

As delivered

Statement
by
Ms. Rachel Mayanja
Assistant Secretary-General
Special Adviser on Gender Issues and Advancement of Women
On the occasion of the 25th anniversary of the work of the
Committee on the Elimination of Discrimination against Women
New York, 23 July 2007

Madam Chairperson

Madam President of the General Assembly, H.E. Sheikha Haya Rashed Al Khalifa

Madam High Commissioner for Human Rights, Ms. Louise Arbour

Distinguished Committee members

Members of the Panel

Excellencies and friends

It is a great pleasure for me to join the celebration today of the 25th anniversary of the work of the Committee on the Elimination of Discrimination against Women. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979. The Convention's adoption was the culmination of decades of international efforts to protect and promote the rights of women worldwide. Following its entry into force in September 1981, the Committee was established in 1982 under article 17 of the Convention. The Convention became part of the international human rights treaty system, and by its dynamic provisions, it aims to secure the equal rights for women with men in the enjoyment of all human rights and fundamental freedoms, without discrimination on the basis of sex. The Convention establishes binding legal obligations for States parties to ensure the elimination of discrimination against women in all fields, whether in private or in public spheres.

As the monitoring body for the implementation of the Convention, the Committee is charged with the responsibility to review the reports of all States parties as called for under the Convention. The Committee assesses the constitutional and legal frameworks in place in the State party concerned. It examines the status of the Convention within the domestic legal system, especially its enforceability and any conflicts with its statutory provisions. The Committee also reviews progress in the practical realization of the principle of equality between women and men in relation to all areas covered by the letter and spirit of the Convention. Based on that review, the Committee formulates concluding comments.

Madam Chairperson,

The Convention has had a profound and positive impact on the legal and socio-political development in those countries where its provisions have been utilized as a powerful instrument for furthering women's rights. This impact is visible in the strengthening of Constitutional provisions, particularly by providing a constitutional basis for the protection of women's human rights. In such countries existing legislation has been brought into conformity with the principles and obligations set out in the Convention and in others new laws have been adopted as a result of its ratification. The South African and Ugandan Constitution, for instance, contain significant provisions guaranteeing women's equality, which are based on the Convention's principles.

Courts and judicial procedures have similarly become more attuned to the requirements of the Convention and are developing jurisprudence on gender equality informed and guided by the Convention. Courts increasingly refer to international human rights standards, and judges have invoked the Convention as well as the Committee's general recommendations in their decision-making in many countries. One example is Nepal, where the Supreme Court relied on the Convention when it directed the Government to introduce a bill to Parliament to address discriminatory laws. Another example is Canada, where the Supreme Court, in considering a case of alleged sexual assault, drew on the Convention and the Committee's general recommendation no.19 on violence against women. In the absence of legislative measures, the Supreme Court of India referred to article 11 of the Convention and the Committee's general recommendation 19 in order to prevent sexual harassment of working women in the work place. The Constitutional Court of Guatemala also referred to the Convention in upholding a challenge to provisions in the country's penal code, which treated men and women differently, while the High Court of Tanzania referred to the Convention in upholding a challenge to the laws on property ownership which denied the rights of women to inherit and sell land.

There have also been improvements in the capacity of national institutions to guarantee equality between women and men. Many countries have made progress in putting in place institutional mechanisms that act as catalysts for the promotion and protection of women's rights. National machineries for the advancement of women, gender equality commissions and ombudspersons are among the mechanisms that now exist in many countries, and which, at different levels and with different mandates, actively work to make the Convention's implementation a priority of national development. The Committee's constructive dialogue with the respective States parties and its concluding comments calling for a strengthening of the institutional framework have in many instances provided an important impetus in these efforts.

The Optional Protocol to the Convention, which was adopted by the General Assembly in October 1999, and which entered into force in December 2000, complements the monitoring of States' compliance that is undertaken through the periodic review of the reports of States parties. Eighty eight States are currently parties to that Protocol, which provides for a two-pronged approach to international redress of violations that had occurred within a State, namely; consideration by the Committee of individual complaints, provided that certain pre-conditions, including the exhaustion of

domestic remedies, were met; and providing the Committee with the power to initiate inquiries into grave or systematic violations of rights enshrined in the Convention. Already, the Committee has highlighted, through the use of the Optional Protocol, the need for more effective national remedies for women and the repeal of discriminatory laws, policies and practices.

Madam Chairperson, Distinguished Committee Members

The entities of the United Nations system have for long played an important role in supporting the work of the Committee at the country level, as well as in conjunction with the Committee's monitoring function. UN entities have provided support to States parties in the preparation of reports, and in the follow-up to concluding comments. Entities regularly submit information to the Committee on the status of Convention implementation in areas within their mandate, thus broadening and deepening the Committee's knowledge base for the constructive dialogue. They also implement many different initiatives to strengthen and accelerate implementation of the Convention and the Committee's concluding comments, from support for legislative reform and capacity-building to advocacy and awareness raising efforts. UN entities also recognize the value and benefit of the Convention and the Committee's work by reflecting them in their own programming frameworks. UN entities advocate for implementation through national development strategies and action plans.

The Division for the Advancement of Women of the Department of Economic and Social Affairs which has served as the Committee's Secretariat since its inception, has actively undertaken measures to facilitate States parties' implementation of the Convention, and to enhance the impact of the Committee's work at the national level. It has undertaken technical assistance activities at regional, sub-regional and national levels to enhance the capacity of States parties to fulfill their obligations under the Convention, and to support comprehensive follow-up to the Committee's concluding comments. One recent area of particular emphasis is its support for countries emerging from conflict, including through training workshops. By supporting such countries in the preparation of their initial reports – some of which are long overdue – the Division assists in creating the basis for the Committee's constructive dialogue with the State party and the establishment of a baseline for the Committee's future monitoring of progress in implementation.

Madam Chairperson,

185 States are now party to this Convention – falling short by seven of the goal of universal ratification which had been envisaged for the year 2000. The Committee also remains concerned about many other challenges, including the significant number of reservations to the Convention, the lack of adherence to the reporting obligation by a number of States parties and the significant delays in submitting those reports. The constraints imposed by the Committee's limited meeting time are also of continuous concern. These will remain on the Committee's agenda in the years to come.

Today, let me thank and congratulate all current and former members of this Committee and its eleven Chairpersons, on your staunch commitment to women's equality. Your leadership, expertise, and tireless and persistent advocacy on behalf of all women have been key to the progress we have made in the last 25 years.

I wish the Committee and its friends and partners continued success for the next quarter century.

Thank you.
