

Twenty-fifth anniversary of the work of the
Committee on the Elimination of Discrimination against Women

Statement by
Ms. Louise Arbour
United Nations High Commissioner for Human Rights
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Madam Chairperson,
Fellow members of the panel,
Members of the Committee on the Elimination of Discrimination against Women,
Excellencies, colleagues and friends.

It is a pleasure to be here today to participate in this special ceremony to celebrate the twenty-fifth anniversary of the Committee on the Elimination of Discrimination against Women.

On December 18 1979, the General Assembly, with delegates drawn from a wide spectrum of legal systems, cultures and religious traditions, adopted the Convention on the Elimination of All Forms of Discrimination against Women. The Convention, now ratified – with 185 States parties – by almost the entire international community, marked the first step in a comprehensive human rights framework for women and girls. It provides a broad definition of discrimination against women, direct and indirect, including intentional or unintentional forms, under the law or in practice, in all aspects of public and private life, whether perpetrated by the State, its agents, private actors or individuals. The Convention introduced the notion of substantive equality for women, emphasizing that although there may be no overtly discriminatory laws, women are not considered equal until they enjoy, in fact and in reality, the same opportunities and privileges as men. In cases where substantive equality has not been achieved, the Convention underlines the need for policies, laws and programmes that assist women attain equality. These may include carefully-tailored temporary special measures, such as affirmative action. By requiring that States take measures to ensure equality between women and men in the civil, cultural, economic and political spheres, as well as in family life, the Convention confirms the interdependence and indivisibility of human rights, and provides the legal basis to expand the traditional focus on violations in the public sphere to those in the private sphere, including that most private of private spheres, the family. The convention calls on States parties to take all appropriate steps to modify the social and cultural patterns of conduct of men and women in order to eliminate prejudices as well as customary and other practices rooted in the idea of the inferiority of either of the sexes or on stereotyped roles for men and women. In doing so, the Convention requires no less than the transformation of society and the family in order to achieve full gender equality.

Twenty-five years ago, the first 23 experts of the Committee on the Elimination of Discrimination against Women, elected by the then thirty-eight States parties, and drawn from all regions began the work of translating the groundbreaking approach of

the Convention from aspiration to reality. From its first session, the membership of the Committee was markedly different from that of other human rights treaty bodies, and this remains the case today. Members, who have with three exceptions been women, have been drawn from diverse backgrounds: law, politics, economics, public life, education and health services, different political and economic systems, and developing and developed countries. Most have had personal or professional experience of the obstacles faced by women, and all have been strongly committed to equality and non-discrimination. Many have been part of networks and communities outside the structure of Government directed to the realization of the rights of women and girls. This diversity of experience and commitment, and linkage with the non-governmental sector, has ensured that the Committee's work has been relevant for all women in all parts of the world. It also ensured that the various limitations of the Convention, the interpretation of its provisions and the steps required for full implementation could be addressed creatively so that its full promise for women and girls could be realized.

Let me touch on some of the Committee's achievements. Although faced with an explicit limitation in the Convention of its meeting time to two weeks annually, the respect and confidence the Committee gained from States parties, in particular because of the innovative working methods it has introduced, have resulted in the provision of more and longer sessions. I am very hopeful that the upcoming session of the General Assembly will approve the Committee's request to meet annually for three sessions, a request I enthusiastically support, given the broad acceptance of the Convention and its Optional Protocol.

The Committee's determination to place the Convention on an equal footing with other human rights treaties by expanding its monitoring procedures beyond consideration of reports only, was a major factor leading to the speedy elaboration of the already widely-accepted Optional Protocol to the Convention, which enables it to receive petitions and conduct *suo moto* inquiries.

But it is jurisprudence, developed via article 21 of the Convention, which empowers it to make suggestions and general recommendations to the General Assembly based on the examination of reports and information received from States parties, that perhaps represents the major achievement of the Committee to date. At the outset, these were narrowly focused and usually procedural. Now the Committee's general recommendations provide its collective view, grounded in its knowledge acquired through the consideration of reports from diverse States parties, of the appropriate measures States should take to fulfil their obligations under the Convention and how these obligations should be applied in varying situations.

The Committee's general recommendation on female circumcision was the first recommendation of a UN body on this practice. Similarly, the Committee was the first treaty body to adopt a general recommendation on HIV/AIDs. Its general recommendation on violence against women, which takes gender-based violence out of the private realm into the public arena of international human rights where it engages State responsibility, was a crucial building block in the recognition of gender-based violence as a violation of human rights. This provided the impetus for the formulation and adoption of the Declaration on the Elimination of Violence against Women, the creation of the mechanism of the Special Rapporteur on Violence against

Women and the various regional human rights instruments which address this violation. This general recommendation has been profoundly influential in law reform and in the formulation of policies and programmes to create protection and remedies for women and girls subject to, or at risk of, violence. It has also been relied on by advocates and courts around the world.

The Committee's later general recommendations on equality in marriage and family relations, women in political and public life and health and have also been widely influential. The most recent general recommendation on temporary special measures testifies to the Committee's sustained and progressive contribution to the clarification of the substantive content of the Convention's provisions, the nature of discrimination against women and the means that can be used to achieve their substantive equality with men. Although in its early stages, the Committee's analysis of complaints submitted under the Optional Protocol already indicates that the opportunity it now has, drawing on the experience of other treaty bodies, to consider implementation of the Convention against the facts of concrete individual cases is deepening its contribution to the jurisprudence on gender equality.

There are many other aspects of the work of the Committee over the last 25 years which I could highlight, not least its sustained and principled stance on reservations which it considers contrary to the object and purpose of the Convention. This has encouraged States parties to reconsider such reservations, and in a number of cases, withdraw them. It has also affected the approach of the International Law Commission to this subject. I could draw attention to the influence the Committee's work has had on the outcomes of the United Nations world conferences, especially the Fourth World Conference on Women. However, in the time that remains to me I would like to reflect briefly on what I consider to be the role of women's rights in the human rights framework and my expectations for the future of the Committee.

In my view, the idea of women's rights has provided a space for the development of a global women's rights movement which has not only inspired and shaped the dynamic concept of women's human rights, but has also reinforced and strengthened basic human rights principles, such as respect for diversity and indivisibility of rights. The initial focus on violence against women has highlighted the responsibility of States for human rights violations by private actors and supported the development of the concept of 'due diligence' which underpins State accountability. Women's rights has also encouraged a more comprehensive and inclusive interpretation of human rights. The women's rights movement has inspired other groups to assert their specificity and to broaden the interpretation of human rights. Work on children's rights and disabilities issues in particular has drawn very real inspiration from the approaches pioneered by the Convention. Indeed, the speedy elaboration and adoption of the Convention on the Rights of Persons with Disabilities owes much to the women's rights movement, and, indeed to the Committee, which struggled successfully to expand the traditional definition of all human rights to reflect the specific experience of women and girls.

Today as we celebrate the achievements of the Committee over the last 25 years, we are also on the eve of the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights. The global interest in human rights is at an all time high, not least because human rights is a language recognized, however grudgingly,

by the powerful, allowing individuals to legitimize claims against the backdrop of international law. At the same time, there are profound challenges to human rights. Prime among them is the resurgence of notions that human rights are not necessarily universal, but are to be restricted because of the imperatives of culture, custom, tradition and religion, ideas often raised in discussions of the rights of women and girls. Since its inception, the Committee has grappled with this challenge, emphasizing the universality of human rights, while respecting diversity. I am confident that the Committee will remain at the vanguard. It will continue closely to scrutinize laws and practices, sometimes purportedly preserved by reservations to the Convention, and will expose with clarity those inconsistent with the Convention, and with international human rights law more generally.

As you know, my Office will have the privilege of supporting the Committee from 2008, as it takes its place as a central part of a comprehensive human rights system. I am profoundly conscious of the Committee's achievements, and of the expert substantive support it has enjoyed from the Division for the Advancement of Women, and particularly its Women's Human Rights Section. By promoting the Committee and women's human rights generally, we push the entire human rights agenda forward. I have no doubt that the Committee's work will play a critical role in our concerted efforts to advance the rights of women and girls in all aspects of the work of the UN. I am also confident that the Committee's imaginative and creative approach to substance and procedure will put it at the forefront of every initiative designed to ensure that the human rights treaty body system does not become increasingly bureaucratic and formalized, but rather is recognised as innovative, efficient, accessible, visible and authoritative.

As such, it will continue to live up to the expectations created by its remarkable history.

Thank you.