

**OPENING STATEMENT**  
**by**  
**Ms. Silvia Pimentel**  
**Chairperson**  
**Committee on the Elimination of Discrimination against**  
**Women**  
**at the**  
**Fifty-second session**

**9 July 2012**

**Excellencies**  
**Distinguished colleagues**  
**Ladies and gentleman**

I am very pleased to welcome you to United Nations Headquarters in New York for the fifty-second session of the Committee on the Elimination of Discrimination against Women. As you are aware, 2012 marks the 30<sup>th</sup> Anniversary of the Committee's work for the advancement of women, and today, we have a very special commemorative event planned starting at 11:00 am. As such, I will be very brief.

It has been a little more than four months since our last session ended. I wish to update you on the status of the Convention and Optional Protocol, and also highlight some of the activities that I have engaged in as Chairperson of

the CEDAW Committee and other issues that may be of interest to the Committee.

Turning to the Convention, I would like to report that the number of States parties remains at 187. The amendment to the Convention currently has 66 Contracting States. Bosnia and Herzegovina deposited an instrument of acceptance with the Secretary-General on 10 May 2012. The number of States parties to the Optional Protocol also remains at 104.

Following the fifty-first session, I attended the XXVIII Annual Human Rights Conference of the State of Sao Paulo Bar Association on 30 May 2012, where I received, as the Chair of CEDAW, the “Franz de Castro Holzwarth” Award. In my statement, I took the opportunity to highlight the relevance of the Convention on the Elimination of All Forms of Discrimination against Women and the work of the Committee and its 30<sup>th</sup> Anniversary. I also participated at the Rio+20 Conference in Rio de Janeiro on 21 June regarding the discussion “The Future Women Want: Leaders’ Summit on Gender Equality and Women’s Empowerment for Sustainable Development.”

From 24 to 30 June 2012, I attended the 24<sup>th</sup> Chairperson’s Meeting in Addis Ababa where the recent High Commission report “Strengthening the United Nations Human Rights Treaty Body System” was unanimously applauded. The Chairpersons also unanimously endorsed guidelines on the independence and impartiality of treaty body members recommending that the

treaty bodies adopt it. We also had the opportunity to discuss human rights mechanisms with counterparts from the African Union with respect to the reporting process and individual complaints. Interested dialogue also occurred with the President of African Court on Human and People's Rights.

I also had several meetings in Brasilia regarding the draft general recommendation on access to justice, specifically a regional consultation in Brazil. These discussions took place with the Minister of Justice and the Secretariat of Policies for Women. I also was invited to speak at a seminar organized by Catholics for Free Choice on strategic international dialogues concerning best practices in the process of legalizing abortion in Latin America, on 2 July.

### **Distinguished Colleagues,**

We have a very full, but interesting agenda during this session. The Committee will consider a total of eight State parties' reports. During the first week, the Committee will consider the reports of Bulgaria, Guyana, Indonesia and Jamaica. During the second week, the Committee will take-up the reports of the Bahamas, Mexico, New Zealand and Samoa.

The Committee will also consider cases under the Optional Protocol to the Convention. It is noted that at the Committee's fifty-first session, the Committee adopted two recommendations in relation to the admissibility and merits

of a communication, *Kell v. Canada* and *R.K.B. v. Turkey*, and one recommendation declaring the communication inadmissible (*M.P.M. v. Canada*) as it was manifestly ill-founded and insufficiently substantiated.

The *Kell v. Canada* case concerned an aboriginal woman and discrimination with respect to housing. In this case, the Committee established that the State party had failed to fulfil its obligations to take policy measures to ensure that public authorities act in conformity with the obligation to refrain from engaging in any act of discrimination against women and to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise (articles 2, paragraphs (d) and (e)) and to ensure the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property (16, paragraph 1 (h), read in conjunction with article 1).

In communication *R.K.B. v. Turkey*, the author submitted that the termination of her labour contract constituted gender-based discrimination. The Committee found that the State party's courts showed a lack of gender sensitivity by not addressing the discrimination faced by the author, revealing a violation of the State party's obligations to ensure, through law and other appropriate means, the practical realization of the principle of equality of men and women and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination (article 2, paragraphs (a) and (c), read in conjunction with article 1 of the Convention). Furthermore, the Committee determined that the court proceedings were

based on the stereotyped perception of the gravity of extramarital affairs by women and that extramarital relationships were acceptable for men and not for women. The Committee therefore concluded that that the State party has violated its obligation to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either sexes or on stereotyped roles for men and women (article 5, paragraph (a)). The Committee further concluded that the employer's behaviour prior to the termination of the author's labour contract and its subsequent gender-biased defence before the State party's courts, constituted gender-based discrimination (article 11, paragraphs 1 (a) and (d)), of the Convention.

The Committee will additionally review the draft general recommendation on the economic consequences of marriage and its dissolution. The Committee will also be briefed on progress with respect to several other draft general recommendations, including the CEDAW/CRC joint general recommendation on harmful practices, the general recommendation of the human rights of women in conflict and post-conflict and the general recommendation on access to justice. A concept note for the general recommendation on access to justice has been revised and I hope that it is approved by the Committee at this session so that arrangements can proceed with the day of general discussion which is tentatively scheduled for February 2013. I understand that concept notes are also being prepared for the draft general recommendations on on

gender equality in the context of asylum, statelessness and natural disasters as well as rural women and we look forward to receiving updates from these Working Groups as well.

The Committee will moreover consider reports and information received under its follow-up procedure to concluding observations and will discuss working methods within the context of the on-going discussions on treaty-body strengthening.

We will furthermore meet with many non-governmental organizations, representatives of national human rights institutions and parts of the UN family and other organizations. I would like to pay particular tribute to these stakeholders who provide such valuable input into our work.

The Committee will also hold a meeting on treaty body strengthening with Ms. Wan-Hea Lee of the Human Rights Treaties Division of OHCHR, who will update us on the New York consultation, which was attended by Ms. Barbara Bailey. My understanding is that further discussions took place at this meeting on proposals currently being formulated in the report of the High Commissioner, and which include, for example, the comprehensive reporting calendar, simplified and aligned reporting, the use of new technology and the guidelines on the independence and impartiality of members of the human rights treaty bodies in the exercise of their functions, endorsed in Addis Ababa. Time will be allocated during

the last week of the session for Ms. Bailey and Ms. Wan-Hea Lee to brief the Committee further on this matter .

The Committee will moreover hold meetings with the Working Group on Discrimination in Law and Practice, and Professor Mohamed Mattar from John Hopkins University on human trafficking.

**Colleagues and friends,**

I would like to convey that Ms. Jaising informed me that she will not be able to attend this session.

At this juncture, I would also be delighted to hear from Committee members who have represented the Committee at official meetings or undertaken work related to the activities of the Committee. Unfortunately, due to time constraints, we will need to allocate time later in the session for these updates. I would like to kindly remind Committee members, however, to provide copies of all statements to the Secretariat so that they can be circulated to the Committee during the session.

Thank you very much for your attention.

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