

**CONVENTION ON THE ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN  
TWENTY-FIFTH ANNIVERSARY OF ITS ADOPTION BY THE  
GENERAL ASSEMBLY OF THE UNITED NATIONS**

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Nga hau e wha, nga iwi e tau nei, tena koutou

E nga mana, e nga reo, e rau rangatira ma, tena koutou tena koutou tena koutou katoa

Madam Chair

Since the conclusion of my second term, in 2000, as a member of the Committee of CEDAW, I have from time to time, thought back on the experience I gained as an independent expert. I am grateful for the opportunities I had to help draft General Recommendations, to shepherd the Optional Protocol to the Convention through the drafting and adoption process, and to rewrite and explain the new Rules of Procedure. Four years later, sufficient time has passed for me to look at the effectiveness of the Convention, the procedures developed under it and where improvements might be made. This is one person's view. It is not informed by the latest developments in reform of the Human Rights' Treaty Bodies or reforms generally in the United Nations' system. Nor is it necessarily the view of my country.

It is useful to reflect on the reasons for the creation of the Convention on the Elimination of All Forms of Discrimination Against Women. Although the notion that individual human beings had rights which should be accorded respect and protection is hardly a modern one, it was the excessive cruelty and casual neglect of such fundamental issues as the right to life, during the second world war, that led to the groundswell of support for an infrastructure which would monitor and promote the observation by States, of the rights of individuals.

Since then, although in many parts of the world, gross denials of human rights continue periodically, there is a more general acknowledgement that when such rights are observed and promoted and democratic principles are applied, States will prosper. Most nations now work, albeit at differing paces, towards achieving the objectives of justice and equity for all their citizens.

Our understanding of the principles has also evolved. It has led, for example to an acknowledgement that while civil and political rights are important for all people, so too are economic, social and cultural rights. We now more clearly understand, that a male perspective of justice and equality can exclude or limit rights that are of critical importance to women. So in the last 25 years the vast majority of nations has recognised the value of securing human rights for women. With ratification of the Convention on the Elimination of all Forms of Discrimination against Women, usually comes a realisation that women who are burdened by discriminatory practices intended or unintended, will contribute less to the economy, to the community and to good governance.

Sometimes, however, it is obvious that States ratify the Convention simply because they want international approval. Support of its fundamental principles is limited. Often those States will enter reservations to key Articles in the Convention, such as Article 2 which calls on States parties to condemn discrimination against women, and by various means, to promote the principle of equality of men and women. Such hollow ratifications are met increasingly with fierce criticism from the Committee and may eventually be unsustainable as the focus of attention turns more sharply on the practice.

For twenty five years, ratifying States have reported under the Convention with a decidedly mixed level of enthusiasm. So what has it achieved?

First, and foremost, it is close to universal ratification. No matter how lukewarm a State's will to promote women's human rights, gradually they are learning the value of deploying the whole population for the good of the whole country. Secondly, the Convention has set a standard for the promotion and protection of women's human rights that has been valuable for all ratifying States. Its principles have been incorporated into many constitutions and into domestic legislation. It has been a tool in the development of jurisprudence and a means by which States and their people have measured progress over the years.

It is also a Convention that has stood the test of time. The principles are as relevant today as they were 25 years ago. And as knowledge about the advancement of human rights has evolved, the monitoring committee has developed principles and practices relevant to current issues for women, using the solid base of the Convention. Violence in the Family has been addressed by the adoption of a General Recommendation defining and describing its adverse impact. States now routinely report on measures and outline progress in eliminating violence against women and girl children. The Committee is the repository of material setting out the many ways that States have worked to deal with this issue – material that would be of great assistance to those countries struggling to contain the menace of family violence, which threatens the lives, health and economic viability of their women.

In short, the Convention is a living document, which has allowed for the development of a jurisprudence for women. The promulgation of General Recommendations on a wide range of Convention-related topics from women's contribution to the public life of

their countries to their status in the family has done much to illuminate the application of the Convention principles to the lives of everyday women, and gives States parties a rich resource of information for use in the framing of legislation and policy. Other advances include the drafting and adoption of an Optional Protocol to the Convention, enabling women to lodge complaints to the Committee after certain pre-conditions have been met. While this procedure is in its infancy, it will gradually enable women, without the filter of States' parties' intervention, to speak directly to the Committee.

The monitoring Committee is acutely aware that discriminatory practices change, and that it needs to find new ways of promoting women's human rights. Today, for example, there are very few countries where women do not have the vote or are actively discouraged from participating in elections.

But what the Committee has seen is that there remain many States where women's full participation in public life is seriously restricted. In many countries this is the result of indirect discrimination – policies that inadvertently favour men, that over-protect women or unintentionally discriminate against women.

There also remain laws in many ratifying States that assume men will support their wives and children and therefore allow men to control the greater share of the family assets. Such assumptions are unrealistic in a world where large numbers of men no longer support their families. Those States will often also give men the power to control a woman's movements within her country or if she wishes to travel abroad. Many states endorse cultural, traditional or religious customs developed in an earlier era, which are of limited relevance in any modern society. These practices require constant review to ensure they are viable and fair in the modern world.

And as we have seen, with improving understanding of acts or omissions that have a discriminatory impact on women, there has been an increasing realisation that private violations of rights such as domestic violence can and should be punished and prevented by States.

While much has been achieved in the last 25 years and undoubtedly the next 25 years will show even greater advances, this Round Table gives the opportunity for an objective review. Perhaps this is the time to consider change, and to build on the development of principles and practices that has occurred over the time since the Convention came into force.

Although a simplistic approach, it can be instructive to consider whether the current model would be devised today. If it were, I believe that there would be many changes – some of principle and some of practice.

There are issues faced by the Committee of CEDAW that are common to all human rights treaty bodies. The treaty system is cumbersome and time-consuming. It is a burden on reporting States, particularly tiny developing nations such as the Island States of the Pacific.

The proposal for all Human Rights Treaty Bodies to adopt a core report is a good start. But as all Treaty Bodies will emphasise, care must be exercised to ensure that each area of human rights is monitored systematically. A core report could readily degenerate into a shallow summary of a State's obligations under all Treaties ratified by it. There are real dangers for women's human rights. Faced for example, with a widespread denial of civil and political rights, would the report contain enough information to enable a careful review of progress to advance women's rights?

As more reports are submitted for the 4<sup>th</sup>, 5<sup>th</sup> or 6<sup>th</sup> time, the volume of material grows. It may be timely to limit the material in reports – by number of pages, or more strategically, by reference only to those issues which the Committee has asked the State to address. For example in a country where levels of female literacy have always been high, there is little to be gained in reporting repeatedly on this fact. Time might well be allocated instead, to reviewing measures undertaken improve women's participation in politics and public life generally.

The size of the Committee is a feature common to all human rights treaty bodies. Until it is accepted practice to work in parallel chambers in order to manage the workflow better, any number on a Committee above 12 - 15 can be unwieldy.

Better methods of deploying interpreters are also essential to the operation of a modern Committee. Although principle of providing interpretation in the UN languages is important, many participants in the UN process must already speak and listen in a second language. Interpretation is costly and slows the work of the Committee. More flexibility is clearly essential.

Most Committee members are today either skilled in electronic communication or readily able to become so. Instead of costly, time wasting and debilitating travel, there might be a move to 'meet' electronically from time to time. New technologies should be harnessed wherever possible to enhance the working methods of the Committee.

Different ways of utilising the work of the Human Rights treaty Bodies might also repay consideration. One of the inefficiencies of the present system is the waste of valuable resources. Material accumulated under the reporting system to the Committee over a quarter of a century is a rich source of vital information and one that is rarely used outside the Committee. Exchange of information on the position of women in ratifying countries to date has largely been between State and Committee – a sort of bilateral communication within the world's greatest multilateral forum. I recall still my amazement that the Convention, the expertise of its monitoring Committee and the information accumulated over many years were not utilised during the Fourth World Conference on Women.

Women's capabilities are also poorly understood or accepted. In a world where conflict remains common and deadly for women, their participation in the United Nations' system and in the public life of their countries is vital. How often is the contribution of

women to ending conflict considered seriously within the UN system? Women and men have different experiences of conflict and each view is valuable when decisions are made to begin or end conflict and when it is necessary to determine what level of response to aggression is appropriate. It remains the State's responsibility to promote and protect human rights. But if the State is driven by internal conflict, women's human rights are invariably forgotten in the political struggle for supremacy.

In times of conflict, women are usually isolated. They are often targeted for violence simply because they are women. Women have much to lose, will therefore often have valid opinions on warlike policies and may well want to generate or participate in peace talks if given the opportunity.

Only rarely has the Committee been asked for its input into women's participation in ending conflict. In the various wars and internal conflicts where women's human rights have been palpably at risk in recent years, seldom has the Security Council appointed a member of the Committee to complete an Inquiry or sought information about the women affected from the Committee. Often the Committee will have valuable information and expertise. What a waste if it is not used.

An objective view of the United Nations' system suggests that although thankfully there have been a number of women appointed to high level positions in recent years, the overall record of employment of women in influential positions within the United Nations does not give us a great deal of optimism. Women's experience and experiences are well understood by the Committee of CEDAW. They know that women can make a valuable contribution and that their knowledge can and will make a difference to the promotion and preservation of peace – one of the United Nations' primary responsibilities.

To enable women to engage fully in their families, communities, societies, and in the world's concerns, there must first be peace. It is not, therefore, surprising that in New Zealand, a peaceful country of limited geopolitical significance, it was possible for women to gain the vote over 110 years ago. There have now been two successive female prime ministers. Currently the Chief Justice, Attorney General, about one third of the Cabinet, and the *de iure* and *de facto* head of state, are all women.

For a while the world's media beat a path to our shores to find out how this had happened and what was the impact of women holding most of the major positions in New Zealand society. The real if unasked question is "do women do things differently".

The answer is: "not very", but their involvement has ensured that all citizens can contribute at any level in public life. It is my belief that early ratification by New Zealand of the Convention on the Elimination of all Forms of Discrimination against Women provided the essential set of principles by which slow, but steady advancement of women occurred in my country, that peace facilitated the process and that an

educated public understands that both women and men can make valuable contributions.

The same is true of all women in any part of the world, but many countries are not like New Zealand. Women do not have the education or are discouraged from running for public office. The state does not intervene when there is violence directed at them because they are women. Their issues are not accorded the same importance as those of men and while men hold the controls locally or internationally, their human rights will not be advanced.

This anniversary of the most comprehensive charter of women's human rights is the ideal moment to celebrate achievements – and there have been many. It also provides the opportunity to determine to use women's talents, energy, knowledge and accumulated wisdom to better effect in the next 25 years and thereafter. Women can and should make a wider contribution both inside and for our United Nations.

And finally, may I pay tribute to the foresight of those who drafted this Convention, and to the women and men who have worked tirelessly in the last 25 years to ensure that women's human rights are observed and promoted.

He aha te mea nui i tenei au

He tangata, he tangata, he tangata.

What is the most important thing in the world?

It is people, people, people.