



Committee on the Elimination of Discrimination against Women

Statement to commemorate the twenty-fifth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women

The year 2004 marks the twenty-fifth 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 in 1979. Since its entry into force two years later, the Convention has been ratified by 178 States. It contains human rights standards for women and girls in the civil, political, economic, social, cultural, and any other area. This comprehensive scope underlines the interdependence and indivisibility of human rights. The Convention aims at the universal enjoyment of these rights by all women, in all parts of the world, in public and in private life.

The Committee on the Elimination of Discrimination against Women, which is mandated to monitor implementation of the Convention by States parties, wishes to use the opportunity this anniversary year provides to encourage all States to increase their efforts at protecting and promoting the human rights of women. The Convention creates binding legal obligations to pursue “by all appropriate means and without delay a policy of eliminating discrimination against women.” It also constitutes a powerful advocacy and awareness raising tool to increase women’s knowledge of their rights and capacity to claim these rights.

Since the Convention’s adoption, there has been significant progress in the recognition and implementation of the human rights of women. The legal framework for equality has been strengthened in many countries, ensuring that *de jure* equality for women is now better established. Constitutions in many countries include provisions guaranteeing equality on grounds of sex. Legislation prohibiting discrimination in general, and in regard to specific areas such as employment, has become a standard component of regulatory frameworks. Many countries have repealed discriminatory provisions in civil, penal and personal status codes to bring them into conformity with the Convention. Equal opportunity acts aim at improving women’s legal and *de facto* position. New laws have been adopted on violence against women, especially domestic violence, to create protection and remedies for women.

Progress has also been made in putting in place institutional mechanisms that act as catalysts for the promotion and protection of the human rights of women. 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 implementation of the Convention a priority of national development. Courts and judicial procedures have likewise become more attuned to the requirements of the Convention, and are increasingly developing a jurisprudence of gender equality informed and guided by the Convention. Civil society, and especially women’s groups and organizations have become essential actors in awareness-raising and lobbying efforts concerning the human rights of women.

Legislative advancements are supported in many countries by policies, programmes and other measures to ensure that women’s *de jure* equality becomes a *de facto* reality. Temporary special measures are in place in many countries to accelerate achievement of *de facto* equality.

The number of women in the formal labour force is growing, and measures to reconcile better work and family responsibilities for women and men are becoming more common. Programmes are in place to support women's entrepreneurship, and to strengthen their position in the informal sector. This participation in the formal and informal labour market has also been accelerated by increasing levels of access to, and quality of education for girls and women. Their health status has benefited from policies that respond effectively to women's overall health needs as well as to their reproductive health needs. States are also increasingly implementing specific measures targeted at disadvantaged groups of women who experience multiple forms of discrimination. To that end, women living in rural areas or in immigrant communities, indigenous, older and disabled women as well as refugee women, women victims of trafficking or of armed conflict, or who suffer discrimination on additional grounds such as race or ethnic identity, are being brought more fully within the realm of the Convention's protective framework.

It must, however, also be pointed out that in no country in the world has women's full *de jure* and *de facto* equality been achieved. Discriminatory laws are still on the statute books of many States parties. The co-existence of multiple legal systems, with customary and religious laws governing personal status and private life and prevailing over positive law and even constitutional provisions of equality, remains a source of great concern. Nationality laws also continue to discriminate against women by curtailing their capacity to confer their nationality to their children. Women continue to experience discrimination and disadvantage in the enjoyment of rights to own and inherit property, to access economic resources and social benefits and services. Women are far from enjoying equal and full participation in political and public spheres, especially at decision-making levels. Criminal law, especially in relation to sexual violence and crimes, continues to be discriminatory, inadequate or poorly enforced.

Discriminatory social norms, cultural practices, traditions, customs, and stereotypical roles of women and men continue to be major impediments to women's enjoyment of their human rights in societies around the world. Insufficient political will to bring about gender equality, the extensive under-representation of women in decision-making positions, and a lack of resources to support mechanisms entrusted with gender equality work are further impediments to progress. Women themselves are often unaware of the rights they have under the law, and they may not be empowered to claim them effectively. Women's lack of empowerment to assert their rights is often compounded by insufficient or ineffective means of redress for violations at the national level. Although violence against women – a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men – is now widely recognized as a public concern, it remains pervasive in all societies and is aggravated in situations of conflict and other forms of social upheaval.

Failure to achieve the goal of universal ratification of the Convention by the year 2000 should be an issue of concern to all States that participated in the Vienna and Beijing Conferences. The significant number of reservations to the Convention is highly problematic, particularly with regard to broad-based reservations to articles such as 2 and 16, which must be considered as incompatible with the object and purpose of the Convention, and States parties are encouraged to review and withdraw them. The lack of adherence to the reporting obligation by a number of States parties, and the significant delays in timely compliance with this obligation by others are also cause for concern as they jeopardize the Committee's ability to monitor effectively the implementation of the Convention. There is also a need to address the constraints imposed on the Committee in the discharge of its responsibilities in a timely and effective manner, such as limited meeting time.

In this anniversary year, the Committee wishes to recognize the enthusiastic cooperation which reporting States have consistently demonstrated in the constructive dialogue. This is a clear indication that States parties see this process not only as a formal requirement under international law, but also as a useful and rewarding part of an ongoing review of the status of women. On this occasion, the Committee wishes to underline the critical contribution of full and timely reporting under the Convention to its effective implementation at the national level.

The Committee wishes to highlight the importance it attaches to the availability of the right to petition, as well as of an inquiry procedure, under the Optional Protocol to the Convention. It welcomes the fact that 67 States parties to the Convention have thus far ratified the Optional Protocol, providing individual women and groups of women with a means of redress for claims of violations of rights protected under the Convention, and invites all other States parties to do likewise. The Committee emphasizes the positive role which it expects the Optional Protocol to play in the national implementation and realization of the provisions of the Convention.

Over the last 25 years, the proper and consistent implementation of the Convention has proven to be a most effective tool for women in their quest for equality. It will continue to play this pivotal role in the fight against old and persistent forms of discrimination against women and in staving off new forms of inequality, subordination and disadvantage. The Committee urges Governments, civil society and women's groups, and all individuals committed to equality between women and men to use the Convention to accelerate the achievement of substantive equality for women.

The Committee calls on all States parties to hold public debates about equality for women on December 18 – the anniversary day of the adoption of the Convention by the General Assembly of the United Nations in 1979 –, and launch new initiatives to increase compliance with the Convention.

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