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SIXTH INFORMATION SEMINAR ON PARLIAMENTS AND CEDAW

Addressing Laws that Discriminate against Women
(Geneva, 16 October 2008)

REPORT

The sixth Information Seminar on Parliaments and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was held on 16 October 2008, jointly organized by the Inter-Parliamentary Union (IPU) and the Office of the High Commissioner for Human Rights (OHCHR).

The seminar aimed at providing members of parliament with (1) a general introduction to the main provisions of the CEDAW and its Optional Protocol; (2) a general overview of the role of Parliament with regard to CEDAW and its reporting process; (3) examples of good parliamentary practices. In addition, the sixth information seminar included a special debate on the question of discriminatory legislation, which is covered by article 2 of the Convention.

The seminar targeted in particular members of parliaments from those countries whose periodic report has been considered by the United Nations Committee on the elimination of discrimination against women (the Committee) in the course of 2008 or will be considered in 2009. More than 100 members of parliament from more than 45 countries attended the meeting. The meeting's agenda and list of participants is annexed.

Opening of the meeting

Ms. Pia Cayetano, President of the IPU Coordinating Committee of Women Parliamentarians, and Senator from the Philippines opened the meeting and welcomed participants.

The recent experience of the Committee on the Elimination of Discrimination against Women has highlighted the important role that parliaments can play in overseeing the implementation of human rights treaties. However, in order for Members of parliaments to be effective in their jobs, they must have an accurate understanding of the specific obligations contained in international treaties. They must, moreover, be aware of the actions taken by their governments to implement the necessary provisions. The state reporting procedure, which requires States Parties to submit periodic reports every four years to the UN Committee on the Elimination of Discrimination against Women, is a crucial element of the enforcement mechanism under CEDAW, and parliamentarians must become more involved in the reporting process, and especially in the follow up to the Committee's concluding observations. A main aim of the seminar is thus to initiate a dialogue amongst parliamentarians, giving them the opportunity to share their experiences and find ways of overcoming the challenges they face.

Ms. Jane Connors, Senior Human Rights Officer of the Office of the High Commissioner for Human Rights, welcomed participants on behalf of the OHCHR.

Discrimination is a systematic violation of rights that continues to affect every country and every region. Despite the regime of international law which has been constructed over the past fifty years to combat discrimination, women remain among the least protected. CEDAW, adopted in 1979, was the first mechanism to speak directly to women. Under the substantive articles of the Convention, States Parties are committed to eliminating both direct and indirect forms of discrimination against women in all of the political, economic, social and cultural sectors. CEDAW, furthermore, protects against discriminatory practices in both the public and the private sphere, including within the family, and requires States Parties to take action against non-state actors, in particular individuals and corporations. CEDAW is therefore based on the understanding that human rights are interdependent and indivisible. This makes the Convention a unique and potentially transformative tool that parliamentarians need to learn how to use in order to combat discrimination and violence in a number of contexts.

Dr. Theo-Ben Gurirab, President of the Inter-Parliamentary Union, Speaker of the National Assembly of Namibia, greeted participants.

Discrimination against women remains a cross-cutting issue, and the efforts of both men and women are needed to drive this issue. Despite the accomplishments made by the international community in recent years to combat discrimination, there are still gaps in progress. Parliaments need to work together with national and international organizations, as well as with each other, to encourage greater ratification and implementation of CEDAW and its Optional Protocol.

Mr. Anders Johnsson, Secretary General of the IPU, concluded by saying that inter-parliamentary conferences provide a good opportunity for parliamentarians to interact, and greater attendance at these conferences is a sign of growing commitment amongst parliamentarians to implement the Convention and combat discrimination.

Session 1 Introducing the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol

- Why a Convention on discrimination against women? What rights? What obligations?
- Why an Optional Protocol to the Convention? What rights? What mechanism?

Ms. Gaspard, Vice-President of the Committee for the Elimination of Discrimination against Women provided a general introduction to the CEDAW. Ms. Connors, Senior Human Rights Officer of the Office of the High Commission for Human Rights provided an introduction to the Optional Protocol to the CEDAW.

General introduction to the CEDAW

Prior to the 1975 World Conference on Women, women's rights were mainly addressed in the context of individual human rights treaties, with the primary focus placed on women's civil and political rights, such as those pertaining to suffrage, citizenship and marriage. As this fragmented approach to women's rights failed to appropriately address issues of discrimination, the need was expressed for a comprehensive general treaty which would encompass all forms of discrimination and provide a mechanism for redress.

CEDAW is often referred to the international bill of rights for women. It is a unique instrument, thanks to several elements which include:

- CEDAW is considered an innovative and ambitious treaty. It is broad based in the sense that it recognises that violations of women's human rights occur in all areas of life.
- The Convention is not a 'neutral' treaty. It does not refer to equality in a vague sense but takes as a basis that discrimination exists. It therefore requires States to act continuously to ensure that the rights of women are upheld.
- The Convention refers to both *de jure* and *de facto* equality between men and women. That is, the Convention is interested in how equality is actually implemented, in addition to it being an element of public law.
- The Convention specifically refers to discrimination in both public and private spheres, and aims to eradicate discriminatory legal practices in the public sphere as well as discriminatory cultural

norms which sustain a gendered division of labour and stereotypical gender roles in the private sphere. It is based on the principle that inequality in public life is directly linked to inequality in private life.

- Under the Convention, States parties bear responsibility for both private individuals and companies acting in a discriminatory manner

Similar to other human rights instruments, CEDAW establishes a treaty body, the Committee on the Elimination of Discrimination against Women, which is mandated by State Parties to oversee the implementation of the Convention. The Committee is composed of twenty-three members from every region of the world. It generally meets three times a year to review and consider periodic State reports, and issues concluding comments at the end of each session. Parliamentarians should be aware that the Committee also accepts shadow reports submitted by NGOs, and finds them to be a useful source of information in their efforts to assess both *de jure* and *de facto* equality.

Parliamentarians must take an active part in the dialogue between the Committee and the States Parties as, in the majority of countries, parliaments are the driving force behind the adoption and implementation of legislation. Under CEDAW, State Parties are required to bring their standards into line with the provisions outlined in the Convention. It is thus pre-supposed that changes to national legislation will be made following the recommendations made by the Committee to the States Parties. Parliamentarians should consequently play a larger role in all stages of the state reporting procedure.

With regard to follow up the Committee's concluding comments, a recent experience in Luxembourg was highlighted as one of the methods that parliaments can use. In this instance, further to the examination of Luxembourg's State Party periodic report, members of the CEDAW Committee were invited by the Government to discuss the implications of the concluding observations with the ministries concerned, civil society and Parliament. The constructive dialogue that was initiated assisted parliamentarians in identifying priority areas and ensuring that the concluding observations were widely disseminated.

Finally, Parliamentarians should lobby for the ratification and implementation of international conventions like CEDAW and its Optional Protocol, and for accession to these treaties with a minimum of reservations. Discrimination is a costly practice: the elimination of discrimination is therefore a question of human rights as well as a developmental goal.

Introducing the Optional Protocol

The Optional Protocol to the Convention was adopted in 1999 by the United Nations General Assembly. The Optional Protocol to CEDAW strengthens the implementation of the Convention, and allows women to have an additional, final avenue to redress discrimination.

The oversight function established by CEDAW through its Committee aims to assist and advise States Parties as they work to eliminate discrimination. The Optional Protocol strengthens this function. Indeed, State Parties to the Optional Protocol recognize the competence of the Committee on CEDAW to receive communications from persons who allege violations of their rights under the Convention. The Protocol, which is only applicable to consenting States Parties, provides for both a petition and inquiry procedure. It thereby extends the capacity of the Committee to monitor the implementation of CEDAW in instances where the necessary preconditions have been met.

Before taking any action, the Committee applies a strict test to ensure that domestic remedies have been exhausted before accepting individual petitions or inquiring into systematic and grave violations. The complaint procedure under the Optional Protocol therefore serves as a mechanism to assess the procedures available within States, for instance, to address issues of violence against women. In this regard, it was noted that the Committee is the first body to define violence against women as discrimination and a violation of human rights. It is therefore important for parliamentarians to be aware of the conclusions made by the Committee as they offer a clear guideline as to the lengths to which States must go in order to ensure that women are adequately provided with the right to personal integrity, as well as to physical and emotional security.

Debate

The debate focused on the following questions:

- Is your country party to the Convention? If not, was this question raised in Parliament?
- Does your Parliament monitor the relevance of reservations your country may have put when ratifying the Convention?
- Did your country ratify the Optional Protocol? If not, why? Was the question raised in Parliament?

Participants began by discussing the wide gap that persists between *de jure* and *de facto* equality. Many parliamentarians still face a major challenge in ensuring the legislation is implemented after it has been passed.

A number of countries cited the general lack of awareness regarding treaty provisions and the sometimes secondary role that parliamentarians have in overseeing the implementation of the Convention, as two factors preventing them from acting efficiently. Parliamentarians are frequently not given the chance to see the state report before it is submitted to the Committee. They are also not aware of the concluding observations. In some cases, parliaments even lack the necessary parliamentary mechanisms to review and disseminate the findings of the report. Their ability to effectively integrate the recommendations of the Committee can thus be largely undermined.

Some also expressed frustration with the slow reporting procedure. It was stated that it is very difficult to effectively implement legislation and address pressing cases of discrimination when there is such a long turn-around time from when reports are submitted to the Committee to when the concluding observations are returned to the State Party.

It was also noted that national legislative frameworks can already be very complex, and the challenge is therefore not how to pass new laws, but rather how to bring existing legislation into line with international standards. In this regard, the existence of reservations is still a factor preventing a number of State Parties from meeting the standards set in the Convention.

In several instances, it was also noted that the gender balance within parliaments can affect the prioritization of agenda items. The lower the percentage of women in decision-making bodies, the lower the priority given to legislation combating discrimination against women. With this in mind, temporary measures, such as quotas, could be of interest as they can contribute to bring the number of women in decision-making bodies up to a critical mass and therefore increase their potential for them to effect change.

The need for inclusive processes was also discussed. Young women should be encouraged to participate in the political process of realizing rights. More also needs to be done to encourage closer collaboration between men and women, especially in countries in which women are under-represented in the decision-making bodies.

The role of education was highlighted as a means of raising awareness amongst women as to their rights and informing them of the system of protection under the Convention. It was thus suggested that parliamentarians should do more to guarantee that school curriculums be more rights-conscious and that girls and boys have equal access to primary education. Many participants noted in this regard that although targeting children at school is an important aspect of fighting discrimination and violence against women, discriminatory practices and beliefs are often embedded in the culture of a society. More must be done to confront harmful practices and, in this regard, a number of participants inquired into how the mechanisms of CEDAW and its Optional Protocol may be used to confront violence against women (VAW).

Several participants shared the view that the problem of discrimination was more cultural and social than legal. The stereotyping of traditional male and female roles by the media was one challenge that needed to be addressed as a priority. Concern was also raised over the potential clash between religious values and international human rights standards.

There is, moreover, still some resistance within certain cultures to discuss the topic of discrimination, and especially that of violence against women. There needs to be more willingness on the part of parliamentarians to initiate dialogue on uncomfortable subjects both in the political realm and in the media. In this regard, collaboration with NGOs and women's movements could be helpful.

Conclusion of the session

It was noted with disappointment that wide gaps still exist between the laws that are passed and the rights that are actually enjoyed. Parliamentarians should make it a priority to fulfill the obligations to which their States are committed under international law.

General reservations issued by States at the time of ratification make it very difficult to align national policies with international standards, as they may be seen as a statement of global non-application - especially when they relate to articles 2 and 16. A unique aspect of CEDAW is that it focuses on ensuring substantive rather than mere legal equality. Parliamentarians should therefore question their government's use of general reservations.

With regard to Violence against Women (VAW), it must be noted that violence is not specifically referred to in the Convention. However, the Committee's general recommendation N°12 deals with VAW. Protection has therefore developed through a system of soft law which has been continually improving as women become increasingly more willing to discuss the issue.

Overcoming violence against women, however, is still a major challenge, especially in times of conflict. Negative stereotyping is one of the patterns of behaviour which must be targeted on a large scale. Women must also be made aware of their rights and the avenues of redress available to them. On a practical level, judges and the police force should include women and must be equipped with the training, resources and power necessary to appropriately respond to acts of violence.

CEDAW Article 4 al. 1, which provides for temporary special measures (this was later confirmed with the adoption of general recommendation 25), allows for the adoption of temporary mechanisms by which States can increase the participation of women in decision-making bodies both at the parliamentary and local levels. Parliamentarians must not hesitate to investigate possibilities and mechanisms which can support women in accessing decision-making spheres. Women's participation at the local level should be specifically targeted, as it is often within these communities that norms and values develop. For this reason, the local level also presents the best opportunity to challenge the stereotyping of women. Ensuring that girls have equal access to primary education is of the utmost importance, and this can also be achieved by working at the local level.

Although the implementation of temporary special measures is a useful mechanism that should be used for the purpose it was designed, laws on their own are insufficient and parliamentarians should do more to encourage women and men to change their patterns of behaviour in a positive way.

Session 2: Addressing laws that discriminate against women

- Article 2 of the CEDAW and general recommendations
- Overview of existing legislation that discriminates against women
- Addressing discriminatory legislation: What are the challenges faced?
- Parliamentary mechanisms: reviewing, amending and monitoring legislation

The keynote speakers for the second session were Ms. Banda, author of a study on discriminatory laws; Ms. Gaspard, Vice-President of the Committee for the Elimination of Discrimination against Women; and Mr. Traoré, Member of the National Assembly of Burkina Faso and President of the Inter-Parliamentary Committee of the WAEMU.

In their presentations, Ms. Banda and Ms. Gaspard both focused on the obligations contained in CEDAW Article 2. As an example of existing legislation that discriminates against women, Ms. Banda elaborated on

the subject of obedience laws and early marriage. Mr. Traoré outlined some of the options available to parliamentarians seeking to amend discriminatory customs and laws.

Overview of issues related to discriminatory legislation

Article 2 of CEDAW states that “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

Article 2 of CEDAW is crucial as it implies that State Parties are under an obligation to amend discriminatory legislation.

Discrimination is a crosscutting issue which affects developed and developing countries alike. In many countries, discrimination is enshrined in the constitution. This is a topic of pressing concern to the CEDAW Committee, which regularly inquires into the existence of discriminatory laws when reviewing state reports.

There has been an across-the-board failure to meet the obligations contained in Article 2 of the CEDAW, and this is largely because of the discrepancies that exist in many countries between legislation and the provisions of the supreme law. This is especially true in relation to Article 2(f), where customs and practices constituting discrimination continue to persist. The far-reaching effects of discriminatory cultural practices underscore the indivisible and interdependent nature of human rights. Two examples were highlighted: obedience laws and laws on early marriage. These have dire repercussions on all aspects of the individual's life, and particularly in terms of health and employment. The majority of discriminatory laws seem to pertain to family and community life in the private sphere. A major issue in this regard is the lack of recognition given to care work carried out by women in the home. The linkages between human rights are important to identify as they demonstrate the ways in which discriminatory practices directly and indirectly circumscribe a woman's freedom to choose the life she wants to lead. They therefore constitute a grave violation of Articles 2 and State Parties to CEDAW are under a legal obligation to amend such legislation.

In order to find protection from these discriminatory laws, individuals should have a right of exit, which gives them a right to opt out of discriminatory laws in favour of the protection afforded by CEDAW. If obligations under Article 2 are to be fulfilled, more must be done to review existing legislation and more efforts need to be made to repeal or amend discriminatory laws. When reviewing legislation, parliamentarians need to appreciate the links between practice and effect in order to properly address discrimination.

The appointment of a United Nations Special Rapporteur on Laws that discriminate against women might also serve as an effective mechanism to bring laws more in line with the provisions of CEDAW. This mechanism would, among other ways, help oversee the collection of comparative data which would assist countries in identifying discriminatory practices.

The role of Parliament

In many countries, wide gaps exist between the formal guarantees laid down in CEDAW, the legislation that is passed, and the extent to which the rights are actually enjoyed in practice. This situation can only be resolved if political will exists on the part of governments to effectively implement the Convention. Parliamentarians are in a good position to mobilize the political initiative needed to effect change. They should therefore take advantage of their intermediary position by encouraging other members of parliament, local government, and members of civil society to work together in a dynamic effort to address inequalities.

A rights-conscious legislative framework is often not enough to achieve *de facto* equality; eliminating discrimination requires a holistic effort to change mentalities and traditional practices. One concrete example concerns the vigorous campaign against Female Genital Mutilation (FGM) carried out in Burkina Faso. This has demonstrated that much can be achieved when women take the initiative and parliamentarians collaborate with civil society movements.

In order to change discriminatory practices, parliamentarians need to focus on the local level and work within rural communities. Caucuses, comprising both men and women, should also be formed to promote gender equality as a topic of general interest, rather than specifically for women. Moreover, discussion on gender equality and women's rights needs to be opened up and moved out of uniquely feminist circles to more mainstream debates on human rights, where they can appeal to both men and women.

Parliamentarians must have the capacity to make informed decisions. As such, it is imperative that they are kept well informed of the essential information relating to human rights treaties. Working towards this end, special workshops and training sessions should be organized which focus on the role of parliamentarians in overseeing the implementation of international human rights conventions.

Parliamentarians should play a role not only in pushing their States to ratify Convention, but also in monitoring compliance. Parliamentarians should regard challenges as opportunities to establish new mechanisms and improve the existing legislative framework.

Parliamentarians should think critically about the legislations they enact; many mechanisms already exist which are either unsuited to their purpose, or used incorrectly. There is a pronounced need for innovation in the way parliaments function, especially in terms of their organization and their outdated approach to addressing violations of human rights.

Debate

The debate focused on the following questions:

- Is the principle of non-discrimination guaranteed in your Constitution?
- Does your Parliament regularly carry out a review of existing legislation to assess its impact on women?
- What are the challenges faced in addressing discriminatory legislation?

The principle of non-discrimination is a legal right under international law and States Parties to CEDAW must ensure that women are afforded the protection they need. This requires a review of legislation to be made so that any discriminatory laws can be amended or new legislation passed.

However, there are several challenges that parliamentarians face as they attempt to address discriminatory legislation.

Firstly, it is important for national legislation to conform to international standards. Religious or traditional norms within a society may sometimes differ from internationally agreed principles, and overcoming this divide is a major challenge that some states face. Educating and sensitizing the population may be a helpful step in overcoming this challenge.

There is, secondly, an important distinction between the principle of equality and the principle of non-discrimination. Although most constitutions may guarantee equality, there is frequently no reference made to

gender. Ensuring that the constitution protects women from discrimination is thus still a challenge. Aspects of the law, particularly penal and criminal codes, should be reviewed to ensure that they conform to the principle of non-discrimination. It was noted that in many countries, laws on adultery continue to discriminate against women and that this should be a priority area for parliamentarians.

Although it may take time to achieve gender equality through the legislative process, the realization of women's rights should nonetheless be a national priority. Political will is necessary in this regard, as is a functioning partnership between men and women. It was further suggested that parliamentary committees and women's caucuses could be used to build networks within parliament and between government and civil society to help push through gender sensitive legislation and find a consensus between the legislative and judicial branches. Reflecting on the experiences of their parliaments, participants confirmed the important role that NGOs have in raising awareness and facilitating cooperation between governments and civil society.

Discrimination is a crosscutting issue that can only be resolved if the key actors have all of the necessary information available to them and if they are kept up to date on benchmarks agreed upon during conferences. It is therefore crucial for parliamentarians to receive training which would ensure that they are up to date and able to respond to challenges effectively. Participants were reminded that CEDAW obligations can often be read through other international conventions, such as the Convention on the Rights of the Child (CRC), and that it is important for members of parliament to receive training on all of the international texts that their governments may have ratified.

Lastly, the importance of ensuring that Parliament is involved in the reporting process was emphasized. It was agreed that more pressure should be put on governments to share the state reports and concluding observations with parliamentarians in order to establish a constructive partnership that would support efforts to identify and repeal discriminatory legislation.

Session 3: Implementing CEDAW: the role of Parliament

- Developing an adequate legislative and oversight framework
- Working with civil society and the media
- Keeping track of progress
- Parliamentary involvement in the CEDAW reporting mechanism

Debates were introduced by Ms. Gaspard, Vice-President of the Committee for the Elimination of Discrimination against Women; Ms. Connors, Senior Human Rights Officer of the Office of the High Commission for Human Rights and Ms. Monica Xavier, Senator of Uruguay.

The presentations outlined the role of parliament during the state reporting procedure and in implementing CEDAW and its Optional Protocol. The particular experience of Uruguay, who is reporting to the Committee at the 42nd session in Geneva, was used as a case study.

The CEDAW Committee has in recent years placed more attention on the role of parliaments and has strongly encouraged governments to consult with their parliaments during the state reporting procedure. Although it is not specifically mentioned in the Convention that parliaments must be included in the process, their involvement is assumed as implementation of CEDAW presupposes that new legislation will need to be passed in order to align state practice with the obligations under CEDAW.

Parliaments have a constructive role to play in all stages of monitoring the implementation of CEDAW. Parliamentarians should explore all options available to them to monitor implementation. This includes the CEDAW reporting procedure as well as the petition and inquiry procedure under the Optional Protocol.

Dialogue is particularly important between states sharing similar cultural traditions, or that are located within a certain region. Sharing experiences on the international plane in this manner can help governments overcome challenges and ensure that treaties are ratified.

During the state reporting process, parliaments must be aware of the procedure that their government undertakes to compile the state report, and must ask to be included in the process at one stage or another. Parliamentarians can ask for the report to be presented to Parliament before it is sent to the Committee. They can also ensure that their own members, or at least experts of their choosing, are included in the delegation that is sent to the Committee so that they can hear what is being discussed on the international level. In addition, the Committee's concluding observations are public and easily obtainable from the OHCHR website (www.ohchr.org). Parliamentarians, both men and women, should therefore debate the implications of the conclusions, and ensure that concrete steps are taken to follow-up on the decisions reached. In particular, women must be involved in the follow-up procedure to ensure that sustainable progress is made in their favour.

With regards to the Optional Protocol, the enforcement mechanisms contained within are very useful and parliaments should aim for higher ratification. Even if their states are not party to the Protocol, it is still important for parliamentarians to be aware of the Optional Protocol as it provides a clear guideline as to what the accepted standard is for the protection of women. In terms of the petition procedure under the Optional Protocol, the role of parliamentarians is minimal. However, with regard to the inquiry procedure, one important function that parliaments can exercise is to lobby for the removal of 'interpretative declarations', which dilute the power of the inquiry procedure by raising the requirement that cases must meet in order to be considered admissible. Despite these declarations, the inquiry procedure can still be a useful mechanism to explore various forms of discrimination, such as stereotyping in the media. In this regard, one of the most important jobs of parliamentarians is to keep the media informed of developments and to ensure that it is gender sensitive.

Working with civil society is crucial to overcoming challenges, especially if there is a strong academic circle which is able to interpret and analyze new legislation as well as assess its impact. Civil society is furthermore important as it gives a voice to women and children who have not had an opportunity to be represented. Parliamentarians have to ensure that communication remains open between different sectors of society and that areas of concern are discussed and addressed.

Debate

The debate focused on the following questions:

- How does your Parliament follow/monitor the implementation of the Convention?
- Does your Parliament have a specific mechanism related to the Convention?
- Does your Parliament contribute to the reporting process of the Convention?
- Is the Minister in charge called in to Parliament to discuss follow up to the recommendations of the UN Committee?

Several points were revisited during the session. In general, it was agreed that monitoring the implementation of CEDAW and its Optional Protocol is still a challenge facing many parliamentarians. Although most states have established committees and women's caucuses, or have designated a minister who reports to parliament on the implementation of CEDAW, these mechanisms are frequently not used effectively. More must consequently be done to improve the organization of these committees and encourage greater participation in the monitoring process.

Assessing the impact of legislation remains a challenge and more gender-disaggregated data is needed to help parliamentarians develop a better oversight framework. In this regard, collaboration between members of civil society, academics, parliamentarians, and members of the executive is crucial to ensure that accurate and updated information reaches those in decision-making positions. This would allow for more effective gender budgeting to guarantee that resources are directly as efficiently as possible to combating discrimination. Strong coordination between all sectors of governments and society allows for parliamentarians to maintain a prominent indirect presence during the state reporting procedure. Some parliaments have established women's networks or freestanding committees to help strengthen coordination and monitor oversight.

Conclusion of the session

The role of parliamentarians in preparing the state report is a matter of great interest to the CEDAW Committee. Parliamentarians have a role to play in all stages of the state reporting procedure. Members of Parliament can, for example, be included in the official delegation attending the Committee session, or may wish to attend the session independently. Delegations must also be as representative as possible and should therefore be comprised of both men and women. Many states face similar challenges during the state reporting process, and parliamentarians may find they have a lot to learn from each other. Cross-dialogue between parliaments is thus strongly encouraged.

Participants are urged to review the recommendations made in this seminar with their parliaments and then to report back next year with any developments. The IPU is available to provide any information or support to parliamentarians interested in knowing more about what they can do to implement CEDAW and ensure follow-up.

Overview of some key action points raised in the debate

On Parliamentary oversight and CEDAW

- Monitoring the implementation of CEDAW is still a major challenge for several states. Parliamentarians should explore all options available. This includes receiving training and conducting workshops on CEDAW and its state reporting procedure, as well as on the petition and inquiry procedure under the Optional Protocol.
- Parliamentarians have an important role to play at all stages of the state reporting process. During the drafting of the state reports, parliamentarians could contribute by collecting information from the wide range of sources available to them, including from NGOs, women's caucuses, ministries, the media, and universities, and ensuring that the status of women in their countries is accurately portrayed in the state reports. If parliaments are able to, they should review, debate the state report before it is submitted to the Committee, or at least have access to its contents after it has been submitted.
- During the presentation of the state report to the Committee, parliaments could be involved in the nomination process for the state delegation. It is imperative that excellent members are chosen who can accurately answer the questions posed by the Committee. Parliamentarians can also ensure that their own members, or at least experts of their choosing, are included in the delegation.
- Parliamentarians can and should inquire about their country's reporting timetable, and enquire about any delays in submitting reports. They should also ensure that they receive a copy of the concluding observations once they have been released. They should also debate the observations in Parliament and oversee follow-up. The concluding observations are easily accessible and can be found on the OHCHR website (www.ohchr.org).
- Good practices by which Parliament can be involved in monitoring the implementation of the concluding observations were discussed. In Luxembourg, members of the CEDAW Committee were invited to parliament to discuss the implications of the conclusion and identify discriminatory laws. In New Zealand, a minister has been appointed to monitor the implementation of CEDAW and report to parliament on developments or challenges. In Finland and Thailand, networks or caucuses have also been established to keep parliamentarians up to date by bringing issues of discrimination, stereotyping, and violence against women to their attention.

The role of parliaments and the Optional Protocol

- Ratification of the Optional Protocol to CEDAW is strongly encouraged.
- Parliamentarians in different countries should keep each other informed of initiatives taken with regard to CEDAW and its OP. Even if their States have not ratified the OP, it is important for parliamentarians to be aware of the mechanisms it establishes, as well as the cases that the CEDAW Committee considers.

- Parliaments should request that their governments review the validity of reservations or interpretive declarations issued by their states upon ratification of CEDAW and its OP.
- Special workshops and training sessions should be organized which focus on the role of parliamentarians in overseeing the implementation of the CEDAW, and which provide information on how to use the petition and inquiry procedures available under the OP to combat violence against women.

Combating discrimination and violence against women

- Parliamentarians are in a good position to mobilize the political initiative needed to effect change. They should therefore take advantage of their position by encouraging other members of parliament, local government, and members of civil society to collaborate in a dynamic effort to address inequalities.
- Parliamentarians should be aware and make use of positive measures that are highly recommended for combating discrimination against women. These include, in particular, the use of quotas to ensure that women are represented in decision-making bodies and have access to primary education.
- The political process of realizing rights must be inclusive and parliamentarians should therefore encourage more participation from young women. It is also necessary for both men and women to work together towards creating more gender sensitive legislation. The role of the media should be taken into account and parliamentarians should work with them to change mentalities.
- In order to address discriminatory practices, parliamentarians need to focus on the local level and work within rural communities to target and amend discriminatory laws and patterns of behaviour which stem from traditional or cultural practices. Special attention should be given to the status of women in the private sphere, particularly with regards to family and marital laws.
- Parliaments must carry out more effective gender analyses of existing legislation that may be discriminatory. The indivisible and interdependent nature of human rights should be taken into consideration when reviewing existing legislation.