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Commission on the Status of Women

Fifty-fourth session

1-12 March 2010

Agenda item 3 (a)

Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: review of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session and its contribution to shaping a gender perspective in the realization of the Millennium Development Goals

Commemorating 30 years of the Convention on the Elimination of All Forms of Discrimination against Women

Moderator’s summary

1. At its 12th meeting, on 5 March 2010, the Commission on the Status of Women held an interactive panel discussion on the theme “Commemorating 30 years of the Convention on the Elimination of All Forms of Discrimination against Women”. The session was moderated by Mr. Takashi Ashiki, Vice-Chair of the Commission. The panellists were: Ms. Dubravka Šimonovi , member of the Committee on the Elimination of Discrimination against Women; Ms. Sapana Pradhan Malla, a practicing lawyer and member of the Constituent Assembly of Nepal; and Mr. Andrew Byrnes, professor of law at the University of New South Wales, Sydney, Australia. An issues paper prepared by the Division for the Advancement of Women provided the framework for the discussion.

2. Thirty years after its adoption, the Convention on the Elimination of All Forms of Discrimination against Women remains essential to efforts to eliminate discrimination against women and promote women’s human rights. Participants reaffirmed the Convention’s importance and relevance in providing a comprehensive framework for women’s equal enjoyment with men of civil, political, economic, social and cultural rights. The Convention is a dynamic instrument that responds to changing times. The Committee on the Elimination of Discrimination against

Women has made a major contribution to the implementation of the Convention, including through its concluding observations on the reports of States parties. Its general recommendations provide a rich source of legal and policy guidance, and the Committee should continue this work, with support from all stakeholders. The goal of universal ratification of the Convention must be realized, and all stakeholders, including all Government branches, should commit to full implementation of the Convention.

Convention in their judicial opinions and in developing jurisprudence on women's human rights, including in cases dealing with violence against women, sexual harassment, inheritance, employment and other areas. In a number of instances, successful litigation resulted in law reform efforts to promote women's human rights. Efforts to develop national jurisprudence that draws on the principles of the Convention should therefore be intensified.

7. The Committee has made important contributions to international human rights law and practice, including through its jurisprudence in a number of cases under the individual complaints procedure of the Optional Protocol to the Convention, particularly those involving violence against women. Given the importance of this work of the Committee, the limited utilization of the Optional Protocol was noted and more expanded and increased use of the Optional Protocol should be pursued. The number of ratifications to the Optional Protocol should increase, as should its use. Civil society groups have an important role to play in enhancing the use of the Optional Protocol. The inadequate or partial implementation of the decisions and recommendations of the Committee under the Optional Protocol should be remedied, and the importance of respecting and implementing the Committee's decisions should be recognized by all concerned States parties.

8. The law-making and oversight functions of parliaments make them strategically well placed to play a key role in the implementation of the Convention. The Committee encourages parliaments to take a more active role nationally in promoting and monitoring implementation of the Convention, and in providing information to the Committee, where appropriate. National human rights institutions are important in scrutinizing the performance of Governments, providing redress, initiating policy reform and providing information to the Committee, and the Committee encourages their work in support of the implementation of the Convention.

9. Non-governmental organizations have a critical role in the implementation of the Convention. Non-governmental organizations alert States to their obligations under the Convention, assess laws, programmes and policies and evaluate compliance with the Convention. Non-governmental organizations often create awareness and give publicity to the provisions of the Convention, as well as to the

their rights by many women and of the procedures by which to commence legal proceedings, as well as women's lack of capacity to claim their rights, also constitute ongoing challenges.

11. Greater efforts are thus needed to repeal discriminatory laws, and to ensure the effective implementation of laws and policies to promote women's human rights in line with the Convention, including the provision of an adequate budget and of monitoring and evaluating mechanisms. National action plans and strategies should reflect the full scope of the Convention and the Platform for Action. Law reform bodies should systematically draw on the Convention and on the Committee's work. Addressing discriminatory attitudes and gender stereotypes must be a key element in all efforts to achieve the realization of women's human rights. The education and training of judges, lawyers, human rights defenders and other relevant personnel on matters related to the Convention remains crucial. Mechanisms to guarantee women's access to justice must be expanded.

12. The large number of reservations to the Convention remains a cause for concern. The Committee has stressed that reservations to specific articles of the Convention, in particular articles 2 and 16, are incompatible with the object and