

**PROGRESS REPORT ON THE APPLICATION
OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN
AND ITS OPTIONAL PROTOCOL**

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BACKGROUND

On September 3, 1981, the Convention on the Elimination of All Forms of Discrimination against Women entered into effect, also known as the "Charter of Women's Rights." Its purpose was to clearly set out in official text the steps necessary in order to codify the main measures needed to achieve true legal and practical equality between men and women in all aspects of political, economic, social, and cultural life.

The adoption of this Convention led to an unprecedented commitment and expression of will. Signatory states undertook to eliminate discrimination against women through judicial and political measures, as well as programs. In the words of the Secretary-General of the United Nations, "*The adoption of this 'Charter of Women's Rights' is an important event. It enshrines the principle of the universality and indivisibility of human rights, which must be respected by all nations and applied everywhere and to all people, regardless of cultural differences or gender.*"

Next year, we will celebrate the twenty-fifth anniversary of this tool—one of few international conventions to be ratified by so many states. This anniversary will be an opportunity for us to observe and assess not only the extent to which this Convention has been adopted and effectively applied, but also the progress it has enabled states to achieve.

Given the significance of this instrument and the importance of examining its application, the Network of Women Parliamentarians of the Americas has undertaken to produce a report on the matter, and, at the last annual meeting, asked me to write it.

I am therefore pleased to submit this progress report, which presents the objectives that the document in question is expected to achieve, the tools available to prepare it, its implications, and the main proposals as to the Network's contribution to its production.

OBJECTIVES OF THE REPORT

Under article 2 of the Convention, member states made a number of commitments to eliminate all forms of discrimination against women, including the following:

- ✿ Condemn discrimination against women
- ✿ Enshrine the principle of equality between men and women in their national constitutions or other appropriate legislation
- ✿ Adopt legislative measures, including sanctions where appropriate, prohibiting all discrimination against women
- ✿ Establish legal protection of the rights of women and ensure that public authorities and institutions act in compliance with this obligation
- ✿ Take all appropriate measures to eliminate discrimination against women
- ✿ Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women
- ✿ Repeal all national penal provisions that constitute discrimination against women

An analysis of these obligations and their effective execution shows just how important parliaments' roles are in ensuring the commitments are respected.

While the CEDAW requires that administrative and legal measures be put into place, legal measures are a main focus of the Convention, since they are the means by which actions can be turned into legal standards for each country, thereby establishing criteria for guaranteeing that the rights and principles in the Convention are suitably applied.

Legally enacting these measures is more than a simple expression of political will. It demonstrates interest in ensuring their continuity and lastingness and guaranteeing that their application remains free of all arbitrary procedures or reference to discretionary criteria. The goal is to go beyond the provisional nature of policies and special measures to give permanent form to the principles and rights in question, as well as the measures essential to enforcing them.

It is up to parliaments to ensure that the rights set out in this international instrument remain protected and subject to each country's national legislation. In this sense, parliaments play a fundamental role in the Convention's application by putting appropriate administrative and legal measures into effect, but especially by adopting legislation to eliminate discrimination against women and creating the mechanisms needed to do so.

OBJECTIVES

- 🌿 Assess our region's progress in applying the Convention on the Elimination of All Forms of Discrimination against Women.
- 🌿 Thereby identify
 - ❖ Weaknesses in the region in applying the provisions of the CEDAW
 - ❖ Areas in which it may be beneficial to draw on compelling experiences in other regions
 - ❖ Factors that facilitate the application of certain provisions of the Convention, as well as obstacles that hinder the full application of others
- 🌿 Establish mechanisms of cooperation to help countries share their successes, but also to address issues they would be best to examine together, such as trafficking in women and the exploitation of women through prostitution

ASSESSMENT PARAMETERS

Our assessment will primarily focus on the extent to which the countries in the region have adopted the following legislative measures:

- a) Enshrinement of the principle of equality between men and women in their constitutions and legal systems
- b) Repeal of discriminatory laws
- c) Enactment of laws prohibiting discrimination against women and guaranteeing respect of their economic, social, civil, and political rights
- d) Formal banning of all forms of discrimination against women in their legal systems
- e) Adoption of appropriate legislative measures to guarantee enforcement of the Convention's provisions in its various fields of application (trafficking in women, exploitation of women through prostitution, employment, healthcare, education, nationality, public and political life, marriage, family, etc.)
- f) Detection of any shortcomings in legal systems that may render it difficult or impossible to implement the provisions of the Convention, including those that may appear unrelated to the gender issue

TECHNICAL TOOLS

The following technical tools are available to carry out the evaluation for the report:

- ❖ Regional and national indicators for the Convention's various fields of application, notably for the purposes of analyzing progress and the relationship between this progress and specific measures adopted
- ❖ Legislation in effect in the countries of the region
- ❖ Reports presented to the CEDAW Committee by national governments in the region
- ❖ The CEDAW Committee's observations regarding the reports submitted by signatory states
- ❖ Questionnaire distributed to Network members to gather information concerning legislation adopted in their respective countries to ensure compliance with the CEDAW

PROPOSALS

Our assessment will enable us to formulate a recommendation to the Network's women parliamentarians for adoption at the next annual meeting. The recommendation will be intended to secure specific commitments in this area, notably where crossborder coordination is required, such as in the fight against trafficking in women and the exploitation of women through prostitution.

While the CEDAW is remarkably thorough, it fails to address the issue of violence against women. Given that we already have an instrument specifically addressing this issue in our region, i.e., the Belém do Pará Convention, it would be very useful to produce another report, this time on the use of the Belém do Pará Convention to fight violence against women, as a means for the Network to add this critical issue to its analyses.

It may be highly appropriate to establish a mechanism for communication and cooperation between the Network of Women Parliamentarians and the CEDAW Committee when we draw up the planned report, which would be of great assistance to women parliamentarians in their work.

Women parliamentarians must consider this exercise not only an opportunity to assess the effectiveness of this important instrument in our region, but also to take stock of the legislation in effect in our respective countries to protect women's fundamental rights, and from there propose new measures to ensure these rights are respected.