
COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Preventing violence against women challenges all States: Albania, Argentina, Australia, Fiji, Papua New Guinea, Russia, and Turkey



Photo: Özgür Mülazimoğlu

The Committee on the Elimination of Discrimination against Women (the Committee) held its 46th session in New York from 12 to 30 July 2010. Over the course of the three weeks, seven State parties' reports were reviewed: Albania, Argentina, Australia, Fiji, Papua New Guinea, the Russian Federation and Turkey.

Amongst these States, there were a wide variety of approaches to engagement with the Committee, as well as progress in implementing the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). Fiji and Papua New Guinea were upfront about their poor reporting record¹. The Papuans also acknowledged the enormity of the challenge they face as a result of 'Big Man' culture and embedded tribal customs. Albania, though proud of its raft of legislative reforms to empower women and advance gender equality, was the first to admit the reforms were not being properly implemented or adequately monitored.

In contrast, Argentina and Australia had clearly made significant strides since their last reviews.² However the Committee rejected Argentina's attempt to blame persistent obstacles to progress in the provincial regions on the country's federal structure. Furthermore, the repeated inability of the delegates to produce disaggregated data eventually resulted in an admission that Argentina had numerous shortcomings in this respect. The Committee also refused to accept Australia's claim that because the current Government was in 'caretaker mode' in the lead-up to a national election, delegates would have difficulty answering questions about future Government actions. Several Committee members reminded Australia that as a ratifying party, it bore the legal responsibility to report to the Committee, regardless of domestic political cycles.

The make-up of government delegations also varied markedly. The Russian and Turkish delegations (each comprising 24 people) dwarfed their counterparts from Albania and Fiji, which had only a handful of delegates. All States were represented at a high-level, and generally struck a reasonable gender balance. However, the Russian Federation was headed by a man, and none of the women in the male-dominated delegation were given the opportunity to address the Committee.

The Committee was to have dealt with an 'exceptional report' from India to follow-up on the impact on women of the 2002 Gujarat massacres.³ However, at the request of the State party during the current session, consideration of the follow-up report was postponed until the following session in October. For the Indian NGOs that had travelled to New York to brief the Committee, this must have been a very frustrating and disappointing result. Nonetheless, they spoke frankly of the State's unwillingness to provide justice or reparations to the victims and their families, and argued the State had failed to provide the information requested by the Committee.⁴

1 Fiji and Papua New Guinea each presented three combined periodic reports after both had failed to report for the last 15 years. In the case of Papua New Guinea, it was the first time it engaged with the Committee.

2 Australia for example, was close to finalising a national action plan on violence against women, would introduce a new paid parental scheme in 2011, and had signed the optional protocol to the Convention.

3 The Committee requested this report in 2007 when it last reviewed India. Paragraph 67 of the Committee's Concluding Observations on India from its 37th session (CEDAW/C/IND/CO/3), dated 2 February 2007, available at <http://bit.ly/dmCtX>.

4 NGOs from India presented oral reports to the Committee, based on field visits they had undertaken to 18 rehabilitation colonies, where they

NGO AND NHRI PARTICIPATION DURING THE 46TH SESSION

The Committee held its two regular briefing meetings with NGOs and national human rights institutions (NHRIs) on 12 and 19 July. However NGO input into the session varied considerably depending on the State of origin. At one end of the scale, Argentinean NGOs submitted some 12 separate reports and were present in New York in similar numbers. In contrast, only two NGO reports were submitted in relation to Fiji and Papua New Guinea, both authored by international human rights organisations. Although no Fijian NGOs were in attendance to brief the Committee, their counterparts from Papua New Guinea, including the autonomous island of Bougainville, were. NGOs from the other States under review made important written and oral contributions to assist the Committee, which Committee members repeatedly referenced in the interactive dialogues.

The Australian Human Rights Commission was the only national institution to submit a report, and Committee members appreciated the opportunity to engage in a substantive dialogue with the Australian Sex Discrimination Commissioner regarding her recommendations.

One development that cast a negative light on Fiji's review was its strong, negative response to an 'anonymous' NGO report. Although not publicly available, Committee members appeared to have the report. The head of the Fijian delegation spent a considerable portion of his opening statement detailing its alleged inaccuracies and political bias. However several Committee members were equally strong in their response. Ms Indira Jaising reminded the delegation that NGO reports were a manifestation of a range of civil and political rights, and anonymity was not a reason for criticising them. Together with Ms Yoko Hayashi and Ms Dubravka Simonovic, she also expressed concern about the safety of the report's author(s) and sought assurances they would not be subject to reprisals by the State as a result of their cooperation with the treaty body.

MAIN THEMES

Violence against women

The Committee's top priority remained the need for all State parties to do more to prevent violence against women. This was very clear in its concluding observations, which directed every State party under review (with the exception of Fiji)⁵ to provide a follow-up report within one to two years on its actions to address violence against women. In all cases, including Fiji,

interviewed women affected by the massacres. The follow-up report submitted by India was almost two years late, and was very concise at less than seven pages. It is available at <http://bit.ly/cqQb5E>.

5 The Committee prioritised two other issues for immediate follow-up by Fiji. Firstly holding free and fair elections and developing a new, democratic constitution. Secondly, the protection of human rights defenders, particularly women defenders. The Committee's recommendations to Fiji regarding how to address violence against women were similar to those of other State parties under review.

the message was the same: develop a comprehensive national strategy; criminalise all forms of violence against women in national legislation; promptly and fully investigate all reports of violence; prosecute and adequately punish the perpetrators; undertake public education campaigns to prevent violence and empower women; provide ongoing support and assistance to all victims; and collect disaggregated data on the trends in violence and related prosecutions.

Even though the Committee was 'deeply concerned' by reports that 75 percent of Papuan women had experienced domestic violence, it was more alarmed by a recent spike in the torture and brutal killings of women and girls who were accused of witchcraft and sorcery.⁶ NGOs had appealed to the Committee to raise this matter with the State, which members did several times during the interactive dialogue. The delegation responded that although there was a traditional belief in sorcery, the related violence against women was not part of Papuan culture. Research was being undertaken, but as yet, no data was available. The Committee asked the State to take 'immediate and effective measures' to investigate reports about sorcery-related torture and killings and provide an update within two years.⁷

In the case of the Russian Federation, the Committee made the protection of the human rights of women in the Northern Caucasus, including the Chechen Republic, a priority for follow-up by the State within one year.⁸ Even though discussion about the situation of women in Chechnya was not a focus of the dialogue, and a member of the Russian delegation had cautioned 'too much attention was paid to women's rights in the Chechen Republic', the Committee called on the State to end impunity for violence against and killings of women and girls in the region.

In its review of Argentina, a number of Committee members raised questions about Argentina's treatment of female detainees, a concern that NGOs had addressed. Ms Soledad Murillo de la Vega asked about the over-representation of women in prisons and the high incidence of reports of abuse by male prison staff. When some of her questions went unanswered, Ms Yoko Hayashi asked how the State was dealing with allegations of torture and ill-treatment by women prisoners, and later, what steps were being taken to end invasive body searches of women prisoners. The sustained questioning eventually resulted in the delegation advising that it was concerned about the manner in which these searches were being performed, and was keen to address the problem.

6 Amnesty International's alternative report to the Committee suggested these kinds of killings have doubled in recent times, from about 50 in 2008: see <http://bit.ly/cssyWY>. There was speculation the increase in killings may be linked to the worsening HIV/AIDS epidemic in Papua New Guinea, which is often blamed on black magic by witches.

7 Paragraph 28 of the Concluding Observations for Papua New Guinea (CEDAW/C/PNG/CO/3), available at <http://bit.ly/dair91>.

8 Paragraph 25 of the Concluding Observations on the Russian Federation (CEDAW/C/USR/CO/7), available at <http://bit.ly/dair91>.

Traditional values and gender stereotypes

Albania, Fiji, Papua New Guinea, Turkey, and parts of the Russian Federation were grappling with a range of customary laws and traditions that discriminated against women and often resulted in grave human rights violations. These included polygamy, bride price, so-called honour killings, early marriage and bride abductions. In the case of Turkey, Ms. Violet Tsisiga Awori referred to 800 women being murdered each year for the last five years, and asked what monitoring mechanisms were in place to assess the effectiveness of recent reforms to the legal system to tackle this problem.

Committee members were concerned about the extent to which victims were able to use the formal legal system to challenge harmful traditional practices. Where the crimes were successfully prosecuted, they questioned whether the punishments were proportionate to the seriousness of the offences. They were also interested to hear how States sought to ensure that where Sharia law was practiced, women's human rights were respected. Several States pointed to their efforts to cooperate with the media and religious leaders to help change community attitudes and portray women in positive and non-discriminatory ways. However it was clear from the Committee's concluding observations that such outreach and collaboration with civil society was only one element of the comprehensive, innovative, multi-faceted and long-term approach that States must initiate in partnership with other stakeholders.

Use of temporary special measures

Given the persistence of gender inequality in all States under review, it was not surprising the Committee strongly encouraged all States to ensure the full domestication of the Convention, including the use of special measures. Committee members were quite forceful in their view that States must take additional measures to ensure women's equal participation in all areas of public, political and professional life. For example, although Argentina's national Assembly comprised 40 percent women, the delegation was reminded that the Convention set a goal of 50 percent, and there was considerable room for improvement in women's representation at the provincial level, particularly in regard to indigenous women.

Australia, Papua New Guinea and the Russian Federation were asked to submit follow-up reports within two years in relation to their introduction and use of special measures. The Committee's concerns about the entrenched marginalisation of indigenous women in Australia prompted it to ask that the future report detail improvements in indigenous women's access to education, health care and legal aid services. In Papua New Guinea, the Committee requested reserved seats for women in the Parliament, along with the development of 'concrete goals and timetables in order to accelerate the increase in the representation of women in all spheres of public life'.⁹ Although its recommendation to the

9 Paragraph 34 of the Concluding Observations for Papua New Guinea (CEDAW/C/PNG/CO/3).

Russian Federation to boost women's participation in public and political life was rather general, it was accompanied by more detailed suggestions on how this could be achieved. These included providing targeted training and mentoring programmes for women candidates and politicians, as well as prospective business leaders.

Access to healthcare and reproductive health services

All States were experiencing difficulty in the delivery of these rights, particularly for vulnerable groups such as indigenous women, migrant women's, disabled women, rural women, and women belonging to ethnic minorities.¹⁰ Seeking to address some of the root causes, Committee members asked probing questions about women's and girls' access to contraceptives; the provision of comprehensive sexual education in schools; and accessibility for all women to family-planning information and services. In States such as Albania, Papua New Guinea and Turkey, where the Committee was concerned by the prevalence of HIV/AIDS among women, it sought more detailed information about how the governments were responding to the needs of those infected, and working to prevent new infections.

Access to abortion was of particular concern in Papua New Guinea, where the cost of services was prohibitively expensive for most women, and punishments were imposed on those who used them. Argentina's continued criminalisation of abortion was equally concerning to the Committee. In both States, the limited access to safe abortion had resulted in high pregnancy rates amongst adolescent girls and high maternal mortality. As a result, the Committee asked Argentina to submit a follow-up report within two years to provide more information on its efforts to reduce rates of maternal mortality, provide sexual and reproductive health education in all schools, and review its abortion legislation.

OTHER DEVELOPMENTS

In closed meetings, the Committee continued its work on three general comments: on article 2 of the Convention; older women and protection of their human rights; and the economic consequences of marriage, family relations and their dissolution. The Committee adopted the first two of these general comments at its October session - the third is still in draft form.¹¹

The Committee also continued its practice of adopting statements in relation to new developments, and developed a statement on the 10th anniversary of Security Council *Resolution 1325 on Women, Peace and Security*.¹²

10 Albania's difficulty in providing health services to rural women, and its need to improve service delivery to women from linguistic and ethnic minorities (especially Roma women), prompted the Committee to request a follow-up report on progress in these areas after two years. Paragraph 35 of the Concluding Observations for Albania (CEDAW/C/ALB/CO/3), available at <http://bit.ly/dair91>.

11 More information available at <http://bit.ly/9kVlq7>.

12 Available at <http://bit.ly/dair91>.

New membership for CEDAW in 2011

State parties to the Convention on the Elimination of All Forms of Discrimination against Women met on 28 June 2010 at UN Headquarters in New York to elect 12 experts to the 23-member CEDAW Committee.* The new members were elected by secret ballot from a list of 21 candidates, which was provided to State parties, along with their curricula vitae.**

Most of those elected were already serving members of the Committee.*** Thus on 1 January 2011 when the experts begin their four-year term, only five new faces will appear:

Ms Ayse Feride Acar (Turkey)
 Ms Olinda Bareiro-Bobadilla (Paraguay)
 Ms Ismat Jahan (Bangladesh)
 Ms Maria Helena Lopes de Jesus Pires (Timor Leste)
 Ms Patricia Schulz (Switzerland)

The four experts who will leave the Committee when their term expires on 31 December 2010 are: Ms Ferdous Ara Begum (Bangladesh), Ms Saisuree Chutikul (Thailand), Ms Dorcas Coker-Appiah (Ghana), and Mr Cornelis Flinterman (Netherlands), who will take up a seat on the Human Rights Committee in 2011. An additional seat, held by Ms Hazel Gumede Shelton (South Africa), has been vacant since her resignation in 2007, but will be filled as of 2011.

Geographic representation on the Committee in 2011

Region	Number of Experts	Nationality of independent expert
Africa	4	Algeria, Egypt, Kenya, Mauritius
Asia	6	Afghanistan, Bangladesh, China, India, Japan, Timor Leste
Eastern Europe	3	Croatia, Romania, Slovenia
Latin America and Caribbean	4	Brazil, Cuba, Jamaica, Paraguay
Western Europe and Others	6	Finland, France, Israel, Spain, Switzerland, Turkey

* The Convention requires that candidates are 'of high moral standing and competence in the field covered by the Convention' and will 'serve in their personal capacity'. States parties should 'give consideration' to equitable geographical distribution, as well as the representation of different forms of civilisation and principal legal systems (article 17(1)).

** The candidate information is available at <http://bit.ly/ak8ej>

*** Seven experts were re-elected to the Committee: Ms Meriem Belmihoub-Zerdani (Algeria), Ms Naela Mohamed Gabr (Egypt), Ms Ruth Halperin-Kaddari (Israel), Ms Yoko Hayashi (Japan), Ms Violeta Neubauer (Slovenia), Ms Pramila Patten (Mauritius), and Ms Dubravka Šimonović (Croatia). ■