

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Reviews of Costa Rica, Djibouti, Ethiopia, Italy, Nepal, Republic of Korea, Singapore, and Zambia



Photo: The Advocacy Project

School girls in Nepal. The representation of women, particularly in the public service, was an issue discussed in many of the State reviews.

The Committee on the Elimination of Discrimination against Women (the Committee) held its 49th session in New York from 11 to 29 July 2011. It considered the reports of eight State parties to the *Convention on the Elimination of All Forms of Discrimination Against Women* (the Convention): Costa Rica, Djibouti, Ethiopia, Italy, Nepal, the Republic of Korea (Korea), Singapore, and Zambia. Some of the key issues raised during the reviews were the integration of the Convention in domestic legal systems, the political participation of women, sexual orientation and gender identity (SOGI), and human trafficking.

ENGAGEMENT BY STATES AND COMMITTEE MEMBERS

State delegations varied in size, from Korea with 23 representatives to Costa Rica with seven. Women were well represented in the delegations with the notable exception of Nepal. The delegations varied in their approach to engagement with the Committee. Singapore offered the greatest level of detail in its responses and vigorously defended laws and policies that the Committee called into question. Other delegations were quicker to point out challenges, such as a lack of financial and human resources, entrenched gender stereotypes and traditional practices. The Committee was disappointed that Korea's answers were similar to those already submitted in its report and replies to the list of issues. Italy was criticised for ignoring reporting rules and submitting an excessively long and imprecise report. The Italian delegation also struggled to provide concise responses and left many questions unanswered. Costa Rica was also criticised for submitting an overly lengthy report, the majority of which cited information from 2006 or earlier. Meanwhile, the delegation of Ethiopia tended to ignore or deny controversial issues. For example, the delegation devoted considerable effort in an attempt to convince Committee members that sexual abuse by the Ethiopian army is not a problem, despite convincing evidence to the contrary. The Zambian delegation's responses generally lacked precision.

Committee members raised a diverse array of issues and were generally active in posing follow-up questions. Among the most active Committee members were Ms Patricia Schulz, Ms Dubravka Šimonović, Ms Pramila Patten, Ms Ruth Halperin-Kaddari, and Ms Nicole Ameline. The least active Committee members were Ms Meriem Belmihoub-Zerdani and Ms Barbara Evelyn Bailey. This was the first session for Ms Maria Helena Lopes de Jesus Pires, who generally kept a low profile. Ms Indira Jaising did not participate in the session.

NGO AND NHRI PARTICIPATION

Non-governmental organisations (NGOs) submitted reports for each State examined and several NGO representatives briefed the Committee on 11 and 18 July. However, NGO input varied considerably depending on the State being examined. The number of reports submitted ranged from three for Djibouti to 15 for Nepal.¹ No domestic NGOs submitted reports for Zambia or Ethiopia, and the Committee regretted that no NGO was present to brief the Committee regarding Djibouti. The Committee seemed receptive to the issues raised in the NGO reports and briefings, highlighting and seeking more information about several matters raised in them.

¹ Costa Rica 4; Zambia 4; Ethiopia 5; Italy 6; Singapore 6; Korea 7.

Notably, during the NGO briefing and the review of Ethiopia, several Committee members expressed concern about the new Charities and Societies Proclamation (the Proclamation), a law that prohibits Ethiopian charities from receiving more than 10 percent of their funding from foreign sources. The Proclamation has resulted in the freezing of the assets of the Ethiopian Women Lawyers Association, among others. The delegation of Ethiopia obstinately argued that, while the Proclamation's aims may not be satisfactory to others, it 'had not come to the session to convince Committee members of anything'; but to tell the Committee 'frankly what the law is and what the stance of the Government is'. Committee members expressed concern that the Proclamation affects the right to freedom of association and assembly and has had devastating implications for many NGOs. In response, the delegation insisted the Proclamation does not affect the rights of citizens but rather prohibits foreign intervention in political activities.

The National Human Rights Commission of the Republic of Korea (NHRCK) and the National Women's Commission of Nepal were the only national human rights institutions (NHRIs) to submit reports, and the NHRCK was the only one present to brief the Committee. Regretfully, the exchange with the NHRCK lacked in substance and Committee members were told by the NHRCK that it would be inappropriate for the institution to evaluate the policies of the current Government.

MAIN THEMES

Integration of the Convention in the domestic legal system

Ethiopia faced criticism for insufficient knowledge of the Convention at the local level, including by local judges. In particular, the Committee expressed concern that relevant training programmes had ceased in 2008. The delegation did not answer the Committee's query on whether Ethiopia would ratify the Optional Protocol to the Convention.

In response to urging by the Committee, the delegation of Korea promised to look at the wording of the antidiscrimination law currently under review to ensure its compliance with Article 1 of the Convention. The Committee also pressed Korea for a timeframe for withdrawal of its reservations to the same rights and responsibilities of parents regardless of marital status (Article 16.1(d)) and on surnames (Article 16.1(g)). The delegation simply reported that progress on 16.1(d) had been interrupted by the end of the legislative period.

Italy was reproached for insufficiently addressing recommendations made by the Committee in 2005 and 1997 and not disseminating Italian versions of recommendations widely. The Committee also took up the concern raised during the NGO briefing that none of the Committee's General Recommendations have been translated into Italian.

Singapore faced repeated questions and sharp criticism regarding what the Committee perceived as an unwillingness

to fully domesticate the Convention. Several members questioned why Singapore would be a party to the Convention and not fully incorporate it into the domestic legal system. The delegation defended the State's approach, saying its laws were aligned with the Convention and that its dualist system, by which domestic laws take precedence, was used and respected by many other countries.

The Committee noted that gaps remained between the Convention and domestic law in Djibouti, due in part to the religious aspects of laws in the country. Examples cited include the exception to the minimum age of marriage of 18 years, and the lack of prosecutions for female genital mutilation. The delegation acknowledged that Djibouti lagged behind other countries.

Political participation of women

The Committee acknowledged the progress made regarding the political participation of women in Djibouti, welcoming the introduction of a 10 percent quota on candidate lists of political parties and 20 percent quota in senior civil service posts. However, the Committee was clear that the quotas were too low and expressed concern at the overall weak representation of women, in particular in decision making positions.

In its review of Nepal, the Committee welcomed the resolution of the House of Representatives calling for 33 percent representation of women in all parts of the State structure. However, reports that women compose only 13 percent of the civil service and have low participation in other fields have led several Committee members to question whether the quota was effective. The Committee also expressed concern at the temporary nature of the measure and the particularly low levels of participation of Dalit and indigenous women. The delegation of Nepal defended progress made from only 2 to 3 percent rate of female representation in the civil service.

The Committee praised Zambia's attainment of the 50 percent threshold for women's participation in decision-making positions in the High Court and Supreme Court. However, the Committee also expressed concern at the lack of temporary special measures in place to promote women's participation in political life more broadly.

Sexual orientation and gender identity

Singapore faced repeated questions from a number of Committee members on numerous inequalities faced by sexual minority women. The delegation continuously avoided the questions or tried to minimise the extent of discrimination. NGOs present during the dialogue were pleased at the extent to which the Committee held Singapore accountable on this issue, and the responsiveness of Committee members to the intersectional aspects of discrimination on the basis of SOGI.

The Committee followed up on discrimination against sexual minority women in Korea, which had been raised in NGO

submissions² and during the NGO briefing. However, the Korean delegation ignored the repeated questions posed by Committee members on whether the country's new anti-discrimination legislation would prohibit discrimination based on SOGI.

The Committee also addressed the issue in the dialogue with Costa Rica, citing NGO reports that lesbian women face extreme harassment, violence and arbitrary detention. The Committee questioned the delegation about the role of Catholicism in perpetuating discrimination. The delegation argued that a recent referendum, which had rejected same-sex unions, implied a change of mindset was required to enable progress. The Committee criticised Costa Rica's approach of waiting for the general population to become more progressive rather than enacting legislation to protect rights. It urged Costa Rica to launch a public sensitisation campaign, and to provide training to law enforcement officials and health service providers.

Trafficking

Trafficking was raised as a major concern with every State party under review. The Committee commended Ethiopia for its efforts to combat trafficking but also criticised the State for not working together with neighbouring countries, failing to address the root causes, and, citing outside sources, for having a 'dismal' track record with regard to prosecutions and punishment.

Italy was praised for elaborating its first national action plan against human trafficking. However, the Committee cited NGO reports that the trafficking law was being interpreted restrictively and some victims were being excluded. Furthermore, the Committee urged Italy to review a 2009 law that made illegal immigration a criminal offence so as to ensure trafficking victims do not fall into the category of irregular or illegal migrants.

The Committee remarked that the legal framework governing trafficking in Zambia was neither strong enough nor defined clearly enough. Additionally, the Committee said challenges remain regarding the implementation and monitoring of counter trafficking mechanisms. Finally, the Committee highlighted the issue of trafficking through marriage and child brokers.

The Committee devoted considerable attention to the issue of trafficking in Nepal, which the delegation acknowledged was still a major problem, despite numerous initiatives to try and combat the problem. However, the delegation denied allegations made by various outside sources that some Nepalese officials were involved in facilitating trafficking.

DRAFT GENERAL RECOMMENDATIONS

The Committee held a general discussion on women in armed conflict and post-conflict situations in an open meeting on

18 July 2011 to gather input from NGOs, specialised agencies and other UN bodies, as the Committee elaborates a general recommendation on the topic. The Working Group on the human rights of women in conflict and post-conflict situations is reportedly in the initial stages of the drafting process.³

A concept note circulated in advance of the general discussion outlined four critical thematic areas: access to justice, women's participation in peace building processes, violence against women, and women's economic opportunities in the post-conflict setting.

Statements were delivered by the following keynote speakers: Ms Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict; Ms Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict; Ms Rashida Manjoo, Special Rapporteur on violence against women, its causes and consequences; Mr Juan Mendez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Ms Jessica Neuwirth, Coordinator of the high-level panel on remedies and reparations for victims of sexual violence in the DRC.

The general discussion was well attended by NGOs and UN agencies, and more than 30 written submissions were received beforehand. Some of the principle issues addressed in the interventions included impunity, stigma, reparations, female combatants, participation in post-conflict reconstruction, root causes of sexual violence, intersectionality, and a gender-sensitive approach to disarmament, demobilisation and reintegration programmes. The Office of the United Nations High Commissioner for Refugees urged the Committee to ensure its work on the general recommendation does not delay work on the general recommendation on displaced and stateless women.⁴

OTHER DEVELOPMENTS

The Committee reported it is continuing its work on a general recommendation on access to justice, and a joint general recommendation with the Committee on the Rights of the Child on practices considered to be harmful to women and girls.

The Committee decided to establish a Working Group on working methods, to reduce Lists of Issues to no more than 20 questions and to impose a 25-page limit for replies. The Working Group will also consider ways of strengthening the role of the country rapporteurs and to ensure a more effective constructive dialogue. ■

² <http://bit.ly/nzHMmQ>.

³ The Working Group's name was changed to drop 'armed' from the title, to better reflect the range of relevant issues and prevent States from shielding themselves from criticism through international laws governing the treatment of civilians in armed conflict.

⁴ More complete coverage of the general discussion, by Women's International League for Peace and Freedom, can be found at <http://bit.ly/ptrcHo>.