

**Intervention by
Carolyn Hannan
Director, Division for the Advancement of Women**

**at the
Beijing +10 Campaign on Discriminatory Laws and
Implementation of the Beijing Platform for Action
Convened by Equality Now**

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Distinguished participants and fellow panelists

I would like to extend my sincere thanks to Equality Now for organizing this panel discussion and for inviting me to speak on the issue of discriminatory laws and the implementation of the Beijing Platform for Action.

The Division for the Advancement of Women greatly appreciates the high caliber of the work of Equality Now. This innovative organization has consistently supported United Nations activities in the field of women's human rights, both with respect to the work of the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women. Since its Beijing +5 campaign, Equality Now has worked tirelessly to encourage Governments to review and revoke laws that discriminate against women.

In my brief comments I will share some information on what the United Nations is doing in this area, including in the context of the inter-governmental review and appraisal process in the Commission on the Status of Women in 2005 and the work of the Committee on the Elimination of Discrimination against Women.

Nearly ten years ago Governments from around the world came together to elaborate the guiding principles and obligations for the protection of women's human rights in the Beijing Declaration and Platform for Action. Inspired by Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, which obligates States parties to repeal or abolish all existing laws, regulations, penal provisions, customs and practices which are discriminatory against women, a number of the Platform's strategic objectives urge Governments to modify, repeal or abolish where appropriate, those legislative provisions that negatively impact on the rights of women or girls. These objectives were more explicitly articulated during the five year follow up to the Beijing Conference in the twenty-third special session of the General Assembly in 2000. Member States were called upon to review legislation with a view to removing all discriminatory provisions, preferably by 2005, and to eliminate the legislative gaps that leave women and girls unprotected and without effective recourse against gender-based discrimination.

The ten-year review and appraisal of implementation of the Platform for Action will be carried out in Commission on the Status of Women at its forty-ninth session in March 2005. As the Secretariat for the Commission on the Status of Women, the Division for the Advancement of Women has a primary role in the review and appraisal

process. A questionnaire was sent to all Member States requesting information on the specific steps they had taken to implement the strategic objectives of the Beijing Platform for Action, including on the Critical Area of Concern on women's human rights. Currently 105 responses have been received from Governments. As the comprehensive analysis of Government responses is currently underway in the Division, it would be premature to offer substantive observations. However, based on the inputs to the annual review of thematic issues at the Commission on the Status of Women over the past five years, the information that was available at the five year review of Beijing Platform for Action in 2000, and the reports of States parties to the CEDAW Committee since 1995, we hope that it will be possible to report continued progress in the implementation of the Platform's strategic objectives in the area of law reform.

I would also like to highlight the fact that the Committee on the Elimination of All Forms of Discrimination against Women has continually monitored and assessed the issue of discriminatory laws at the national level through the reporting process under article 18 the Convention. A review of the concluding comments over the past 5 years demonstrates that positive strides have been made in the ESCAP region to eliminate *de jure* discrimination in constitutional, statutory and legislative provisions.

In the review of State party initial and periodic reports, the Committee has welcomed advancements such as the law reform initiatives undertaken to eliminate discrimination against women in employment legislation and family law (as seen in Japan and Myanmar) and in the protection of women against trafficking and domestic violence (Japan, Singapore and Sri Lanka). Vietnam has gone as far as to establish its own monitoring mechanism to ensure the conformity of legislation with international treaties. Fiji and India have similarly taken steps to implement the Convention through a wide range of laws, policies and programmes, including the constitutional guarantee of gender equality. Like Maldives, Fiji has enacted citizenship legislation in accordance with article 9 of the Convention. Sri Lanka's legal reforms have also included educational measures to eliminate gender role stereotypes. While recognizing and commending these achievements, the Committee has noted with concern the instances where discriminatory provisions remain in effect.

The Committee has also observed with concern the many areas of law of particular relevance to women's lives which are still exempt from constitutional equality provisions on the grounds that they may contradict religious or customary laws. A number of States parties in the region continue to have reservations to substantive provisions of the Convention which effectively limit its scope and reach and the ability of women to fully enjoy their rights. The Committee has continually underscored its position that articles 2 and 16 should be recognized as the "very essence of obligations under the Convention", and has accordingly requested Governments to consider the withdrawal of their reservations and the repeal of provisions that discriminate against women. Laws which perpetuate discrimination against women in purpose or in effect constitute a violation of both the spirit and letter of the Convention. Undertaking gender analysis of impacts is particularly essential where laws, although couched in gender neutral terms, have a profoundly negative impact on the lives of women and girls.

At the thirty-first session of CEDAW held in July 2004, the Committee held a general discussion and exchange of views on article 2. This extremely well attended discussion was the first of a three stage process in the drafting of a general recommendation. Participants included representatives of United Nations entities and

non governmental organizations, as well as academics, who communicated their views on what should be included in the general recommendation. In addition to the recognized importance of amendment or repeal of discriminatory laws, participants underscored the need to support legislative reforms with measures that would ensure the efficacy of these reforms. As was observed by Committee members, effective implementation of article 2 is very much linked to the enjoyment of all other rights addressed in the Convention.

In conclusion, I would like to briefly mention some current opportunities for further work on discriminatory laws. The United Nations gives considerable focus to women, peace and security, in response to the commitments made in the Platform for Action as well as Security Council resolution 1325 of 2000. Opportunities do exist in reconstruction and rehabilitation processes in post-conflict situations – particularly in the context of constitutional development and legal reform – to amend or repeal discriminatory laws. Governments, the United Nations system and NGOs should make further efforts to fully utilize this potential.

In 2003 the General Assembly requested the Secretary-General to submit a comprehensive report on all forms of violence against women in 2005. The report, and discussions and decisions which will follow in the General Assembly in 2005, will certainly have a strong focus on the need for legal reform to address discriminatory laws.

One of the activities proposed by the Bureau of the Commission on the Status of Women for the 49th session next year is a high-level panel on the synergies between national level implementation of the Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women. This will also provide an important opportunity to further consider discriminatory laws. In addition, I would suggest that Equality Now and its partners might consider holding a side event on this important topic in the context of the Commission.

I am sure that the outcome of the discussions at this panel will make a positive contribution to the preparations for the review and appraisal next year.

Thank you.