

Statement IWRAP Asia Pacific¹ on the occasion of the 25th Anniversary of the work of the Committee on the Elimination of Discrimination against Women

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United Nations Headquarters, New York

Thank you Madam Chair,

I speak on behalf of International Women's Rights Action Watch Asia Pacific, an organisation that is committed to the realization of women's right to equality, by building capacity for the implementation of the CEDAW Convention. IWRAP Asia Pacific believes that discrimination is at the root of all forms of deprivation. In order to ensure realisation of fundamental freedoms and human rights, it is critical to eliminate discrimination against women in all forms and in all fields— in both the private and public arenas. We know that the implementation of the CEDAW Convention is central to the elimination of discrimination against women and for the realisation of equality between men and women. As a treaty monitoring body of the CEDAW Convention, the CEDAW Committee is ensuring the implementation of the Convention and eliminating discrimination against women from the world.

On the 25th anniversary of the Committee's establishment, we take the floor today to congratulate the Committee and salute each member, past and present, for their commitment, for their time, and their continuous effort to expand international jurisprudence, to ensure the application of universal standards to respect, protect and fulfill women's rights, without discrimination and to bring about substantive equality.

The Committee's contribution in furthering women's human rights lies not only in the substantive part of its work, but also in the processes it has adopted. The Committee's expanding commitment to dialogue with civil society not only enables it to gain a more holistic view of the realities of women's lives in the reporting States, but also allows civil society to examine issues from a rights perspective and seek normative resolutions that contribute to enhanced advocacy and activism at the national level. The Committee's Concluding Comments also provides a framework for monitoring State action. Concluding comments clearly show the Committee's rigorous engagement with States parties, as well as its commitment to supporting the protection of rights in the context of national realities.

The Committee's 25 general recommendations also bear testimony to its ongoing commitment to expanding and institutionalizing human rights norms for women. These recommendations are increasingly being used around the world as sources of evolving standards of human rights, reflective of emerging issues, offering possibilities for overcoming the ever-increasing obstacles to the realisation of human rights.

We are very aware and appreciative of the extent to which the Committee values the contributions made by national organisations through the submission of alternative information and input into general recommendations.

¹ Delivered by: Sapana Pradhan Malla, Board of Directors, IWRAP Asia Pacific

IWRAP Asia Pacific has been engaging in (either engaged in or engaging with) the reporting process since 1997. We strongly believe that women must speak in their own voices about their own experiences and realities. Therefore, we facilitate the participation of women from the national level in the review process, build capacities on the principles of the Convention, provide technical assistance in the preparation of shadow reports and dispatch these reports to the Committee members. This has been at the core of our "From Global to Local" programme, which we have implemented in collaboration with UNIFEM since 1997, and with UNFPA since 2005. The programme has also contributed to the creation of a global movement demanding accountability from States to fulfil their obligations towards women. Through this programme we have facilitated the participation of women in the reporting process from 113 countries.

To date, the Committee has reviewed 154 countries, issued at the very least 218 sets of concluding comments. It has a current backlog of merely 41 countries, 15 of which will be cleared in this session itself. Of the 185 state parties, only 31 countries have never been reviewed by the Committee.

As stake holders in the treaty body processes, we acknowledge the demanding work of the Committee members in undertaking three sessions per year, considering communications and conducting inquiries under the Optional Protocol, and formulating general recommendations. We are indeed proud to have been part of such committed and sincere work.

We would also like to commend the Division for the Advancement of Women, which has worked untiringly to provide sterling support with the utmost good humour not only to the Committee and States parties, but to women from the national level who submit information or come to the Sessions.

As an evidence of impact we can see changes in law and policy, and improvement in the status of women. Madam chair, I would like to draw the attention of this august gathering to the ways in which CEDAW has been used by women to claim their rights nationally. Asia, the region I come from, is home to some of the successes of the application of CEDAW, such as the recently passed Gender Equality Act of Vietnam, the Domestic Violence Act of India and the Trafficking Act of Nepal to combat violence against women and the Interim Constitution of Nepal, all of which recognize reproductive health rights and the right of women to be free from exploitation based on culture and tradition — and recognised as a fundamental right based on CEDAW principles and these are categorical outcomes of the impact of CEDAW and its Concluding Comments.

You have been continuously monitoring the situation women, whether it is in situations where women are more vulnerable as a survivor of conflict or natural disasters such as the Tsunami. Giving statements from time to time, you are not only calling governments and multilateral agencies to attention and action, but also demonstrating that your review and monitoring is not merely perfunctory and a routine part of the periodic review process of treaty bodies but is a continuous and vigilant process, reactive to changing global realities.

The decisions you have made under the Optional Protocol to CEDAW in holding states accountable, e.g. for not having a domestic violence law in Hungary, has built up the confidence in the communication procedure as an effective mechanism for the fulfillment of rights, and securing

justice for the victim-survivor. While doing so, you have always respected the principle of compliance with the technicalities of the provisions of the treaty of the Optional Protocol and denied submission where parties have not exhausted their recourse under the national jurisdiction.

While offering our appreciation of this body of work, we would like to add some challenges ahead, not only in expanding the norms and effectiveness of the OP CEDAW procedures but also in recognizing human rights themselves. The lack of recognition of the right to sexual autonomy and decision-making continue to be at the core of social and legal systems that oppress, exploit and target women. Lack of adequate conceptual understanding of substantive equality, lack of mechanisms for holding governments accountable for timely reporting and inadequate treaty incorporation at the national level are serious impediments in the enforcement of the Convention at the domestic level. As a result, the quality of life for women is still questionable; sex disaggregated data are yet to be maintained, equal participation of women and equality of result is yet to be realized. Normative standards of rights that acknowledge the experience of the deprived, marginalized and oppressed are yet to be framed.

Lack of resources, and culture and religion can no longer be an excuse used by our governments for continuing violation and discrimination. Madam Chair, the time has come for the mainstreaming of social, cultural and economic rights of women even as we aim for the realization of civil and political right. We need to ask, why human rights do not receive the same amount of focus, political will and resources as business and the political-economy of states? In this present day of global businesses, we also need to make the private sector equally accountable for the economic empowerment of women.

Changes in law, institutions, values and resources are all reliant on political will for the practical realization of rights. In order to see more tangible changes, harmonizing law is not enough, putting law in place and focusing on planning development with devolution of power and due diligence is critical. We need to work for withdrawal of reservations and expansion of General Recommendations on Migration and State Obligation.

In this regard, we urge all governments, international organizations, women's and civil society organizations to work with the normative framework adopted by the committee, and to prioritise allocation of adequate resources and time, to continue and expand financial support to the work of eliminating discrimination against women.

CEDAW's underlying principles of non-discrimination, substantive equality and State obligation, applying to private and public spheres, have demonstrated to the international community the inherent holistic nature of human rights. We call on State Parties who have not ratified the OP to CEDAW to have more faith in their own intention, will and capability to fulfil their obligations to their women and ratify the Optional Protocol.

In looking back at the distance the Committee has already travelled, we wish it all the best for the road ahead. As always, we walk towards the challenges, and in considering what has been achieved so far, IWRAP Asia Pacific would like to assure the Committee, of our support for the realisation of the Convention, and the actualisation of the human rights of women. Congratulations once again.