

THE INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH
(IWRAP Asia Pacific)

**Convention on the Elimination of All Forms of
Discrimination against Women**
**Twenty-fifth anniversary of its adoption by the
General Assembly of the United Nations**

CEDAW AT 25: ARE WE MOVING FORWARD

13 October 2004, 3:00 to 6:00 pm
United Nations Headquarters, New York

IMPACT OF THE CONVENTION AT THE DOMESTIC LEVEL
By Shanthi Dairiam, Director, IWRAP Asia Pacific

Madam Chair, respected members of the panel, distinguished delegates and friends,

I wish to thank the Division for the Advancement of Women for giving me the honor to speak on the experiences and perspectives of my organization, IWRAP, at this historical occasion celebrating the 25th anniversary of the CEDAW Convention at the United Nations Head Quarters in New York. IWRAP Asia Pacific, a not for profit organization, was established in Kuala Lumpur, Malaysia to promote and facilitate the implementation of the Convention nationally, regionally and internationally.

The Convention is a human rights treaty and hence carries with it the strength of a treaty which I elaborate as follows:

(i) The treaties create obligations that are legally binding on states. These obligations include:

- a set of normative values, principles and standards and in the case of CEDAW, these principles pertain to equality and non discrimination;
- a set of detailed substantive commitments that States Parties have to make ;
- obligation to submit initial and periodic reports by States Parties

(ii) The treaties establishes a monitoring mechanism by

- Setting up a treaty body that monitors implementation of the treaty by individual States Parties as well as globally, and engages in standard setting for the human rights of women on a continuing basis.

All of this makes the treaties living and dynamic instruments through which the scope and content of the human rights can evolve and progress according to the jurisprudence established by the treaty body concerned.

The specific strengths of the CEDAW Convention

Apart from possessing the strength of a human rights treaty, the CEDAW Convention has specific significance. It focuses on discrimination against women and makes us go beyond conventional approaches and forces us to unravel the pernicious, structural and dynamic process of discrimination that underpins the various manifestations of inequality. Because several institutions such as the family, the market, the community and the State interact and reinforce this pernicious web of discrimination, it facilitates a denial of responsibility and justifies a state of helplessness by each of these institutions when it comes to undertaking the elimination of discrimination. The excuse is that each institution has done its work and the problem is elsewhere.

Because it is a treaty, the CEDAW Convention demands the practical realization of rights and hence compels States Parties to eliminate all forms of discrimination, intended or unintended through law, policy, practice or custom and by state or non state institutions or private persons, even if they are family members and to approach the problem holistically and collectively..

Using the CEDAW Convention

But, the Convention does not automatically confer rights on women. Its promise can only be delivered if we learn to use it effectively in practice, thereby contributing to a jurisprudence of the Convention. This is the

In particular through our work we have worked collaboratively with women's groups so that they could form constructive partnerships with their governments to eliminate discrimination against women.

Much cynicism about the Convention exists, especially as in many countries; the principles of the Convention have not been incorporated into domestic legislation. But there are many examples of the use of the Convention in spite of this. Constitutions and domestic laws have been reformed on the basis of the principles of the Convention, discriminatory laws have been challenged, the Convention has been used to interpret ambivalent provisions of the law or it has been used where the law is silent to confer rights on women and development policies have been formulated using the framework of the Convention.

I wish in particular to highlight a programme that IWRAW Asia Pacific has implemented to bring the benefits of this Convention home by improving the flow of information from the international level of legal standards to the local level, (including monitoring and facilitating the implementation of the treaty locally)

First of all this programme called " From Global to Local ", recognises that to fully enable the provisions of the treaty to be realized, it is important to enhance the process of reporting. Strengthening the

In Japan, the Osaka Appeals Court instructed that the appellants (all women) and the respondent in a labour case, reach an amicable settlement based on the principles of Equality and non- discrimination and gave specific recommendations with regard to the same. The court in its statement pointed out that national action must concur with international efforts towards the elimination of sex discrimination. The appellants had made specific reference to CEDAW's Concluding Comments to Japan which pointed out the flaw in the guidelines in Japan's Equal Employment Opportunity Law as lacking

ratifications so has a universal recognition and mandate for equality. Congratulating new members of the CEDAW Committee, elected in August 2004, Mr Effah-Appenteng, chair person of the States Parties meeting., said that “The Convention had established the guidelines critical for the advancement of women and enjoyment of their fundamental human rights. But, 25 years after its adoption, discrimination against women was still rife, as they continue to suffer avoidable challenges by virtue of their gender”. Hence States Parties, UN agencies, other international bodies, donors and NGOs need to pay rs of0.119 the 3(