

Concluding Comments: Expectations of the CEDAW Committee

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The concluding comments of the CEDAW committee highlights the **strength** of the states parties, indicates the areas of **concerns**, and proposes **recommendations** and guidelines.

Suggests, where further interventions is required to Eliminate both direct and indirect discrimination, to ensure the practical realization of the **principle of equality** of men and women as stated in the article no 2 of the convention.

The committee **publishes** its concluding comments shortly after the consideration of the report through constructive dialogue.

Furthermore, the committee makes it clear that the states parties are required to **take legislative, policy** and all other appropriate measures to ensure compliance with their **treaty obligation**.

The report of the **UN** country team and NGO **Shadow report** contribute a lot to strengthen the committee's review process. The committee expects that local NGOs' Civil society members also be a part of the implementation process.

CONCLUDING COMMENTS of 6 South Asian Countries:

The concluding comments of six South Asian countries are under review. This discussion will lead us to understand the state party **responsibilities** Towards the fulfilment of the treaty obligation.

Name of the countries under review:

| Name of the Country | Nature of the reports | Year of consideration | Reservations And declarations |
|---------------------|---|-----------------------|-------------------------------|
| India | 2&3 periodic reports | 2007 | 5(a),16 ,29[1] |
| Maldives | 2&3 periodic reports | 2007 | 7(a), 16 |
| Bangladesh | 5 th periodic reports | 2004 | 2, 16(1)c |
| Bhutan | Initial,2nd,3rd,4th, 5th&6th periodic reports | 2004 | - |
| Nepal | 2&3 periodic reports | 2004 | - |
| Sri Lanka | 3&4 periodic report | 2002 | - |

COMMON CONCERNS

There are some common concerns and issues identified by the committee in all six Countries, these are – the existence of **strong patriarchal values, prejudices, and stereo typed** roles for men and women.

The committee urges the state parties to address these structural disadvantages and socio cultural barriers through positive and proactive measures including **temporary special measures** to achieve de facto equality between men and women.

In this context in **Indian situation**, in the continuing deterioration of the ratio of females to males, the committee expresses its concerns that women seeking **sex selective abortions** are pressurized by family and social practices from the perspectives of son preference.

So the committee recommends that the preconception and prenatal Diagnostic Technique ACT should target not only the personnel who performs such procedures but also the women who seek such abortion . India also should create a **massive awareness** campaign to address this issue.

Another common issue - that the states parties did not fully comply with the committee's **guidelines** for the preparation of reports except Nepal and Sri Lanka. States parties also did not follow the **timeframe** for submitting initial and periodic reports.

For example , **Bhutan** ratified the convention in **1981**, but submitted its combined initial, 1st, 2nd ,3rd, 4th, 5th, and 6th periodic reports in 2003. These long over due reports were reviewed in 2004.

All six countries suffer from **weak enforcement of law**, lack of effective monitoring and evaluation system related to the implementation of the convention. Another common feature is that the reports of states parties were not based on **comparative statistical data** and analysis, disaggregated by sex , minority status and ethnicity.

The committee requests the states parties to set benchmarks for **DATA bank** and include adequate and comparative statistical data in the preparations of subsequent reports. In recent years, **Bhutan** has restructured and strengthened **National statistical Bureau** as an autonomous body to collect data disaggregated by sex.

Gender based violence including domestic violence, gaps in legal framework specially absence of Law against domestic violence ,**weak enforcement** to combat domestic and cross border trafficking, **low female literacy**, high maternal mortality are critical problems that face more or less all these six countries.

No country has adopted **Uniform Family Code** to replace the discriminatory personal laws in matters related to marriage, divorce, custody, alimony and property inheritance. Low representation of women at the **decision making level**, both political and public sector also a common factor in these countries.

MAJOR CONCERNS

Nepal , Bhutan and Sri Lanka have ratified the convention without any **reservation** or **declaration**. On the other hand , Bangladesh, India and Maldives have ratified Cedaw with reservations. But not a single country has incorporated the provisions of the convention in their **national** or **domestic** laws.

The **definition of discrimination** against women in accordance with article 1 of the convention, which prohibits both direct and indirect discrimination, not been incorporated in the constitution of the countries under review.

In all these countries with the exception of Maldives the **constitution** gives equal rights to women. However, there is a **contradiction** between the **constitutional guarantee** of fundamental rights and existence of personal laws/**family laws** , that discriminate against women.

The committee calls upon the states parties to incorporate the provisions of the Convention into the domestic laws and to ensure that the convention be **fully reflected in the constitution** and all legislation.

The committee urges the Govt. of **Maldives** to remove the constitutional provision that bars women from the country's **Presidency and Vice presidency**, which is contrary to the principle of equality of women and men contained in article no 2 of the convention, so that the state party may withdraw its reservation to article 7(a) of the convention.

The committee urges the Govt. of **Bangladesh** to **withdraw the reservation** on article no 2 and 16 (1)c. The article no 2 is considered as the heart of the convention. Govt. of **India** also has been requested by the committee to withdraw the declaration on article no 5 (a) and 16.

The committee also urges the Govt. of Bangladesh, to bring amendment on citizenship issue under article no 9 , so that women can enjoy equal rights as men to transmit their nationality to their foreign husbands and children.

The Govt. of Bangladesh, India and Maldives should take initiative to set up special committees with legal experts to review the reservations made to the convention with respect to the withdrawal of the reservations and declarations.

During the 37th session, the committee requested the Govt. of India to submit a follow-up report under article 18(1) b of the convention. The report should narrate detailed information on the impact of the Gujarat massacre on women, which negatively affected implementation of the convention.

The follow-up report is required when committee is not satisfied with the information supplied by the state party on a particular grave issue.

POSITIVE ELEMENTS

Empowerment of women at the grass root level through MICRO CREDIT in all of these countries is the most positive element for the implementation of CEDAW.

Each country has national machinery in place. Strong political commitment to establish gender equality, National policy and National Action plan for the advancement of women to ensure equal opportunity for women.

Each country has a strong **NGO movement** .
A strong NGO network has been established very recently in **Maldives**. Enactment of gender equity laws and positive legal measures in different countries help advancement of women..

POLICY LEVEL INTERVENTIONS BY THE STATES PARTIES

All the countries in the region have adopted many protective laws to address the issue of **violence against women**. In **Nepal** free legal aid is available in cases of abortion, trafficking, sexual exploitation and Domestic violence. In **Sri Lanka**, amendment to the penal code introduced new offences and more severe punishments for violence against women.

In spite of all these initiatives the **incidences** of gender based violence including **dowry related crime** are on the rise .

There is a strong need for **review** of the existing laws to identify the **gaps** and **enactment** of new women friendly laws as well as to ensure proper **enforcement** of laws. The committee urges the Govt. of Sri Lanka, to take all out measures to stop violence against women of ethnic minorities, in particular **Tamil women**, by the police and security forces in conflict areas.

The Committee calls on the states parties to ensure full and equal participation of women in the process of **conflict resolution** and peace-building.

States parties also need to **disseminate** the concluding comments and Cedaw concepts to the law makers, Govt. officials, NGOs' and civil society members for better understanding of the convention.

Each country in the region has adopted a National action plan and **gender mainstreaming policies** for advancement of women, but so far none of the countries succeeded in ensuring complete **realization** of the convention as well as removing stereotyped attitude of people towards women .

States parties should engender national budget and planning process, allocate more financial and human resources for gender mainstreaming, as well as strengthen WID (women in development) focal point mechanism in the ministry of women and other implementing agencies for better implementation of the convention

The following national bodies should be actively involved in the process of **monitoring** and **follow up** the implementation of the convention. The process should be facilitated by the respective Govt.

National Human Rights commission for India ,
National Council for Women's Development - for
Bangladesh, National Commission for Women –
for Nepal ,National Security System for Maldives,
National Commission on women for Sri Lanka,
National Statistical Bureau for Bhutan.

Program Level Interventions

While recognizing that the **education** is a high priority national policy for all these states parties, the committee urges that all efforts should be made to address **literacy gap** between men and women , ensure equal **access** of girls and women in all levels of education , measures to prevent **dropout** from school, increase **adult literacy** for Women.

The committee calls upon the state parties to allocate more **financial and human resources** to the education sector, to recruit more women teachers and to ensure that the school text books do not carry stereotype images of women.

One of the major indicators of women's disadvantage situation is manifested in their lower **health** status.

Governments must **review** their **health policies** and programs with much greater emphasis to achieve high **life expectancy**, lower **maternal and infant mortality**, high **Nutrition** intake and care for **pregnancy** .

Mechanism should be developed for **positive image** of women in the **media**, **Compulsory birth and marriage** Registration.

Adequate protection should be ensured for women **Migrant workers** both at the place origin and destination country.

In this region majority of women live in **rural areas** . All government programs must provide emphasis on the implementation of article no.14 of the convention to achieve a **balanced development** between urban and rural facilities.

Measurable Increase in **participation** of rural women in all spheres of life must be achieved.

State parties should ensure equal participation of women at the **decision making level** both public and political life of the country.

Thank you.....