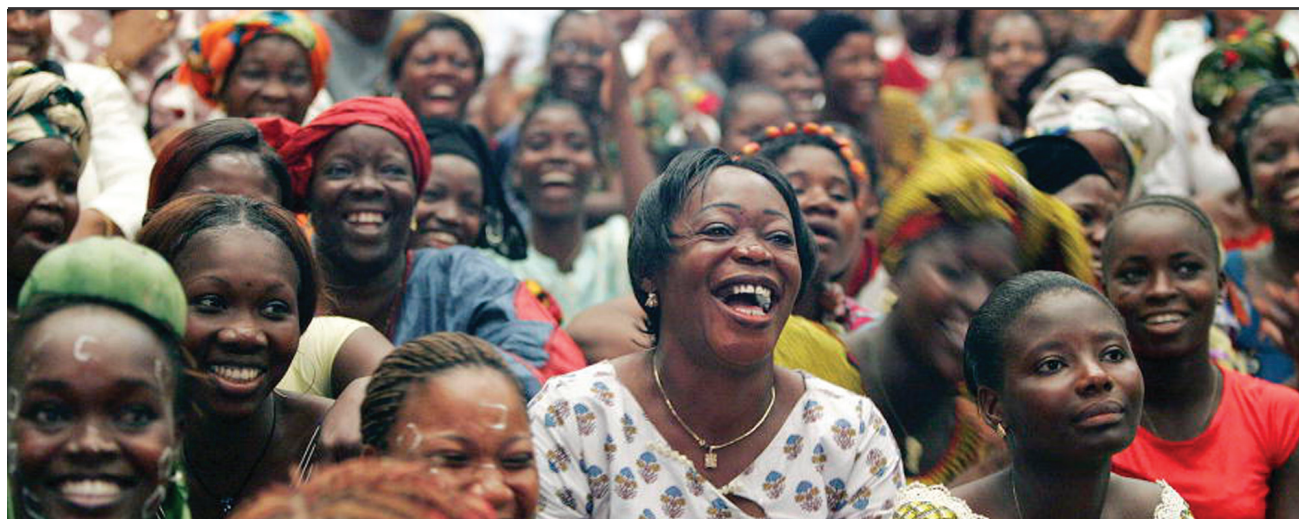


COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN



The Committee on the Elimination of Discrimination against Women (the Committee) held its 45th session in Geneva from 18 January to 5 February 2010. During the session, the Committee considered reports from eight State parties to the Convention on the Elimination of All Forms of Discrimination against Women (the Convention): Botswana, Egypt, Malawi, Netherlands, Panama, Ukraine, United Arab Emirates (UAE) and Uzbekistan. Generally, the session was fruitful and saw interactive discussion on the most pertinent issues. Key common themes to emerge from the diverse examinations included the legal status and domestic implementation of the Convention; stereotypes and traditional values; violence against women and trafficking; and health, with a focus on sexual and reproductive health. Other notable developments included an informal meeting with non-governmental organisations to discuss their interactions with the Committee and the Committee's issuing of a statement on the situation in Haiti.

The quality and commitment of State delegations to the process varied greatly; while the majority of States approached the examination in a spirit of constructive dialogue, the Uzbekistan and Dutch delegations were less open to engagement with the Committee. In the cases of Botswana and Malawi, a greater impediment to useful dialogue was the absence of legal and cross-departmental technical expertise, which resulted in incomplete responses to the Committee's questions. Delegations were generally gender-balanced (especially notable were the Dutch and UAE delegations); and the size of delegations ranged from five members (Malawi and Uzbekistan) to over twenty in the cases of Egypt, UAE and the Netherlands.

NGO participation in the 45th session

The Committee held its two regular open meetings with members from NGOs and national human rights institutions¹ on 18 and 25 January 2010.² With the exception of Uzbekistan and the UAE, all the other State parties to be examined had representatives from national NGOs presenting oral statements during the informal meetings with the Committee. Uzbek activists were not present for fear of reprisals but had submitted information. By contrast, no national NGO presented alternative information in the case of UAE due to a lack of organised civil society. Overall, 17 high quality NGO reports were submitted, including seven reports from coalitions and networks of NGOs.³

The Committee welcomed these contributions, stressing the importance of civil society involvement at all levels of the Committee's work. While serious concerns were expressed regarding the absence of Uzbek representatives, the public statement⁴ on the Committee's cooperation with NGOs failed to reflect the issue of the protection of human rights defenders.

¹ Only one national human rights institution, from the Netherlands, attended the meeting on 25 January 2010.

² On 18 January 2010, NGOs made oral statements on the examinations of Malawi, Uzbekistan, and Ukraine. The meeting on 25 January 2010 was devoted to presentations from NGOs on UAE, Botswana, Egypt, Netherlands, and Panama.

³ Botswana Council of non-governmental organisations (BOCONGO), Egyptian NGOs CEDAW Coalition, Alliance for Arab Women, Dutch CEDAW Network, Dutch Network, Women Consortium of Ukraine, and Coalition of Uzbek Women's Rights.

⁴ 'Statement by the Committee on the Elimination of Discrimination against Women on its relationship with non-governmental organizations, 45th

The Committee referred to NGO reports during its examination of all State reports, relying in particular on alternative information in relation to issues of Roma women (Ukraine); migrant domestic women workers (UAE); and sexual minorities (Panama).

THEMES

Legal status of the Convention

The legal status of the Convention in the domestic law of States was considered by the Committee in every session, and is essential to its overall assessment of implementation at the national level. Questions to States included whether the definition of non-discrimination in national constitutions and relevant legislation is consistent with Article 1 of the Convention,⁵ and the extent to which courts are able to invoke or give primacy to the Convention's provisions.⁶

The gap between ratification of the Convention and the incorporation of the Convention's provisions into domestic law was especially evident during the examination of Malawi.⁷ Committee members highlighted the slow progress made in enacting bills on gender equality, and inquired into domestic processes for implementing the Convention, as well as any structural or capacity obstacles facing Malawi that may have contributed to this delay. As in the case of Uzbekistan,⁸ Committee members stressed the importance of the role of the Gender Ministry in actively prioritising gender equality legislation before Parliament.

The Committee also considered the adverse impact of local practices on the implementation of the Convention, with attention to the relationship of customary law to the Constitution and the mechanisms available to women alleging discrimination under customary law in Botswana as one example.

Stereotypes and traditional values

During its 45th session, the Committee drew particular attention to the question of the impact of stereotypes and traditional (including patriarchal) values on the enjoyment by women of their rights. This was notable on the issues of women's access to certain professions (Panama); women's participation in political life (Egypt); access to education (Malawi) and the constraints imposed by cultural stereotypes in these areas.

session', available at <http://www2.ohchr.org/english/bodies/cedaw/docs/statements/NGO.pdf>

⁵ Hyperlink to examination of UAE.

⁶ ISHR report on CEDAW's examination of Uzbekistan, available at <http://www.ishr.ch/treaty-body-monitor/cedaw/654-ishr-report-on-cedaws-examination-of-cedaw-20-january-2010>

⁷ ISHR report on CEDAW's examination of Malawi, available at <http://www.ishr.ch/treaty-body-monitor/cedaw/658-ishr-report-on-cedaws-examination-of-malawi-22-january-2010>

⁸ ISHR report on CEDAW's examination of Uzbekistan, available at <http://www.ishr.ch/treaty-body-monitor/cedaw/654-ishr-report-on-cedaws-examination-of-cedaw-20-january-2010>

The Committee systematically reflected on the dynamic nature of cultural norms and traditional values in every society, arguing that these are not static but subject to change.⁹ It further emphasised that States cannot invoke cultural relativism to justify discriminatory practices or attitudes towards women, inquiring for example whether the UAE and Egypt¹⁰ are considering withdrawing their reservations to Article 2 of the Convention, (which cite the inconsistency of the Article with Shariah law).¹¹ In other cases, the Committee stated that the proliferation of legislative and institutional reforms is not sufficient to bring about cultural changes (Ukraine, Botswana).

States reviewed were encouraged to undertake serious measures such as enhancing public and political representation and participation of women, revising educational materials, and involving civil society, media and advertising in awareness raising campaigns in order to combat stereotyped representations of women and accomplish de facto gender equality (Uzbekistan, Egypt, UAE, Ukraine, Panama).

Another key issue related to the stereotyping of women belonging to minorities, indigenous populations and other vulnerable groups (Panama, Ukraine, UAE).

Violence against women

The members of the Committee adopted a holistic approach when considering information provided by States in relation to violence against women. In reference to its General Recommendation 12,¹² the Committee stressed the need for national reports to supply information on a wider spectrum of forms of violence against women, and identified the following as examples requiring additional attention: marital rape (Botswana, Egypt, UAE); harmful traditional practices such as early marriages, forced marriages, bride kidnapping (Egypt); violence against women in prisons and detention centres (Egypt); female genital mutilation and honour killings (Egypt, UAE); sexual harassment in the work place (Panama, Egypt, Ukraine) and of young girls in schools (Malawi); corporal punishment of young girls (Malawi, UAE); and violence against women journalists and human rights defenders (Uzbekistan, Egypt).

In addition, the Committee focused on States' efforts to set out effective preventive measures to combat violence against women and ensure access to prosecution offices, legal aid, medical and psychological assistance, rehabilitation and reintegration centres and remedies for female victims. Special attention was given to the effectiveness of sanctions and to the

⁹ Examinations of Ukraine, Egypt, Uzbekistan, Malawi.

¹⁰ ISHR report on CEDAW's examination of Egypt, available at <http://www.ishr.ch/treaty-body-monitor/cedaw/661-ishr-report-on-cedaws-examination-of-egypt-28-january-2010>

¹¹ The Committee members underlined that other Arab countries, part of the same religious sphere, have gradually withdrawn reservations to various articles of CEDAW.

¹² CEDAW General Recommendation No. 12 on violence against women, available at <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>

introduction in certain countries (Ukraine, UAE) of corrective programmes for perpetrators of violence against women.

Health

The Committee's comprehensive questions under Article 12 focused on issues of sexual and reproductive health and sought to underline the interdependency of high standards of health with the realisation of other Convention rights so as to address the 'fundamental causes' of health problems. In Malawi's review,¹³ for example, Committee members highlighted the connections between high maternal mortality rates and the widespread practice of unsafe abortions,¹⁴ and between efforts to combat HIV/AIDS and illiteracy among women and underlying traditional practices and gender stereotypes. The Committee also emphasised a connection between the realisation of women's right to health and States' wider development and poverty reduction strategies (Botswana, Malawi).

At times, however, questions appeared to be asked as a matter of routine, including notably on the issue of HIV/AIDS in Botswana, and on the provision of mental health care services for women in all examinations. Other issues discussed included malnutrition (Uzbekistan); adequate provision of rural health services (Malawi); and tuberculosis among Roma women (Ukraine).

Women migrant domestic workers

Of particular concern in the examination of the UAE was the question of severe discrimination affecting women migrant domestic workers, predominantly from South Asia, who were vulnerable to abuse and exploitative practices, physical or sexual violence, malnourishment, poor access to health care, home confinement, and exclusion from domestic labour laws. The Committee recommended that the UAE establish an effective enforcement mechanism to improve the situation of this specific group.¹⁵

Other thematic issues

Other issues raised in State examinations included reservations to the Convention (Egypt); polygamy (Uzbekistan, Malawi, Botswana, Egypt); women's land ownership and property rights (Ukraine, UAE, Malawi); women's access to credit (Botswana, Malawi); access of rural women to information technology (Panama); ensuring rights of older women (Panama, UAE); and witchcraft (Malawi). The Committee called for more extensive and disaggregated statistics in the areas of health, violence against women and stereotypes in all State examinations.

¹³ ISHR report on CEDAW's examination of Malawi, available at <http://www.ishr.ch/treaty-body-monitor/cedaw/658-ishr-report-on-cedaws-examination-of-malawi-22-january-2010>

¹⁴ This issue was raised in almost every State examination during the session.

¹⁵ The NGO Mafiwasta describes this as 'conditions of forced labour' in the 2009 CEDAW Shadow Report: The United Arab Emirates, p. 5.

OTHER DEVELOPMENTS

Unlike the practice of most other human rights treaty bodies, the majority of CEDAW's discussions on working methods or other developments took place in closed sessions. However, CEDAW did hold an important open meeting with NGOs to discuss their interactions with the Committee, including in relation to NGO submissions to the pre-session working group and the plenary sessions, to the new follow-up procedure, to the Optional Protocol, and to participation in briefings.¹⁶ While the Committee's outcome public statement failed to adequately address NGOs' concerns related to the physical protection of human rights defenders, it nonetheless showed significant progress in the Committee's willingness to endorse webcasting and videoconferencing, thus facilitating better and possibly safer NGO engagement with the Committee.¹⁷

The Committee also issued a statement on the situation in Haiti in response to the 12 January earthquake, emphasising the need for inclusion of a gender perspective in all humanitarian relief efforts and the importance of the full participation of women in decision-making processes relating to the long-term reconstruction of Haiti.¹⁸

During the session Committee members made frequent references to the work of other treaty bodies and the universal periodic review (UPR) mechanism, including for example the recommendation in the UPR that the UAE establish a national human rights institution.¹⁹ The Committee also called upon States to accept the amendment to Article 20(1) of the Convention so as to extend its annual meeting time to three sessions per year of three weeks each, and to ratify the Optional Protocol to the Convention.

For information on the upcoming 46th session of the Committee, see the 'Upcoming opportunities for NGO engagement' section of this publication. ■

¹⁶ 'CEDAW holds informal meeting with NGOs to discuss interaction, 19 January 2010', available at <http://www.ishr.ch/treaty-bodies/652-cedaw-holds-informal-meeting-with-ngos-to-discuss-interaction-19-january-2010>

¹⁷ 'Statement by the Committee on the Elimination of Discrimination against Women on its relationship with non-governmental organizations, 45th session', available at <http://www2.ohchr.org/english/bodies/cedaw/docs/statements/NGO.pdf>

¹⁸ Available at <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>

¹⁹ Other examples included reference to the Human Rights Committee recommendation on training of law enforcement personnel (Ukraine) and the UPR recommendation on corporal punishment of girls in schools (Botswana).