

## **Human rights of women**

### **I. Global commitments**

The Beijing *Platform for Action* sets out three strategic objectives under the critical area of concern I, “human rights of women”:

- Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women; and
- Ensure equality and non-discrimination under the law and in practice;
- Achieve legal literacy.

The main areas of action to be taken by Governments under these strategic objectives include: ratification and implementation of international human rights instruments, development of national action plans and human rights and legal education programmes, and creation of institutional mechanisms; establishment and strengthening of the legal framework for gender equality, including the removal of discriminatory laws and practices, and mechanisms to remedy violations of women’s rights; and introduction of human rights and legal training programmes focusing on women’s human rights.

Since the adoption of the Platform for Action, the international normative framework for the promotion and protection of the human rights of women has been further strengthened through the adoption and accelerated implementation of legal and policy instruments.

The Convention on the Elimination of All Forms of Discrimination against Women remains the central international human rights instrument for the realization of equality between women and men. As of September 2009, 186 States are party to the Convention, which represents an increase of 41 States since the Fourth World Conference on Women in 1995. The Convention is the second most ratified international human rights treaty. The Committee on the Elimination of Discrimination against Women, the human rights treaty body established under the Convention in 1982 to monitor implementation by States parties, has so far examined over 400 reports periodically submitted by States parties, and provided detailed guidance on the steps to be taken by the State party concerned to enhance compliance. The Committee has also adopted 26 general recommendations to clarify particular articles or issues under the Convention.

The Optional Protocol to the Convention entered into force on 22 December 2000 and provides for an individual complaints procedure and an inquiry procedure. As of September 2009, 96 States parties to the Convention have become party to the Optional Protocol. The Committee on the Elimination of Discrimination against Women has decided five individual complaints on the merits and declared five inadmissible. The Committee has also conducted one inquiry in which it issued comprehensive recommendations to the State party concerned. The two procedures under the Optional Protocol complement the reporting procedure and add strength to existing mechanisms that seek to ensure women’s full enjoyment of their rights. They provide an avenue for

redress at the international level and function as an important tool for improving understanding by States and individuals of the obligations imposed by the Convention.

Human rights treaty bodies established under other international human rights treaties<sup>1</sup> continue to address, within their mandates, the human rights of women in their concluding observations and their general comments. The Human Rights Committee adopted general comment No. 28 (2000) on the equality of rights between men and women (article 3) and the Committee on the Elimination of Racial Discrimination adopted general comment XXV (2000) on gender-related dimensions of racial discrimination. The Committee on Economic, Social and Cultural Rights adopted general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3) and the Committee on the Rights of the Child addressed the situation of the girl child in several of its general comments.<sup>2</sup>

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force on 1 July 2003 and strengthened protection of the rights of migrant women. On 13 December 2006, the General Assembly adopted the Convention on the Rights of Persons with Disabilities, under which States Parties recognize that women and girls with disabilities are subject to multiple discriminations and agree to take measures to ensure the full and equal enjoyment by them of all their human rights and fundamental freedoms (article 6). The Convention entered into force on 3 May 2008. The General Assembly adopted, on 10 December 2008, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which provides an individual complaints procedure and inquiry procedure; the adoption of this instrument strengthens the protection of economic, social and cultural rights and reinforces the universality, indivisibility, interdependence and interrelatedness of all human rights.

Progress has also been made in strengthening the global policy framework for achieving gender equality and the human rights of women. The outcome document of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"<sup>3</sup> reaffirmed that the full realization of the human rights and fundamental freedoms of all women was essential to their empowerment. It repeated calls for ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention. Governments were invited to design and implement policies that promote and protect women's enjoyment of all their rights and create an environment that does not tolerate violations of those rights; create and maintain a non-discriminatory and gender-sensitive legal framework by reviewing legislation and removing all discriminatory provisions and eliminating legislative gaps that leave women without effective recourse against discrimination; and promote comprehensive human rights education programmes and improve knowledge and awareness of the remedies available for violations of women's rights.<sup>4</sup>

The promotion of gender equality and the empowerment of women was included as a central commitment in the United Nations Millennium Declaration of 2000 and the

World Summit Outcome of 2005. The United Nations Declaration on the Rights of Indigenous People, adopted by the General Assembly on 13 September 2007, enhances the protection of the rights of indigenous women.

The Commission on the Status of Women, in the framework of its multi-year programme of work, considered the human rights of women at its forty-second session in 1998, when it adopted agreed conclusions on the theme, and included attention to this area of concern under a number of other priority themes as well as resolutions. The Commission continued its collaboration with the former Commission on Human Rights and since 2006 with the Human Rights Council. The Commission considers an annual joint work plan for the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights and collaborates through participation of their Chairpersons at sessions. The Commission on Human Rights continued, until its final session in 2006, to address the human rights of women and called for attention to gender perspectives and human rights of women in many of its thematic and country resolutions. The Human Rights Council maintained a focus on the integration of a gender perspective, in particular in its universal periodic review<sup>5</sup>.

The international framework for the promotion and protection of women's rights is reinforced by developments at the regional level. These include the entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, on 25 November 2005, and the adoption of Recommendation Rec(2007)17 of the Committee of Ministers of the Council of Europe to member States on gender equality standards and mechanisms. Other regional mechanisms, including those within the inter-American system, regularly adopt resolutions on women's human rights and maintain specialized mechanisms on gender equality.

## **II. Progress in implementation at national level**

Following the adoption of the Platform for Action, there has been significant attention to the human rights of women at the national level. Many States have increasingly positioned their efforts to achieve the strategic objectives of the Platform for Action within a human rights framework, especially the Convention on the Elimination of All Forms of Discrimination against Women. Action taken by States has included constitutional and legislative reforms to eliminate discrimination against women; enhanced roles of the courts and judiciary in the protection of women's rights; new and expanded national action plans, strategies, and institutional mechanisms; and more systematic capacity-building and awareness-raising. States have stepped up their efforts to report in a timely manner under the Convention on the Elimination of All Forms of Discrimination against Women and to implement the concluding observations of the Committee on the Elimination of Discrimination against Women. Collaboration of governmental actors with non-governmental organizations and other stakeholders has intensified and is now widely recognized as a critical aspect for effective implementation efforts.

A gender-sensitive legal framework that aims to promote and protect women's human rights is crucial to the practical realization of the principle of the equality of women and men, and women's de facto enjoyment of their human rights. Significant steps have been made in strengthening legal frameworks and bringing legislation in line with international human rights standards for the promotion and protection of the rights of women.

Many States have carried out constitutional and legislative reforms to reinforce provisions that guarantee equality between women and men and/or prohibit discrimination on the basis of sex, such as Belgium, Belize, Colombia, Croatia, Greece, Guyana, Luxembourg and Serbia. In 2006, Luxembourg revised article 11 of its constitution to include the principle of equality between women and men. The new Serbian Constitution of 2006 includes the State's guarantees for equality of women and men. It anticipates the development of an equal opportunities policy (article 15) and the introduction of special measures to achieve full equality (article 21). Greece amended its constitution in 2001, obliging the State to take special positive measures to eliminate discrimination, in particular against women. Colombia and Ecuador added constitutional provisions to protect women against violence. Many countries enacted comprehensive gender equality or equal opportunities acts for women.

#### **Constitutional reform in Guyana**

In its concluding comments concerning the second periodic report of Guyana, considered at its twenty-fifth session from 2 to 20 July 2001, the Committee on the Elimination of Discrimination against Women welcomed the constitutional reform process which led to the recognition of nondiscrimination on the basis of sex, gender, marital status and pregnancy as a fundamental human right enshrined in the Constitution. It also welcomed the passage of Bill No. 6 of 2001, which provided for the establishment of constitutional commissions, including the Women and Gender Equality Commission with responsibility for ensuring that women are not discriminated against in any sector of society.<sup>6</sup>

A number of States strengthened legal provisions on women's equal participation with men in political life and decision-making processes, including by adding requirements for affirmative action and other temporary special measures. Electoral laws sought to eliminate barriers to women's involvement in political life and a number of countries established quotas to increase the number of women in elected office at different levels. For example, Tanzania's Constitutional amendments of 2005 provide that the number of women in Parliament should not be less than 30 per cent and empowered the President to nominate ten members of Parliament, half of which should be women. Rwanda's Constitution of 2003 requires that women be awarded at least thirty percent of posts in decision-making organs, while Djibouti passed a law in 2002 requiring each political party to ensure that at least 10 percent of its candidates are women. Peru's law of 2000 established a minimum proportion of 30 percent of women or men in the lists of candidates for Congress. France passed a legislative amendment in 1999 requiring political parties to ensure that 50 percent of their candidates were women and included financial penalties for non-compliance.

In 2008, the Rwandan Parliament became the first ever to have a majority of women members (56.25 percent). It is followed by the Parliaments of Sweden (47 percent women), Cuba (43.2 percent women), Finland (41.5 percent women), and Argentina (40 percent women)<sup>7</sup>.

Many countries have amended their penal codes and criminal procedure codes to eliminate provisions that discriminated against women, or to enhance protection for women. Many of these improvements covered different forms of violence against women, including domestic violence; sexual assault and rape, including marital rape; incest; and harmful practices.

#### **Penal and civil code reforms in Turkey**

The new Turkish Penal Code of 2004 included more than thirty amendments and constituted a major step towards gender equality, and protection of women's human rights and sexual and bodily autonomy. The Penal Code, inter alia, defined sexual crimes as crimes committed against the individual instead of crimes against morality and society, and increased the sentences for such crimes; criminalized marital rape and sexual harassment in the workplace; and abolished provisions allowing exculpation of perpetrators if they married the victim.<sup>8</sup> The new Turkish Civil Code of 2001 abolished the supremacy of men in marriage, and ensured women's rights and equality between women and men in marriage and family relations.<sup>9</sup>

Many countries have adopted or revised labour codes, equal employment opportunity acts or similar legislation providing equal opportunities between women and men in employment, prohibition of discrimination on the basis of sex in employment and affirmative action to overcome women's inequality in employment. Countries have increased protection against sexual harassment in the workplace and discrimination related to pregnancy. They have also increased maternity leave for women or created parental leave opportunities for either or both parents. Measures to better reconcile work and family responsibilities for women and men have become more common. For example, Slovakia amended its Labour Code in 2003 to facilitate reconciliation of family and work responsibilities between women and men, including provisions on shorter working hours and flexible working arrangements which can be used by both parents. Japan supported the balancing of work and child/nursing care by restricting the permissible amount of overtime for employees involved in such care.

A number of countries have amended civil and family codes and personal status laws. Changes included the revision or repeal of discriminatory provisions relating to the minimum age of marriage for women and men; and provisions providing for equality between spouses, the request and granting of separation and divorce, the payment of alimony, filiation, and shared custody of children and the division of property upon dissolution of marriage. Morocco's family code of 2004 enshrined the principle of equality of rights and responsibilities of women and men with regard to the family. The

code set 18 years as the minimum age of marriage for men and women; eliminated the system of male guardianship over the wife; placed divorce by mutual consent under the control of a judge; and imposed strict legal conditions on polygamy. The family law acts of Barbados, Belize and Costa Rica gave equal rights to women within common-law unions in regard to assets, inheritance and property rights. Legislation enabling same-sex marriages was enacted in the Netherlands in 2001 and in Croatia in 2003, conferring the right to civil marriage on same-sex couples. Several countries in Africa and elsewhere enhanced women's equal rights to use, own or inherit land or communal property. The Congo enhanced women's right to enter into contracts and to institute legal proceedings.

### **Legal reform in Africa: Women's rights to land**

#### **United Republic of Tanzania**

The Tanzanian Village Lands Act No. 4 and the Village Lands Act No. 5 of 1999 give women the right to acquire, own and use land equally with men. The amendments in 2004 to the Lands Acts provide options for ownership of land and extend to women the right to mortgage land for the purpose of obtaining bank loans or credit.<sup>10</sup>

#### **Namibia**

The Namibian Communal Land Reform Act (Act No. 5 of 2002) provides for equal opportunities for women and men to apply for and be granted land rights in communal areas. It also makes provision for the participation of four women, among the eleven members of the Communal Land Boards.<sup>11</sup>

#### **Rwanda**

The 1999 Law of Matrimonial Regimes, Succession and Liberalities in Rwanda enshrines the principle that women may own and inherit property on an equal basis with men. It requires couples registering for marriage to make a joint commitment to a choice of options for the shared ownership and disposition of marital property.<sup>12</sup>

States adopted specific non-discrimination or equality provisions with regard to women's access to housing, education and health care, as well as disability and social security benefits. A number of countries, including Benin, Brazil, Ecuador and Uganda, affirmed women's right to sexual and reproductive health. Several countries either decriminalized abortion or permitted it under limited circumstances, such as on medical grounds or in cases of incest, rape or HIV/AIDS infection. Countries affirmed women's equality with regard to citizenship and nationality, as well as their equal right to confer their nationality on their children.

Several countries responded to the needs of different groups of women, such as refugee women. The Swedish Aliens Act of 2006, for example, provides for the granting of refugee status to persons claiming fear of persecution on the grounds of gender and sexual orientation. Austria adopted family reunification procedures and Canada and Norway applied international guidelines on gender-based persecution in the review of

asylum claims. Women in prison or detention benefited from additional legal protection when pregnant or caring for young children in Nicaragua, and from rehabilitation services after exposure to violence in Norway. Indigenous, migrant and older women in a number of countries benefited from laws and/or programmes responding to their needs.

**Jordan: Advancing the rights of migrant domestic workers**

In Jordan, a Ministry of Labor project on empowering migrant domestic workers, supported by UNIFEM, was launched in 2001 with the objectives of:

- Establishing dialogue between source and destination countries;
- Improving recruitment procedures through policies and legislation;
- Sensitizing government recruitment agencies, employers and NGOs about migrant women's rights; and
- Empowering migrant women and improve their access to social services and awareness of their human rights.

This project established a Steering Committee that included representatives from the Ministry of Labor; Ministry of Interior; Public Security Department, Family Protection Unit; Jordanian National Commission for Women; Jordanian Women's Union; the Sri Lankan, Filipino and Indonesian embassies; and the International Labor Organization. The aim of the Committee was to establish collaboration through dialogue and to reach bi-lateral agreements.

This National Committee developed and endorsed a "Special Working Contract for Non-Jordanian Domestic Workers", the first of its kind in the region and viewed as a model for other countries that do not include domestic services in their national labor legislation. It guarantees migrant women's rights to life insurance, medical care, rest days and repatriation upon expiration of the contract. The contract also reiterates migrant women's rights to be treated in compliance with international human rights standards. The contract is now considered as a requirement for obtaining residency, work permits and visas to enter Jordan.<sup>13</sup>

States have established commissions or other institutions to review legislation and propose reforms. The Law Reform Commission of Lesotho, for example, reviews laws to identify those that are discriminatory or outdated in order to speed up justice delivery and administration. One outcome of its work was the Married Persons Equality Bill of 2000. The Ugandan Law Reform Commission's first task was to propose amendments to personal status laws, which impacted negatively on women and girls.

A number of countries enhanced the role of courts in the protection of women's rights and strengthened access to justice for women. Many countries have family courts, including China, Egypt, Kenya, Morocco and Turkey, while others, such as Chile, Cyprus and Malaysia, were setting them up. In several States, there has been an increase in the number of women holding positions in the judiciary, including in the highest courts. Among practical measures to improve women's access to justice, Governments have

established or funded legal aid clinics and legal service agencies that cater to women. Burkina Faso, for example, created the national legal aid commission to give disadvantaged persons, many of whom are women, access to courts without cost.

The judiciary has a key role in promoting and ensuring respect for women's rights, and courts are increasingly referring to international human rights standards when seeking to deliver justice for women. The Court of Appeal of Nigeria, for example, found two Nigerian customs that effectively prevented female family members from inheriting property repugnant to the principles of natural justice, equity and good sense and a violation of article 5 of the Convention on the Elimination of All Forms of Discrimination against Women.<sup>14</sup> The Constitutional Court of Guatemala referred to the Convention in upholding a challenge to provisions in the penal code, which treated men and women differently.<sup>15</sup> Drawing from international human rights instruments, the Constitutional Court of South Africa specifically addressed domestic violence as a form of discrimination. In so doing, the Court noted that ratification of the Convention on the Elimination of All Forms of Discrimination against Women imposed positive obligations on States to pursue policies of eliminating discrimination against women by, amongst other things, adopting anti-discrimination legislation.<sup>16</sup>

The Supreme Court of Canada drew on the Convention and general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women on violence against women in a case of alleged sexual assault.<sup>17</sup> In the case of an alleged gang-rape of a Government social worker who had been campaigning against child marriage, and the failure of officials to investigate her complaint, the Supreme Court of India also drew on the provisions of the Convention, the Committee's general recommendation No. 19 on violence against women and relevant sections of the Platform for Action to expand its interpretation of the human rights guarantees in the Indian Constitution, and to establish guidelines and norms to be observed at all workplaces to prevent and address sexual harassment.<sup>18</sup>

Many countries have adopted national action plans or strategies to promote, protect and realize women's human rights. Such plans or strategies are important frameworks to ensure coordinated action in developing and implementing legislation, public policy and strategic initiatives. In many countries, national action plans or policies are monitored through regular reporting to parliamentary bodies or government departments. National plans of action in a number of countries, including the Central African Republic, Madagascar and the Philippines, addressed the rights of women and girls within the framework of the Convention on the Elimination of All Forms of Discrimination against Women. In a number of countries, protection and promotion of women's human rights and gender equality have been important components of foreign policy and development cooperation.

#### **Adoption of national strategy for gender equality in Kazakhstan**

Kazakhstan adopted a Strategy for Gender Equality for 2006-2016 which is designed to ensure the implementation of equal rights as enshrined in the Constitution, and women's

equal opportunities and equal participation in all spheres of life. The 2006-2008 Plan of Measures for Implementing the Strategy covers the political and economic advancement of women, protection of reproductive health, efforts to combat violence against women and children, and the achievement of gender equality in family relations. In its concluding observations concerning the second periodic report of Kazakhstan, considered at its thirty-seventh session from 15 January to 2 February 2007, the Committee on the Elimination of Discrimination against Women commended Kazakhstan on the adoption of the strategy and the plan of measures for its implementation.<sup>19</sup>

A wide variety of institutions and mechanisms with responsibility for women's human rights have been established, specifically upholding women's rights or promoting gender equality more generally. Such mechanisms are found at various levels within and outside Government with participation of governmental and nongovernmental stakeholders. Costa Rica, for example, established a national network of municipal women's offices to promote gender equality at the local level. The Republic of Korea set up a special task force of representatives from ministries, academia and NGOs which prepared a bill abolishing the "head of family" system.

In some countries, the mandates of national human rights institutions or commissions include a focus on women's human rights. The human rights and equal opportunity commission of Australia has among its members a sex discrimination commissioner. In some countries, the ombudsperson's office is mandated to deal with discrimination complaints and equality issues, including sex-based discrimination. In Gambia, the office of the ombudsperson raised women's awareness of their rights and provided redress for injustices in the workplace. The national observatory on women's human rights and parity in Gabon, a nongovernmental entity, carries out studies and advises on new initiatives on gender equality.

Parliamentary committees on human rights or on gender equality in a number of countries supported passage of specific gender equality legislation and monitored the application of gender equality principles in legislation, as in Australia, Bolivia, India and Ireland. In Israel, the Knesset (Parliament) committee on the status of women has played a crucial role within Parliament and beyond by building networks and alliances for gender equality and social change.

It is critical to ensure that those involved with implementation of laws, plans and policies regarding women's human rights have the capacity to do so in an appropriate and effective manner. Capacity-building efforts have been strengthened in many countries, in particular through training of public officials. Governments often supported or partnered with national and international NGOs to carry out such training activities. For example, El Salvador's Institute for the Advancement of Women developed and implemented a training programme on human rights and women's rights for government officials and NGOs throughout the country. The national commission on the role of Filipino women and the University of the Philippines integrated women's human rights into training

modules for the police and the military, teachers and supervisors, jail wardens and employees and prisoners.

Educational programmes and public awareness-raising campaigns are critical to increasing general awareness of women's human rights and women's legal literacy and understanding of their rights as well as for strengthening societal condemnation of discriminatory attitudes. Many States have carried out such programmes and campaigns. States have integrated human rights education into school and university curricula and established human rights resource centres. Governments and NGOs have organized national and local activities, including workshops, seminars and conferences, and produced and disseminated print and audio materials of relevant legislation, the Convention on the Elimination of All Forms of Discrimination against Women and the Platform for Action, often in local languages. Guinea produced and distributed two editions of a guide to women's rights and a compilation of national legislation. Cuba distributed an annotated version of the Convention to women and family counseling centres, women's affairs departments at universities and grassroots organizations. In many instances, general human rights and legal literacy campaigns covered women's human rights, using the press, television, radio and information leaflets. Men and boys took part in the efforts of some countries to tackle the root causes of discrimination against women. A campaign in Malawi, for example, culminated in a "Men for Gender Equality" network. Governments increasingly used ICT to disseminate information related to women's rights. Singapore, for example, set up a one-stop Internet portal with links to frequently sought legal information and law-related agencies.

Efforts have been strengthened to enhance reporting under the Convention on the Elimination of All Forms of Discrimination against Women, and to disseminate and implement the concluding observations of the Committee. States have widely publicized the concluding observations and used them to form the basis for further governmental action, including the development of legislation and public policy. States have presented their reports to their Parliaments, as in Germany, or to other bodies, such as the Council of Ministers, as in Poland. A number of Governments disseminated the Committee's concluding observations on websites, in magazines and through information sessions, workshops and awareness-raising campaigns. In Slovenia, the Committee's concluding observations, from its twenty-ninth session in July 2003, led to a Government decision to maintain the administrative position, mandate and power of the office for equal opportunities for women.

A range of institutional mechanisms have responsibility for reporting and monitoring implementation of the Convention and the Committee's concluding observations, including for example, the inter-ministerial commission for equal opportunities for women and men in Lithuania. Governments collaborated with NGOs and civil society organizations in preparing reports, conducting training activities, and monitoring implementation of the Convention. In Maldives, a workshop resulted in the preparation of a multi-sectoral action plan, and the Netherlands conducted in-depth studies to improve implementation.

### **III. Remaining gaps and challenges**

In no country in the world has women's full de jure and de facto equality been achieved. Numerous gaps and challenges remain.

Failure to achieve the goal of universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000, called for in the Platform of Action and by the 1993 World Conference on Human Rights, remains an issue of concern. The significant number of reservations to the Convention is highly problematic, particularly reservations to articles 2 and 16, which the Committee considers to be incompatible with the object and purpose of the Convention. Such reservations constitute an obstacle to the realization of women's human rights. 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 cause for concern as they jeopardize the ability of the Committee on the Elimination of Discrimination against Women to effectively monitor in a timely fashion the implementation of the Convention. Failure to reflect the Convention in domestic law also remains a cause of concern.

Legal frameworks at the domestic level continue to be inadequate. Discriminatory laws continue to apply in many States. For example, family and personal laws continue to contain discriminatory provisions concerning age of marriage, citizenship, divorce, guardianship of children and marital power of the husband. The penal codes of a number of countries contain discriminatory provisions, especially in relation violence against women. Nationality laws continue to discriminate against women by curtailing their capacity to confer their nationality to their children. Discriminatory provisions remain in laws relating to inheritance, and access to and ownership of land and property, as well as in laws relating to entrepreneurship and access to credit. In addition to discriminatory laws, gaps in legislation persist, leaving women without protection or legal basis to claim their rights.

While many constitutions provide for equality between women and men, some continue to recognize and give precedence to customary and religious laws and practice in a number of areas which discriminate against women. In several countries, statutory, customary and religious law co-exist, especially with regard to family, personal status and inheritance and land rights. The co-existence of multiple legal systems, with discriminatory customary/religious laws and practice prevailing, remains a source of concern.

Even where legal reforms have taken place, a number of factors have hindered appropriate and effective enforcement of the laws. In a number countries, public officials, the general public and women themselves remain unaware of the Convention on the Elimination of All Forms of Discrimination against Women, domestic laws and the human rights of women. The police and judiciary continue to show bias against women and lack in-depth understanding of legislation on women's rights and their duties under that legislation. Women's continuing distrust of mechanisms of redress and their lack of

empowerment to claim their rights, as well as the cost of such mechanisms and delays in the administration of justice, have also been obstacles.

In a number of countries, national action plans, policies and programmes do not reflect the full scope of the Convention on the Elimination of All Forms of Discrimination against Women and its concept of substantive equality or the Beijing *Platform for Action*, nor do they provide appropriate implementation or monitoring mechanisms. National action plans are rarely costed and their implementation is inadequately funded. Lack of sex-disaggregated data and research related to women has been an impediment for the development and evaluation of evidence-based legislation, policies and programmes of action. Insufficient political will to bring about gender equality and limited financial, human and technical resources are also barriers to implementation.

Even where laws are in place, gaps between women's de jure and de facto equality persist. Women continue to experience discrimination and disadvantage, including in employment and public and political life, especially at decision-making levels, and lack access to health care, economic resources, and social benefits and services. Discriminatory practices and customs, and persistent social and cultural attitudes emphasizing traditional roles and stereotypes of women and the subordinate position of women in society and the family, continue to constitute major impediments to women's enjoyment of their human rights. The disproportionate impact of poverty on women and the compounding effect of multiple factors, such as race, ethnicity, religion, age, caste, class, disability, and sexual orientation, leading to multiple forms of discrimination simultaneously, are further constraints on the enjoyment by women of their human rights and fundamental freedoms, and the realization of equality.

#### **IV. Strategies for accelerating implementation**

Many actions have been taken at the international, regional and national levels to promote, protect and fulfill the human rights of women. The number of States parties to the Convention on the Elimination of All Forms of Discrimination against Women and other human rights treaties has increased considerably. Many States have strengthened their national legal and policy frameworks. Efforts have been made to establish mechanisms responsible for promoting women's human rights, to raise awareness and build capacity in regard to women's rights, and to strengthen collaboration with non-governmental organizations and other stakeholders.

Despite these developments, much more needs to be done to ensure the full and equal enjoyment by all women of all human rights, as called for by the Beijing Platform for Action and other international legal and policy instruments. Coherent and concerted efforts must be taken at all levels of government and among civil society.

States should intensify their efforts to fully incorporate the Convention on the Elimination of All Forms of Discrimination against Women into domestic law, and to

implement the Convention and other international human rights treaties, as well as the concluding observations of the respective Committees. Those States that are not yet party to the Convention should ratify it, and States that have entered reservations should continue to review them with a view to withdrawing them. Adequate and timely reporting by States under treaties is critical to their effective implementation at the national level. Efforts are needed to increase the number of States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and all States should widely publicize this redress mechanism.

States should continue to review and revise national legal frameworks on an ongoing basis to ensure compliance with their international obligations. Legal frameworks should also adequately respond to global policy directives and take advantage of good practice developed in particular areas. States should conduct gender-impact analysis of all new legislation. Efforts should be taken to ensure that national law enshrines equality between women and men and prohibits discrimination in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women. Legislation should also provide for temporary special measures in accordance with article 4, paragraph 1, of the Convention, to accelerate de facto equality between women and men. Effective, affordable and accessible means of recourse and redress for violations of women's rights must be available, including gender-sensitive courts and tribunals. All laws on gender equality and women's rights should include an adequate budget for their implementation and such budgetary allocation should be based on a full analysis of funding required to implement all measures contained therein.

Concerted efforts are necessary to amend or repeal discriminatory laws, including personal status, penal, labour, employment and commercial laws, and laws governing marriage, family relations and nationality. It is necessary to close the gaps that remain in the protection of women against discrimination by private as well as public sector actors. It should be ensured that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, including the principle of non-discrimination.

Mechanisms should be put in place to monitor the implementation of laws/provisions on gender equality and women's rights, and ensure a cohesive legal framework for the promotion and protection of women's human rights. Such mechanisms should be multi-sectoral and include collaboration between government, non-governmental organizations and other stakeholders, and they should conduct impact assessment of the laws and report back to Parliament on a regular basis, proposing amendments where necessary.

Effective functioning of the legal framework calls for complementary plans of action or strategies and policies on the human rights of women. States should ensure that such plans, strategies and policies to promote, protect and realize women's human rights are in place, reflect the objectives and provisions of the Convention as their normative basis, and incorporate measurable goals and timetables, as well as monitoring and accountability measures; provide for impact assessments; and ensure coordination of

action among all stakeholders. Measurable indicators should be established to determine progress at national level. States should ensure adequate funding and resources for, and set up and/or strengthen mechanisms to support, the implementation of such plans and policies.

States should enhance the collection of statistical data on the human rights of women in all areas covered by the Convention on the Elimination of All Forms of Discrimination against Women. Such data should be disaggregated by all relevant characteristics. This strengthening of the knowledge base is critical to the development of effective laws and policies and their evaluation.

States should reinforce systematic training programmes to ensure that those involved with implementation of laws, plans and policies concerning women's human rights have the capacity to do so in an appropriate and effective manner. States should continue to support or partner with NGOs and others to carry out those programmes.

Addressing discriminatory attitudes and gender stereotypes must be a key element in efforts to achieve gender equality and the realization of women's human rights. One of the most effective entry points for challenging discriminatory attitudes is the educational system. States should ensure comprehensive human rights education in curricula at all levels. Derogatory stereotypes and discriminatory attitudes toward women should be eliminated from educational curricula, and content promoting women's human rights and gender equality should be strengthened. Public awareness campaigns and programmes are also vital to increase general awareness of women's rights and women's legal literacy and to strengthen societal condemnation of discriminatory attitudes and gender stereotypes. States should continue to carry out such campaigns and information programmes, and ensure that education and information reaches all levels of society and both women and men.

Men and boys have a critical role in creating a non-discriminatory and gender-sensitive environment and they should be actively engaged in securing support for gender equality and a non-discriminatory environment. Education and information should empower women with knowledge of their rights and their capacity to claim them. More extensive use should be made of the media and new information and communications technologies in carrying out such campaigns and programmes, and collaborative efforts among government officials, NGOs and other stakeholders should be enhanced.

It should be recognized that women do not all experience discrimination in the same way. Their experience is shaped by factors, such as race, class, religion, national or social origin, migrant or refugee status, age, disability. An intersectional approach, which recognizes the experiences of women facing multiple forms of discrimination simultaneously, is therefore required. This approach helps to reveal the different measures or interventions which are necessary to effectively combat such overlapping forms of discrimination.

Commitment and political will to realize the full enjoyment by women of all their human rights is critical. Political backing and support at the highest levels is necessary to ensure the protection and promotion of the human rights of women remains a priority.

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<sup>1</sup> These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities,

<sup>2</sup> General comments No. 1 (2001) on education, No. 3 (2003) on HIV/AIDS and No. 4 (2003) on adolescent health.

<sup>3</sup> General Assembly resolution S-23/3, annex.

<sup>4</sup> General Assembly resolution S-23/3, annex, paras. 3, 68 (a) (b) (c) (d), 98 (a), 99(a).

<sup>5</sup> Human Rights Council resolution 5/1 of 18 June 2007 on “United Nations Human Rights Council: Institution-Building.

<sup>6</sup> Official records of the General Assembly, fifty-sixth-session, Supplement No. 38 (A/56/38), para. 157.

<sup>7</sup> Website of the Inter-Parliamentary Union, Press release No. 311, available at <http://www.ipu.org/press-e/gen311.htm>.

<sup>8</sup> Sixth periodic report of Turkey to the Committee on the Elimination of Discrimination against Women (CEDAW/C/TUR/6).

<sup>9</sup> Combined fourth and fifth periodic report of Turkey to the Committee on the Elimination of Discrimination against Women (CEDAW/C/TUR/4-5).

<sup>10</sup> Combined fourth, fifth and sixth periodic reports of Tanzania to the Committee on the Elimination of Discrimination against Women (CEDAW/C/TZA/6) and Responses to the list of issues and questions with regard to the consideration of the combined fourth, fifth and sixth periodic reports (CEDAW/C/TZA/Q/6/Add.1), considered at the Committee’s 42<sup>nd</sup> session from 30 June to 18 July 2008.

<sup>11</sup> Combined second and third periodic reports of Namibia to the Committee on the Elimination of Discrimination against Women (CEDAW/C/NAM/2-3), considered at the Committee’s 37<sup>th</sup> session from 15 January to 2 February 2007).

<sup>12</sup> See, UN Millennium Project, Task Force on Education and Gender Equality, *Taking Action: Achieving Gender Equality and Empowering Women* (2005), page, 82.

<sup>13</sup> See, UNIFEM. *Good Practices to Protect Women Migrant Workers: High-Level Government Meeting of Countries of Employment* (2006), page, 36.

<sup>14</sup> *Muojekwo & Ors v. Ejikeme & Ors* [2000] 5 NWLR 402; [1999] 3(1) CHRLD 116.

<sup>15</sup> Guatemala Constitutional Court Case No. 936-95 (1996).

<sup>16</sup> *The State v. Godfrey Baloyi and others* (CCT29/99) [1999] ZACC 19.

<sup>17</sup> *R. v. Ewanchuk*, [1999] 1 S.C.R. 330.

<sup>18</sup> *Vishaka v. State of Rajasthan & Ors* AIR 1997 S.C. 3011.

<sup>19</sup> Summary record of the 757<sup>th</sup> meeting of the Committee on the Elimination of Discrimination against Women on 16 January 2007 (Chamber A), introduction by Kazakhstan of its second periodic report (CEDAW/C/SR.757 (A)); concluding comments of the Committee on the Elimination of Discrimination against Women on the second periodic report of Kazakhstan, thirty-seventh session, 15 January to 2 February 2007 (A/62/38).