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Commission on the Status of Women

Fifty-fourth session

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Agenda item 3 (a)

Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: review of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session and its contribution to shaping a gender perspective in the realization of the Millennium Development Goals

Commemorating 30 years of the Convention on the Elimination of All Forms of Discrimination against Women

Moderator’s summary

1. At its 12th meeting, on 5 March 2010, the Commission on the Status of Women held an interactive panel discussion on the theme “Commemorating 30 years of the Convention on the Elimination of All Forms of Discrimination against Women”. The session was moderated by Mr. Takashi Ashiki, Vice-Chair of the Commission. The panellists were: Ms. Dubravka Šimonović, member of the Committee on the Elimination of Discrimination against Women; Ms. Sapana Pradhan Malla, a practicing lawyer and member of the Constituent Assembly of Nepal; and Mr. Andrew Byrnes, professor of law at the University of New South Wales, Sydney, Australia. An issues paper prepared by the Division for the Advancement of Women provided the framework for the discussion.

2. Thirty years after its adoption, the Convention on the Elimination of All Forms of Discrimination against Women remains essential to efforts to eliminate discrimination against women and promote women’s human rights. Participants reaffirmed the Convention’s importance and relevance in providing a comprehensive framework for women’s equal enjoyment with men of civil, political, economic, social and cultural rights. The Convention is a dynamic instrument that responds to changing times. The Committee on the Elimination of Discrimination against

Women has made a major contribution to the implementation of the Convention, including through its concluding observations on the reports of States parties. Its general recommendations provide a rich source of legal and policy guidance, and the Committee should continue this work, with support from all stakeholders. The goal of universal ratification of the Convention must be realized, and all stakeholders, including all Government branches, should commit to full implementation of the Convention.

3. The growing level of harmonization and cross-fertilization between the Committee and other treaty and human rights bodies, and greater coordination, has enhanced the effectiveness of the Committee's work. The findings and recommendations of human rights treaty bodies, including those of the Committee, are included in the summary of materials in the Human Rights Council's universal periodic review, reinforcing the Convention and the concluding observations of the Committee. Similarly, the Committee has reinforced the recommendations of the universal periodic review in its concluding observations. The Committee now holds three sessions per year, allowing it to consider more reports of States parties annually and resulting in greater effectiveness of its mandate. The Committee's new follow-up procedure will enhance implementation of its concluding observations.

4. Different stakeholders are increasingly invoking the synergy and complementarity between the Beijing Platform for Action and the Convention and see them as mutually reinforcing. Together, they constitute a global and comprehensive basis for achieving gender equality and women's empowerment. Over the last 15 years, the links and converging tracks between the Platform and the Convention have contributed to strengthened implementation of both. For example, the Platform calls for: the universal ratification of the Convention; limiting the extent of reservations to the Convention; reporting on schedule to the Committee; the translation of the Convention into local and indigenous languages; and adequate meeting time for the Committee. Many of the critical areas of concern of the Platform are covered in the Convention and the implementation of actions outlined in the Platform contributes directly to the promotion and protection of the rights under the Convention. The Committee integrates the actions recommended in the Platform in its work, including in its concluding observations.

5. Throughout the world, the Convention has been a catalyst for constitutional, legal and policy reforms that promote women's human rights and gender equality. The standards contained in the Convention have been incorporated in constitutions and other laws guaranteeing equality between women and men and providing a strong legal basis for the protection of women's human rights. The Convention has contributed to the understanding of temporary special measures aimed at levelling the playing field between women and men. The Convention and the Committee have been pivotal in the recognition of violence against women as a form of discrimination against women and as a human rights issue. In many countries, laws on violence against women have been adopted on the basis of the Convention and the work of the Committee. National action plans on gender equality and the promotion of women's rights have been developed within the framework of the Convention, and the Convention is being used to guide development policy and international cooperation efforts.

6. The Convention has been used effectively in litigation strategies to uphold women's human rights. Courts increasingly draw on the provisions of the

Convention in their judicial opinions and in developing jurisprudence on women's human rights, including in cases dealing with violence against women, sexual harassment, inheritance, employment and other areas. In a number of instances, successful litigation resulted in law reform efforts to promote women's human rights. Efforts to develop national jurisprudence that draws on the principles of the Convention should therefore be intensified.

7. The Committee has made important contributions to international human rights law and practice, including through its jurisprudence in a number of cases under the individual complaints procedure of the Optional Protocol to the Convention, particularly those involving violence against women. Given the importance of this work of the Committee, the limited utilization of the Optional Protocol was noted and more expanded and increased use of the Optional Protocol should be pursued. The number of ratifications to the Optional Protocol should increase, as should its use. Civil society groups have an important role to play in enhancing the use of the Optional Protocol. The inadequate or partial implementation of the decisions and recommendations of the Committee under the Optional Protocol should be remedied, and the importance of respecting and implementing the Committee's decisions should be recognized by all concerned States parties.

8. The law-making and oversight functions of parliaments make them strategically well placed to play a key role in the implementation of the Convention. The Committee encourages parliaments to take a more active role nationally in promoting and monitoring implementation of the Convention, and in providing information to the Committee, where appropriate. National human rights institutions are important in scrutinizing the performance of Governments, providing redress, initiating policy reform and providing information to the Committee, and the Committee encourages their work in support of the implementation of the Convention.

9. Non-governmental organizations have a critical role in the implementation of the Convention. Non-governmental organizations alert States to their obligations under the Convention, assess laws, programmes and policies and evaluate compliance with the Convention. Non-governmental organizations often create awareness and give publicity to the provisions of the Convention, as well as to the concluding observations of the Committee. The Committee has adopted a statement to clarify and strengthen its relationship with non-governmental organizations and to enhance further their role in the implementation of the Convention by States parties at the national level. The Committee encourages the participation of non-governmental organizations in the preparation of States parties' reports, and encourages them to submit alternative or shadow reports, contribute to general discussions and to provide input into the drafting of general recommendations. Multisectoral collaboration is a critical aspect in ensuring coherent and consistent action towards the practical realization of women's human rights.

10. While many countries have undertaken legal and policy reform, discrimination in law and practice persists in many areas, such as family, divorce and personal status, penal codes, nationality laws and laws relating to inheritance and ownership of land and property. Existing laws are often ineffectively enforced and public officials remain unaware of the laws and their duties to implement them. The persistence of stereotypical attitudes continues to be a significant challenge to the practical realization of women's human rights. Many women's lack of awareness of

their rights by many women and of the procedures by which to commence legal proceedings, as well as women's lack of capacity to claim their rights, also constitute ongoing challenges.

11. Greater efforts are thus needed to repeal discriminatory laws, and to ensure the effective implementation of laws and policies to promote women's human rights in line with the Convention, including the provision of an adequate budget and of monitoring and evaluating mechanisms. National action plans and strategies should reflect the full scope of the Convention and the Platform for Action. Law reform bodies should systematically draw on the Convention and on the Committee's work. Addressing discriminatory attitudes and gender stereotypes must be a key element in all efforts to achieve the realization of women's human rights. The education and training of judges, lawyers, human rights defenders and other relevant personnel on matters related to the Convention remains crucial. Mechanisms to guarantee women's access to justice must be expanded.

12. The large number of reservations to the Convention remains a cause for concern. The Committee has stressed that reservations to specific articles of the Convention, in particular articles 2 and 16, are incompatible with the object and purpose of the Convention and are not permissible. Reservations should be formulated as narrowly and precisely as possible, and all reservations should be kept under constant review with a view to their withdrawal.

13. Limited resources and capacity continue to pose challenges for the full implementation of the Convention. States parties should avail themselves of available technical and financial assistance for reporting under the Convention, as well as for the implementation of the Committee's concluding observations. Entities of the United Nations system, including the United Nations Development Programme, the United Nations Development Fund for Women, the Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women, have capacity-building programmes that States may utilize.
