

**25th ANNIVERSARY OF THE WORK OF THE
COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN**

**Dubravka Šimonović
Chairperson
Committee on the Elimination of Discrimination against Women**

**Excellencies
Ladies and gentlemen**

The aim of this commemoration is not only to praise the work of the Committee and all its past and present members but to assess progress achieved in the implementation of the Convention on the Elimination of all Forms of Discrimination against Women and challenges in front of the Committee at this particular point in time, as well as measures needed to enhance the Committee's efficiency in the short and long term.

The Committee on the Elimination of Discrimination against Women is composed of 23 experts. I am very pleased to recognize and present each expert to you: Ms Magalys Arocha Dominguez, Ms Ferdous Ara Begum, Ms Meriem Belmihoub-Zerdani, Ms Saisuree Chutikul, Ms Dorcas Coker-Appiah, Ms Shanthi Dairiam, Mr Cees Flinterman, Ms Naela Gabr (who will arrive later this week), Ms Françoise Gaspard, Ms Ruth Halperin-Kaddari, Ms Tiziana Maiolo, Ms Violeta Neubauer, Ms Pramila Patten, Ms Silvia Pimentel, Ms Fumiko Saiga, Hanna Beate Schöpp-Schilling (who will not be able to attend the current session), Ms Heisoo Shin, Ms Glenda Simms, Ms Anamah Tan, Ms Maria Regina Tavares da Silva, Ms Xiaoqiao Zou, and myself, Dubravka Šimonović. Following the resignation of Ms Hazel Gumedé Shelton in early May, we are still awaiting her successor.

Since its inception, 110 individuals have served on the Committee, from many different countries representing different legal systems and all regions of the world. This diversity of experience and expertise strengthens the legitimacy of the Committee's recommendations with respect to the implementation of the Convention by its 185 States parties.

The Committee started its work with one annual session of two weeks in October 1982.

Now, 25 years later, we meet for three three-week sessions per year – some of which in parallel chambers. With the steadily increasing number of States parties to the Convention, we have seen an enormous increase in our workload, and the meeting time allocated to the Committee has increased, albeit not fully commensurate with the needs.

Is 25 years a long or a short period in the life of a treaty body?

The CEDAW Committee is among oldest treaty bodies established under United Nations human rights conventions. Its experience and working methods can serve as important inspiration and guidance for newly established or future monitoring bodies.

25 years could also be seen as a relatively short time period for a conventional mechanism to produce visible changes at the national level.

Since its inception, the Committee has reviewed almost 400 reports – many of these have been combined reports and the overall number of reports considered under article 18 of the Convention is therefore much larger. Some States are now moving into their seventh reporting cycle, and the Committee can trace changes over time: some of these changes are highly visible, others are only very incremental. While Constitutions now commonly have equality provisions, in too many countries discrimination against women even in the law persists. In too few countries, the Convention is directly applicable in courts, and too few judges know about the Convention and use it for the benefit of women.

De facto discrimination against women remains universal.

There are also States that are now submitting their initial reports – last session we considered eight such reports, and we will keep careful track of progress when these States parties will next be before the Committee. But too many initial reports are overdue, some by as many as 25 years.

The Convention is a dynamic or “*living*” human rights instrument. It is the Committee as its monitoring body that significantly shapes this dynamism and growth.

Convention provisions and rights are interpreted by the Committee through its General Recommendations on the content and purpose of the substantive articles or themes of the Convention. Let me mention general recommendation No 19 on violence against women. As we all know, the Convention does not explicitly refer to violence against women. Through its interpretive work reflected in general recommendation 19, the Committee made it clear that violence against women falls squarely within the scope of the definition of discrimination and thus, is covered by the Convention. Or take general recommendation no 25 on temporary special measures, where the Committee not only elaborated on the meaning of the

Convention's concept of substantive equality, but clarified that such temporary special measures are part of a necessary strategy for the accelerated implementation of the Convention's provisions. Likewise, the Committee has given extensive and clear guidance on the question of reservations to the Convention, including through its practice in regard to individual States parties reporting to the Committee.

The Committee now has the opportunity to step up its interpretation of the Convention through views under the Optional Protocol. It can, and has already done so, in a number of important cases. Its inquiry into the killings and disappearances of women in Ciudad Juarez resulted in extensive recommendations to the State party for action. Its views in a number of individual complaints are shaping the manner in which States address challenging issues.

Cases such as AT v. Hungary, communication 2/2003, and AS v. Hungary, communication 4/2004, the obligations of States for compliance with the Convention are clearly addressed. These cases provide an incentive for other States parties to review their legislation, plans and policies, but they also encourage many more women to submit complaints to the Committee to seek redress at the international level and to enhance accountability of States at the national level to provide effective remedies for violations of women's rights.

But the Committee, to a certain extent, also gives its interpretation of the Convention's provisions in its concluding comments, which are the result of the constructive dialogue with an individual State. These concluding comments direct the State party on the steps to be taken to enhance compliance with the Convention. The Committee also addresses other aspects that are critical for enhancing women's enjoyment of their human rights, such as the State's cooperation with non-governmental organizations. The Committee routinely asks about such cooperation, and whenever necessary includes relevant recommendations in its concluding comments.

The Committee is very aware of the useful links between the obligations of States under the Convention, and the role of global policy instruments and documents that contribute to strengthened Convention implementation. It regularly urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action.

The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving other goals of the international community, especially the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals. It increasingly addresses the linkages between macro-economic policies and national development plans and strategies, and urges States to ensure that such

policies and plans are indeed supportive of the achievement of Convention obligations.

Each and every substantive article of this Convention covers forms of discrimination that women around the globe experience directly, in their daily lives. The Committee is very aware of this reality when it examines reports. Our work is not an abstract exercise, but goes to the heart of women’s experiences – and we are committed to ensure the accountability of States for compliance with their obligations. States must take “all appropriate measures” and “without delay” for the practical realization of the principle of equality between women and men.

The Committee encourages States parties to engage in participatory processes at the national level not only in the preparation of reports, but also in follow up to concluding comments and Convention implementation generally – the Committee is aware that realizing women’s rights must involve the active and ongoing contribution of many stakeholders: Government officials, Parliament, independent institutions for the protection of human rights, NGOs and civil society, the judiciary, the private sector including the media, and others. Changing societal attitudes so that they are truly supportive of substantive gender equality cannot be achieved with a new law alone – it requires a concerted and committed effort of all stakeholders. The Committee will continue to make its contribution to this process.

And we must work harder to achieve universal ratification of the Convention – a goal we had hoped to achieve by 2000.

Dear participants,

The Committee has always taken a strong interest in developments that affect women’s enjoyment of their human rights. The current UN reform process is very relevant not only for the work of the Committee, but also to the conceptual approach of the United Nations to the promotion of gender equality. Intergovernmental bodies such as the General Assembly, the Human Rights Council, the Commission on the Status of Women and other functional commissions of the ECOSOC, but also the UN Secretariat and other entities contribute to our common responsibility for the realization of gender equality. Discussions about treaty body reform continue, the new Human Rights Council is moving forward with the establishment of its procedures and modalities, and Member States are considering the proposal for a new gender equality entity – it is therefore important to reflect carefully on the manner in which women’s rights will be addressed by the United Nations system in the future.

The Convention must be the basis and framework in all these discussions – it provides the universal standard of equality between women and men that we must all adhere to, and that we must all work to achieve. The Convention clarifies the obligations of States – these obligations must be foremost in the minds of those that

are working to strengthen the institutional mechanisms that are currently entrusted with promotion of gender equality.

The Committee has made significant contributions to clarifying the meaning of Convention provisions and especially of the Convention's concept of substantive gender equality. These accomplishments must inspire and guide all reform on gender equality. And all such reform must contribute to greater institutional and human capacity to implement the Convention.

The principle of gender equality must be paramount in all areas of work and at all levels of the United Nations – its agencies and its intergovernmental and expert machineries – and in the States parties to the Convention.

We must also achieve the full integration of women's rights into all human rights considerations. A recent resolution adopted by the Human Rights Council on the universal periodic review contains a requirement for the full integration of a gender perspective in this review. It will be a challenging task to put women's rights at the heart of the work of Human Rights Council but it can, and must be done. The Committee stands ready to make its contribution to this effort.

And finally, we must also ensure that, under the new servicing arrangements, strong links between the Committee and the intergovernmental machinery responsible for the promotion of gender equality as well as the new gender equality entity will be maintained and strengthened. It will be critical to ensure that the Committee will meet annually both in Geneva and in New York in order for it to continue to play its role with respect to all United Nations principal organs and the future gender equality entity.

The Convention itself must be the organizing principle of this new arrangement, or we will not be progressing in the promotion of gender equality and women's enjoyment of human rights.

Dear colleagues,

At the current stage of the work of the Committee, and the expected future responsibilities, a series of short term and long term measures are necessary. I would like to suggest some that fall directly within the purview of the Committee, and some that the consideration and support of the Committee's partners, especially States parties, but also NGOs, UN entities and other human rights treaty bodies.

- Further refinement of the concluding comments of the Committee, so that these give very specific recommendations to States parties for follow-up, especially in advanced reporting cycles.
- There should be an increased role for NGOs in submitting shadow reports, their interaction with the Committee and in the follow-up process

- **There should be an increased role for National human Rights Institutions (NHRIs) vis-à-vis the Committee, including presentation of reports, interaction with the Committee and follow-up process**
- **There should be an increased role for United Nations entities and agencies in presenting targeted country-specific information, interaction with the Committee, and support to States parties in the implementation of the Convention and follow-up to the Committee's concluding comments**
- **There should be more interaction between treaty bodies in order to harmonize all working methods that are similar and based on the same legal grounds: for example participation of NHRIs, as well as to coordinate and interlink those that differ but comprise a comprehensive framework of core human rights.**
- **There is a need for a permanent extension of the Committee's meeting time. Such an extension must allow the Committee to review States parties reports, discharge its responsibilities under the Optional Protocol and enable it to work more expeditiously on general recommendations of its own, as well as on joint general recommendations of different treaty bodies, in working groups, seminars and similar events.**
- **Lastly, I believe that more men should be nominated and elected to serve on this Committee – just as there is a need for improved gender balance on some of the other human rights treaty bodies.**

Dear experts

Ladies and gentlemen,

Let me conclude by saluting all past and present members of this Committee for their dedication and untiring commitment to the cause of women's equality. Each and every one of the experts contributes not only to the work we undertake here in New York, but is a champion for women's equality, and a defender of the rights of women in their own countries and regions, and globally. Some former members of this Committee have gone on to holding high office – among them we count a Head of State, a Deputy Secretary-General of the United Nations, Ministers, Chief Justices and Judges at the ICC. Many of their reflections about their membership on this Committee will come to life in a book that two of our current experts – Ms Schöpp-Schilling and Mr Flinterman are editing. We all look forward to reading it.

Let me conclude with by expressing the Committee's sincere appreciation to its Secretariat of 25 years – the United Nations Division for the Advancement of Women – and all those who contribute to our work and will continue to do so in the future. The new gender equality entity will hopefully provide numerous possibilities

for joint technical assistance programmes with respect to implementation of the convention, reporting and follow up to concluding comments.

Enormous work is in front of the whole UN system. It requires all of us to invest all possible efforts to secure a very smooth transfer of the Committee to Geneva where we look forward to the same level, or even better servicing. Such support will enable the Committee to constantly improve its role in monitoring the elimination of discrimination against women and providing clear recommendations to its States parties on further actions necessary towards the practical realization of the principle of the equality of women and men.

Thank you very much.