

**Ms. Feride Acar, Chairperson of the Committee on the Elimination of
Discrimination against Women 2003-2004**

**Statement at the occasion of the 25th anniversary of the adoption of the Convention
on the Elimination of All Forms of Discrimination against Women
by the General Assembly of the United Nations**

13 October 2004, United Nations New York

Distinguished Participants,

We have, so far, heard from the four past chairs of CEDAW whose collective personal experience with the Committee in monitoring the Convention goes well into the early years of the Convention's life. Each one of these eminent women has enlightened us on the steps taken and the obstacles faced in the implementation and monitoring of CEDAW not only during her specific tenure as chair of the Committee but also together they have presented us a panorama or, more appropriately, a documentary, of the international landscape in which CEDAW developed, over the years.

What I will try to do is to underline some of the significant developments that have taken place in these last two years i.e. my tenure (2003-2005) and convey to you, with very broad strokes of the brush, a synoptic overview of where CEDAW now stands and where some of the crucial challenges remain.

Let me start with the most significant development of the last two years (2003-2004).

The Optional Protocol has now become a real, operating tool. Both the individual communication and inquiry competencies of the Committee, recognized under the OP, have now been once utilized by the CEDAW Committee.

The first individual communication by a woman who claimed that her human rights under CEDAW were violated was registered during the 29th session (June-July 2003). This complaint was against Germany and following a thorough and extensive review of the case, the Committee in its 31st session (July 2004) decided to declare it 'inadmissible' due to the fact that all internal remedies had not been exhausted by the complainant, and also because the complaint was in part time-barred.

Three more cases have been registered at the 30th session (January 2004) and the procedure for their consideration is currently underway.

Similarly, the first 'inquiry' under the OP has been completed at the 31st session. (July 2004) This procedure was initiated (at the 28th session) on the basis of information that was provided to the Committee by two NGOs (Equality Now and Casa Amiga) concerning killings and disappearances of more than 200 women in Ciudad Juarez in Mexico. The Committee agreed this was a reliable claim of "grave or systematic" violations of women's human rights as called for under article 8 of the OP and embarked on the inquiry.

The conclusions of the inquiry, which included an on-site visit by two members of CEDAW to Mexico, as well as the Committee's recommendations formulated at the end of its careful

examination of findings and its deliberation of the case have been conveyed to the Government of Mexico at the end of the Committee's 31st session (January 2004).

Being the first inquiry, this case had great importance and I am proud to say that all parties in the process, (the Committee, the state party and the NGO's involved) have done commendable work, and have indeed set a very good precedent for utilizing the inquiry procedure in the future.

The substantive report of the inquiry will be published later by the Committee but let me take this opportunity to underline what I think is one basic contribution of the CEDAW inquiry into the Ciudad Juarez case which, in fact, had also been addressed by other international human rights mechanisms.

The Committee's findings and recommendations are, I believe important because they do not only respond to the concrete violations, their victims and perpetrators but address the socio-cultural background in which the events have taken place. Our analysis and recommendations place the specific crimes of Juarez in the context of women's human rights and highlight their gender-based nature. Our recommendations address the root causes and support mechanisms that feed this structural violence against women as well as the killings themselves.

Another landmark development of the last two years has been the Committee's adoption of its long-awaited General Recommendation 25 on article 4.1. This being a particularly difficult provision for many States parties to comprehend and implement, the Committee attached great significance to General Recommendation 25 as a way to speed up the elimination of discrimination against women.

With respect to the Committee's responsibility of examining States party's reports, several developments are noteworthy in the past two years.

In its 31st session (July 2004) the Committee considered the follow-up report of Argentina, which was a first report of this kind. The Committee had asked for this report in 2002 when Argentina had presented its regular report because it had been dissatisfied with the information provided on how the economic crises impacted women specifically and what measures were taken by the Government to respond to such impact. Argentina's follow-up report in July 2004 should be regarded both as a testimony to Argentine Government's commitment to implementation of CEDAW and a sign of the Committee's increasingly more diligent and focussed monitoring of the Convention.

Related to this concrete example let me also say that one clear observation that any careful student of CEDAW would make in the recent years is, that the Convention and the Committee have both been enjoying higher status and prestige in the international community. Obvious signs of this development can be found in the fact that States are consistently represented by higher level delegations while presenting their reports to the Committee. More often than not, they are composed of high level political representatives and technical experts – a good combination which allows for in depth and meaningful examination of reports. Also, the increasing number of States nominating candidates for election to the Committee in the most recent elections of August 2004 clearly indicates the higher awareness of and salience attributed to CEDAW by a larger number of States parties.

While the global goal of universal ratification has yet not been achieved, the international community's awareness of the provisions of CEDAW has clearly been more "universalized" than ever before. The fact that even in States parties that have not ratified the Convention women's groups, NGO's and sometimes municipal and state-level governments have moved to accept CEDAW's principles and provisions is testimony to the international civil society's increased internalization of women's human rights.

Speaking of civil society involvement, I can not but mention the very obviously, heightened involvement of women's NGO's as stakeholders in the international monitoring of women's human rights. Such groups have had an ever-increasing, ever-more-effective participation in the CEDAW process, in the recent years. It is now the rule, rather than the exception, to have women's NGO actively involved in the preparation and presentation of CEDAW reports. Also more women's NGO's are coming to New York to participate in the Committee's examination of their State's report than ever before. The 29th session of CEDAW has, in that sense, been a particularly well-attended one with the record breaking presence of Japanese NGO's.

It is indeed encouraging to see women from all over the world place their confidence in the international human rights treaty system and CEDAW as part of it. It is also a great responsibility for us in the UN system not to disappoint them. I can assure you that for its own part in the future, the CEDAW Committee will continue working with utmost diligence and dedication in this regard as it has done, against considerable odds, in the past.

In the last two year, in our effort to universalize the Convention and to encourage timely reporting the Committee had two first-ever meetings. One of these meetings (28th session) was held with representatives of non-States parties to CEDAW and the other (29th session) with representatives of States that had reports 5 years or more overdue. The purpose of these meetings was to identify the obstacles to ratification and causes of late reporting respectively and try to find ways to respond to the needs of States parties in these matters.

I am happy to say that, in the last two years we have had considerable success in receiving long-awaited reports. Some reports that have been up 20 or more years overdue were finally delivered and examined. In this regard reports of Angola, Brazil, Bhutan, Congo, Costa Rica, Latvia and Malta have been received and considered by the Committee during its 28th, 29th, 30th, and 31st sessions.

Through these actions and other steps taken to improve its methods of work the Committee, in the last two years, has engaged in systematic efforts to strengthen the human rights treaty system as aimed in the reform proposals of the Secretary-General.

We have also participated in the collective and collaborative efforts of all the human rights treaty bodies under the UN to respond to the challenges the treaty system is facing in general. A somewhat slow but steady integration of CEDAW's principles and of the Committee's work into the UN human rights system has been taking place for sometime now. I am happy to say this process has picked up pace and relevance in the last two years as a consequence of both the Secretary-General's reform proposal and the ground work that had been carefully laid in the earlier periods. The significantly improved cooperation and collaboration between the OHCHR and DAW has also, no doubt, contributed to the integration of CEDAW into the human rights treaty system. At this particular juncture, the Committee is closely collaborating with the other treaty bodies in efforts to draft guidelines for the common core document.

While the Committee is all in favour of ‘mainstreaming’ women’s human rights into the core of the human rights framework in the UN, it is also very concerned about consolidating and reinforcing CEDAW as the main tool of women’s human rights. Both the Committee and the women’s human rights community will, I believe, need to be watchdogs to ensure that ‘mainstreaming’ of women’s human rights does not lead to taking the limelight and focus away from them.

Having said all this, let me also underline a few of the critical areas that I see as remaining obstacles or emerging new concerns in the implementation of CEDAW.

Without doubt, two remaining bottlenecks that the international community needs to address are:

- the presence of a large number of “reservations” (particularly wide-ranging ones) to the core articles (2 and 16) of the Convention and,
- the rather slow pace and hesitant manner of national implementation, particularly in the elimination of discrimination in cultural practices and stereotypes.

I will not go into a discussion and elaboration of these issues as they are well known to most of you but I do want to flag them as concerns that continue to be important obstacles to the achievement of global equality of women and men.

I believe wide-scoped and general reservations by some States mean only a partial recognition of women’s human rights in these States. Furthermore, the lack of vigour in a State’s implementation of each and every one of the Convention’s provisions, particularly article 5, often impedes their ability to combat discrimination of women effectively. This is true for not only age-old reflections of discrimination but also with respect to some emerging issues.

Clearly issues such as violence against women, trafficking in women, exploitation of women in the labour force, multiple discrimination and social exclusion of women, to name just a few, crosscut regions, levels of development or political and cultural characteristics. They can not be effectively combated anywhere if the commitment to all women’s human rights as enshrined under CEDAW is not sincere and complete. Political will to implement all of the provisions of the Convention is the sine qua non of success.

It is with such sensitivity that the Committee, in its last session, has embarked on the process of drafting a new General Recommendation. This one will be one article 2: the Convention’s core provision. I believe States parties’ thorough comprehension of article 2 is not only essential for their full implementation of the Convention but will also help them appreciate the need to narrow down, if not withdraw, the many reservations that they now have.

Ladies and Gentlemen,

The objective and purpose of the human rights treaty system, the Convention and the Committee is to improve the implementation of the treaties at the national level. For us in CEDAW, this means ensuring that all the human right and fundamental freedoms enshrined in the Women’s Convention are fully enjoyed by all women, all over the world. The Convention’s principles should become the realities of real women’s daily lives and 25 years after its adoption by the General Assembly, we have even more need and right to expect this.

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