001 to 38% in 2003. The situation of young women between the ages of 15 and 24 is particularly disturbing—for instance, in Sub-Saharan Africa, estimates indicate that 76% of HIV-positive people in this age group are women. Most often, women do not choose to engage in high risk behaviour connected to HIV/AIDS. Nevertheless, they are increasingly vulnerable to the virus because States have failed to eradicate widespread gender inequality, resulting in the denial of women's human rights.

The right to education is particularly important for girls and women to achieve equality and realize other human rights. State failure to guarantee girls' right to education affects their ability to access information on how to protect themselves from HIV. Completion of secondary school also increases economic autonomy, which reduces the risk of contracting the virus.

Many States do not adequately protect women's rights to own or inherit property. This also exacerbates the effects of HIV/AIDS. Without property rights, women may have to trade sex to ensure their survival and that of their children. Without economic autonomy, women can be disempowered and unable to negotiate safe sex with their husbands or partners. Widows whose husbands have died of AIDS may be evicted from the marital home, exposing them to impoverishment and violence, additional risk factors for HIV infection.

Forced and early marriage constitute serious, and common, human rights abuses. These practices increase girls' vulnerability to HIV, as the husbands are often considerably older and more likely to have been exposed to the virus through former or current sexual partners.

Violations of women's right to health have severe consequences in many respects, but particularly in relation to HIV/AIDS. Prevention strategies have emphasised the use of condoms, putting safe sex in the control of men. Women may also lack the necessary funds for treatment. They risk social censure and may be labelled sexually promiscuous if they get tested or seek treatment.

Violence against women is a fundamental human rights violation, which remains alarmingly prevalent in every State. Rape victims, including during conflict, are particularly susceptible to infection. For many women, the threat of violence and rape instils a feeling of obligation to consent to sex with their husbands. Women may also be subjected to violence because of their HIV-positive status.

Women's sexual and reproductive rights are at the heart of ensuring protection against this pandemic. Guaranteeing these rights enhances women's capacity to insist on safe sex practices and to make informed choices about prevention and treatment options. Comprehensive sex education has been proven to reduce vulnerability to the virus, yet it is often denied to girls because of gendered assumptions about sexuality—the view being that girls do not need to know about sex because they should not be having sex. Reproductive health clinics are a key entry point for providing information and testing services to women who may have contracted the virus.

Conclusion

HIV/AIDS is only one example of the gap between the international legal and policy framework and the reality of women's lives. We must address the obstacles women face in using national and international legal frameworks to realize their rights and we must support full implementation of CEDAW and the Platform for Action. National courts and international human rights mechanisms have the potential to hold States accountable for implementing the obligations they have voluntarily accepted. But for that to happen, women need to know their rights and how to claim them. The Platform for Action provides important guidance in this regard, for example, setting out concrete objectives for achieving legal literacy.

Efforts to restrict or dilute women's rights must be vehemently opposed. This session of CSW should result in a resounding reaffirmation of a political commitment to the Beijing Platform for Action and the outcome document of Beijing plus 5. It should also provide a vision of equality for women in the 21st century and elaborate bold actions to translate this vision into reality.

The majority of human rights violations against women are rooted in discrimination based on sex. Like all human rights, women's human rights are universal, inalienable, indivisible and inter-dependent. They have been spelled out in binding treaties and national constitutional provisions, but their implementation has not been sufficiently enforced.

The women's movement has inspired an appropriate normative framework for the articulation of women's rights and for a broader understanding of the true demands of substantive equality and non-discrimination.

It must now lead in the struggle for implementation and enforcement. It must do so in the face of indifference and outright hostility. But every success, however modest, will benefit all right holders – women, children and men alike – because it is a fight for inclusion.

Thank you.