

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

35th Session (New York, 15 May to 2 June 2006)

Overview of the Committee Session¹

The 35th session of the Committee on the Elimination of Discrimination against Women (the Committee), which monitors the implementation by States of the Convention on the Elimination of all Forms of Discrimination Against Women (the Convention) considered the reports submitted by Bosnia and Herzegovina, Cyprus, Guatemala, Malawi, Malaysia, Romania, St. Lucia, and Turkmenistan. Bosnia and Herzegovina, Malaysia, Saint Lucia and Turkmenistan reported to the Committee for the first time, while the other four States presented periodic reports.

Non-governmental organisations (NGOs)

All countries whose reports were considered by the Committee were represented by NGOs, who submitted both oral statements and shadow reports. International Women's Rights Action Watch-Asia Pacific (IWRAP-AP) played a facilitating role in enabling NGOs to attend the session and assisting with the preparation of shadow reports. IWRAP-AP estimated that approximately ninety percent of the NGOs in attendance had the session had come through their organisation.

On 16 May 2006 the following groups presented and/or submitted shadow reports: Global Rights: Partners for Justice and the Women's Therapy Centre with respect to Bosnia and Herzegovina², International Women's Rights Action Watch (IWRAP) with respect to Turkmenistan³, *Comite de America Latina y el Caribe para la Defensa de los Derechos de la Mujer* (Latin American and Caribbean committee for the defence of women's rights, CLADEM) with respect to Guatemala⁴, Women and Law in Southern Africa Research and Educational Trust-Malawi (WiLSA-Malawi), the Centre for Human Rights and Rehabilitation, and the National Association of Business Women with respect to Malawi.⁵ In all cases with the exception of Turkmenistan, the NGOs involved were based in the countries concerned. IWRAP was approached by individuals who did not wish to be identified and asked to prepare a report on Turkmenistan as no organisation within the country was in a position to do so. A single side event took place with respect to the first week of the session: Amnesty International screened the film *A Killer's Paradise* during the lunch break on the day Guatemala was before the Committee. The film was a graphic depiction of femicide in Guatemala and involved interviews with victims' families, police, and even one man who admitted to having murdered a number of women. The film focused on impunity and the lack of thorough investigations. One member of the Committee was in attendance.

On 21 May 2006, the following groups presented and/or submitted reports: the Mediterranean Institute for Gender Studies with respect to Cyprus,⁶ the National Council for Women's Organisations (NCWO) and Sisters in Islam with respect to Malaysia⁷, the National Association of Women with respect to St. Lucia⁸, the Women's Association of Romania, the European Roma Rights Centre and Roma CRISS with respect to Romania.⁹ No parallel events were held in the second week of the session.

It was evident from the constructive dialogue that the Committee used the materials provided by NGOs to assist them in forming questions. Alternative reports were, at times directly referred to

¹ Press Release: <http://www.un.org/News/Press/docs/2006/wom1566.doc.htm>

² http://www.iwraw-ap.org/resources/pdf/Bosnia&Herzegovina_SR.pdf

³ <http://iwraw.igc.org/publications/countries/turkmenistan.htm>

⁴ http://www.iwraw-ap.org/resources/pdf/Guatemala_SR.pdf

⁵ http://www.iwraw-ap.org/resources/pdf/Malawi_SR.pdf

⁶ http://www.iwraw-ap.org/resources/pdf/Bosnia&Herzegovina_SR.pdf

⁷ http://www.iwraw-ap.org/resources/pdf/Malaysia_SR.pdf

⁸ http://www.iwraw-ap.org/resources/pdf/St_Lucia_SR.pdf

⁹ [http://www.iwraw-ap.org/resources/pdf/Romania\(1\)_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Romania(1)_SR.pdf)

[http://www.iwraw-ap.org/resources/pdf/Romania\(2\)_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Romania(2)_SR.pdf)

during the constructive dialogue, and in most instances governments were questioned on issues raised in the NGO oral presentations.

Topics Addressed

Although the Committee addressed the Convention in its entirety, there was a noticeable emphasis on: the status of the Convention in domestic law and its use within domestic courts, harmonisation between domestic law and international agreements, and human trafficking. The Committee was also very interested to hear about methods in place to increase the representation of women in political life and, under the topic of domestic violence on the criminalisation of marital rape and sexual harassment. In its Concluding Comments, the Committee repeatedly emphasised the fact that countries would be unable to achieve the Millennium Development Goals (MDGs) without full compliance with the Convention. One topic that was almost entirely absent was that of sexual orientation. This topic was raised very briefly in the NGO statements by a representative from a Malaysian NGO, but was not addressed in the shadow report. A Committee member sought further information during the NGO dialogue, did not receive a very thorough response, and the topic was not raised in the constructive dialogue. With respect to the technical requirements of the reports, the Committee was very clear in expressing its disappointment with countries who submitted their reports late, those who did not follow the guidelines regarding the format of the report, and those who gave insufficient, outdated or not sufficiently disaggregated data. The Committee also made frequent mention in its Concluding Comments of the inadequate level of reference to General Comments in the reports. The Committee called for all those who had not ratified the Optional Protocol to do so, and also repeatedly raised the ratification of an amendment allowing for changes to the Committee's meeting times.

Level of Scrutiny

The level of scrutiny was quite high, although there was a palpably more friendly and forgiving tone with countries submitting their first reports, and, with those who were frank and open in the dialogue. The tone of the constructive dialogues with Romania and Bosnia and Herzegovina, for example, appeared to be truly in the spirit of a constructive dialogue and the themes were of inquiry and assistance. The Committee provided a great deal of encouragement to the delegation from Bosnia and Herzegovina welcoming the tremendous progress they had made in difficult circumstances and calling for the strengthening of the national women's machinery. St. Lucia was also positively received for their frankness and the initiation of a Constitutional review, however, the Committee called for clarification of the legal status of the Convention and for temporary special measures. The Committee was more critical in the case of Malaysia, welcoming advances in education, but expressing strong criticism regarding reservations, the lack of reference to CEDAW in the courts, and conflicting legal systems. The encouraging tone was all but absent in the case of Turkmenistan, also submitting for the first time, where the Committee was disappointed with the lack of data in the report and found it difficult to gain a clear sense of the situation in the country.

When it came to countries submitting periodic reports, the Committee tended to be more frank and less forgiving when it came to delays. Although the Committee was highly appreciative of Malawi's openness, for example, they were critical of the slow pace of legislative change. Similar comments were made regarding Guatemala, where, although fewer questions than expected were directed towards femicide, the issue was strongly addressed in the Concluding Comments. As noted earlier, the Committee seemed pleased with Romania's progress and presentation, and urged the delegation to continue implementing its reforms and to document progress in its next report. The Committee was also pleased with the advances in Cyprus but highlighted concerns regarding trafficking and women's representation. Interestingly, a comment by the chief delegate that 99 percent of asylum seekers are illegitimate was not followed up on by the Committee.

General Comments

During the second week of the session half a day was set aside for a closed discussion on the topic of a General Comment on migrant women, however, no information about this was made

public.

Other Issues

Although not a substantive issue, it needs to be noted that in some cases language was a barrier in the constructive dialogue. With respect to Bosnia and Herzegovina, for example, there was linguistic confusion with respect to the terms equity and equality which led to misunderstandings between the Committee and the delegation. The term 'sexual harassment' was also used in the place of rape and sexual assault. In the case of Guatemala, the official translation (from Spanish to English) was in error, translating 'femicide' as 'genocide.'

Committee Membership

Current members of the Committee are as follows: Magalys Arocha Dominguez (Cuba), Meriem Belmihoub-Zerdani (Algeria), Dorcas Coker-Appiah (Ghana), Mary Shanthi Dairiam (Malaysia), Cornelis Flinterman (Netherlands), Naela Mohamed Gabr (Egypt), Françoise Gaspard (France), Huguette Bokpe Gnacadja (Benin), Salma Khan (Bangladesh), Tiziana Maiolo (Italy), Rosario G. Manalo (Philippines), Krisztina Morvai (Hungary), Pramila Patten (Mauritius), Silvia Pimentel (Brazil), Victoria Popescu (Romania), Fumiko Saiga (Japan), Hanna Beate Schöpp-Schilling (Germany), Heisoo Shin (Republic of Korea), Glenda P. Simms (Jamaica), Dubravka Šimonovic (Croatia), Anamah Tan (Singapore), Maria Regina Tavares da Silva (Portugal) and Zou Xiaoqiao (China). The Committee Chair is Ms. Manalo.