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PANEL I

**Synergies between national-level implementation of the Beijing Declaration and
Platform for Action and the Convention on the Elimination of All Forms of
Discrimination against Women**

Written statement* submitted by

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* The paper has been reproduced as submitted.

Let me start by congratulating the Bureau of the Commission on the Status of Women for selecting the question of synergies between national-level implementation of the Convention and the Platform as one of the topics for a panel discussion during this session. This topic has been of significant interest to the Committee on the Elimination of Discrimination against Women over the last ten years, an interest which is also reflected in the Committee's statement adopted at the occasion of the current review. I look forward to hearing participants' comments, and their good practice examples of how they have successfully used an integrated approach in implementing both instruments at the national level.

On 18 December 2004, we marked the 25th anniversary of the adoption of the Convention by the General Assembly. Among the seven core human rights treaties, the Convention has the second-highest number of ratifications with 179 States parties. The Platform for Action, echoing the Vienna Declaration and Programme of Action, had called for universal ratification of the Convention by the year 2000 – we did not achieve this goal. I urge the 12 Member States of the United Nations who have not yet ratified this comprehensive treaty on women's equality and non-discrimination to use the momentum of this forty-ninth session of the Commission on the Status of Women and of its 10-year review and appraisal of the Beijing Declaration and Platform for Action to intensify their efforts towards ratification.

Distinguished participants,

The Convention on the Elimination of All Forms of Discrimination against Women contains human rights standards for women and girls in the civil, political, economic, social, cultural, and any other area. This comprehensive scope of the Convention 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. It creates binding legal obligations to pursue "by all appropriate means and without delay a policy of eliminating discrimination against women." The Convention also constitutes a powerful advocacy and awareness raising tool to increase women's knowledge of their rights and capacity to claim these rights.

In the Beijing Declaration, Governments reaffirmed their commitment to the equal rights and inherent human dignity of women and men enshrined in international instruments, in particular the Convention. The Platform for Action underscored the critical role of the Convention as the primary instrument for the promotion of equality between women and men and the elimination of all forms of discrimination against women. It highlights women's rights in many different contexts and outlines under its critical areas of concern, concrete and detailed actions including legislation, policy, and programme measures, to be taken by Governments and other actors for the promotion of gender equality and the elimination of discrimination against women. More specifically, critical area 'I' is specifically devoted to the human rights of women, whereby one of its strategic objectives is to protect and promote women's human rights, including through the full implementation of the Convention. Other critical areas of concern of the

Platform, such as education, employment and the economy, and participation in decision-making, are also addressed in the Convention. The Platform for Action will have achieved an overall human rights approach when each critical area of concern is implemented within the Convention's framework of substantive equality that ensures women's *de jure* and de facto equality.

Mme. Moderator,

In its statement on the occasion of the Convention's twenty-fifth anniversary, the Committee found significant progress in the recognition and implementation of the human rights of women. Such progress included the strengthening of the constitutional and legal framework for equality; the establishment of institutional mechanisms that act as catalysts for the promotion and protection of the human rights of women; courts and judicial procedures that 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. Policies, programmes and other measures to ensure that women's *de jure* equality becomes a de facto reality are in place in many countries, including temporary special measures to accelerate achievement of de facto equality, and specific measures targeted at disadvantaged groups of women who experience multiple forms of discrimination.

At the same time, the Committee pointed out that in no country in the world had 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 where customary and religious laws governing personal status and private life prevail 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.

The Committee has also consistently expressed concern that a significant number of States parties retain reservations to many of the provisions of the Convention. In the Committee's view, reservations which challenge the central provisions of the Convention are contrary to the object and purpose of the Convention and to general international law. It has pointed out that reservations to articles 2 and 16 in particular, are incompatible with the Convention and therefore impermissible and should be reviewed and modified or withdrawn.

In many of these areas, the Platform for Action provides practical and concrete recommendations for action to achieve progress. Let me take the example of the persistence of discriminatory legislation and underlying stereotypical attitudes and patterns of conduct, an area of particular concern to the Committee, to highlight ways that the Convention and the Platform can be used together – strategically – at the national level.

Article 2 of the Convention obligates States parties to repeal or abolish existing laws as well as customs and practices which are discriminatory to women. A number of the Platform's strategic objectives similarly urge Governments to modify, repeal or abolish all legislative provisions that discriminate against women and girls. These objectives were further articulated during the twenty-third special session of the General Assembly in 2000. Governments were expected to take action to review legislation so as to remove all discriminatory provisions, preferably by 2005, and to eliminate the legislative gaps that leave women and girls without protection of their rights and without effective recourse against gender-based discrimination.

At the same time, the prevalence of entrenched social and cultural patterns of conduct of men and women, and stereotypical attitudes about their roles in private and public life continue to impede women's access to justice, adequate health care, education, and employment. Such attitudes and power imbalances also perpetuate all forms of violence against women in the family and society, and contribute to the lack of action on the part of States to adequately prevent, prosecute and punish such violence and support victims.

Articles 2(f) and 5(a) of the Convention establish obligations for States to undertake legal as well as structural change to overcome discriminatory socio-cultural norms and behaviour patterns. The Platform spells out concrete and detailed actions – including legislation, through the media and the field of education, to modify prejudices and patterns of conduct which are based on the perceived inferiority of women and the superiority of men. When combined, the Convention and the Platform provide multifaceted tools for developing comprehensive measures to combat and eliminate discrimination against women.

Mme. Moderator,

Let me outline some of the ways in which the Committee has addressed the mutually reinforcing nature of these two instruments.

In accordance with the recommendation of the Platform for Action, the Committee now regularly takes into account the Platform when considering reports submitted by States parties to the Convention. Following the Fourth World Conference on Women, the Committee revised its guidelines for preparation of reports by States parties inviting them to take into account the twelve critical areas of concern of the Platform. In doing so, the Committee noted that those concerns are compatible with the articles of the Convention and therefore within its mandate. The Committee further revised these guidelines in 2002, emphasizing that initial and subsequent periodic reports should contain information on the implementation of the actions recommended in the Platform for Action as well as in the outcome document of the twenty-third special session of the General Assembly held in 2000.

On the occasion of the Beijing five-year review and appraisal process in 2000, the Committee issued a statement which emphasized the synergistic connections between the Platform and the Convention. The statement underlined that in addition to encompassing all the critical areas of concern set out in the Platform, the Convention has the distinctive function of providing both the legal framework for implementation of the Platform and the means by which to realize its strategic objectives. The Committee also highlighted the adoption of the Optional Protocol to the Convention as a concrete outcome of the recommendations of the Platform. I am very pleased that the Optional Protocol has entered into force, and that we can already point to instances of its concrete application.

The Committee also made the connection to the Platform in one of its general recommendations. Specifically, in its analysis of article 7 for purposes of General Recommendation 23, on women's participation in political and public life, the Committee agreed with the Platform's assessment that the critical issue under article 7 of the Convention was the gap between women's *de facto* and *de jure* rights.

The Committee's attention to the synergies and mutually reinforcing nature of the Convention and the Platform has been most evident in the reporting process and the constructive dialogue with reporting States. In a significant number of concluding comments over the last five years, the Committee has commended States parties on their political will to implement the Platform. It has also been appreciative of their efforts to establish, or strengthen national machinery tasked to oversee or coordinate implementation of the Convention and the Platform. The Committee has also applauded efforts where national policies or plans of action for gender equality were placed within the context of the provisions of the Convention and the implementation of the Platform for Action.

In turn, the Committee expressed concern where no information on the implementation of the Platform for Action was provided. The Committee has also voiced

concern in instances where Governments focused on implementation only of one document, or on implementation of the two documents in isolation from each other. In several instances, the Committee has reminded States parties that the Convention must be given central importance as a binding human rights instrument and the basis of the elimination of discrimination against women. In such instances, the Committee has encouraged States parties to view the Platform for Action as a complementary policy document to the Convention in efforts to achieve the goals of equality. It furthermore urged States parties to raise awareness about the Convention.

The Committee has also requested Governments to consider adopting specific measures that would facilitate the implementation of the Convention and the Platform. For instance, it has urged States parties to establish strong and effective national machinery for the integration of the Convention and the Platform into national development plans. It has also recommended that research be carried out on comparative jurisprudence to ensure that national laws are interpreted in harmony with international human rights standards and the Platform.

Mme. Moderator,

The Convention and the Platform for Action constitute, respectively, legally binding obligations and policy commitments towards the elimination of all forms of discrimination against women and the realization of equality between women and men. The Committee on the Elimination of Discrimination against Women will continue to work with States parties to further enhance the implementation of the Convention, and highlight opportunities for using the Platform to achieve their common goal of gender equality.