

**STATEMENT BY MS. FERIDE ACAR,**

**ON THE 30<sup>TH</sup> ANNIVERSARY OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST  
WOMEN**

**Istanbul, 1 November 2012**

Madame Minister,

Madam Deputy High Commissioner,

Dear CEDAW Members,

Ladies and Gentlemen,

It is my distinct privilege to welcome you all to the first Panel of the day in which we will discuss some of the ongoing developments in the interpretation of the CEDAW Convention by the CEDAW Committee.

I would also like to take this occasion to welcome my fellow Committee members and colleagues from the OHCHR in Geneva, here in Istanbul. To be able to be together with you all, here in my own home country, is a great privilege and joy for me personally. Thank you for being here.

The 30<sup>th</sup> Anniversary of the CEDAW Committee is indeed a special event when we look back to the history of this body and its present work. In the last 30 years, CEDAW has been one of the key actors in helping governments and women's organizations all around the world to advance in combating discrimination against women and improving equality between women and men.

In this process as the international community's commitment to eliminate discrimination against women increased the work of the CEDAW Committee has also proliferated to wider areas and its voice became heard in many more places.

CEDAW standards are today truly universal standards so much so that, not only the states that have ratified this Convention but even states and regions that are not party to the Convention are utilizing CEDAW's provisions to develop their gender equality policies and implementation.

Civil society organizations and local governments and even national authorities in many of these states or regions have voluntarily adopted the Convention as their main guideline in efforts to bring about gender equality.

I would also like to express my appreciation to my government for hosting this 30<sup>th</sup> Anniversary event in Istanbul. By inviting the CEDAW Committee to Turkey to celebrate this momentous occasion and by providing it with the opportunity to hold an ‘informal retreat’ here in the next two days, the government has reiterated Turkey’s commitment to CEDAW’s principles. I see this gesture as yet another sign of the determination to abide by international standards of gender equality and women’s rights that Turkey, since the establishment of the Republic in 1923, has upheld. This is a country where many legal and socio-political obstacles to women’s equality with men have been overcome through political will, law reform and socio-political change, spread over decades. Yet a strong patriarchal culture that emphasizes stereotypical roles of women and men, continuation of some harmful traditional practices and adverse effects of structural inequalities in society have rendered the struggle to eliminate discrimination against women an uphill battle. Generations of women from different social backgrounds and political convictions have taken an active part in this unrelenting struggle. And there is no doubt that, in the past 30 years, CEDAW has been the main source of inspiration for and a strong driving force behind this struggle.

Ladies and Gentlemen,

Let me now say a few words about the topic this panel will discuss. This morning several members the CEDAW Committee will introduce to you the General Recommendations that are currently under discussion in the Committee.

CEDAW General Recommendations are expressions of the Committee’s interpretation of the Convention’s provisions. They can be Committee’s views on specific provisions of the Convention or they may address “cross-cutting issues” that relate to more than one Convention article. For instance, while GR #23 on women in public life and GR #24 on women and health can be seen as interpreting articles 7, 8 and 10 of the Convention GR #19 on gender-based violence against women is the best known example of the latter kind of General Recommendation, i.e. on cross-cutting issues.

General Recommendations are the CEDAW Committee's authoritative 'readings into' the Convention; they are based on the Committee's accumulated knowledge of issues and problems gained through its review of states' reports. They are guidelines the Committee provides to the states for national implementation.

To date the Committee has issued 28 General Recommendations. At the present it is working on six more with still a few others in the initial planning stages.

CEDAW's GRs constitute 'soft-law' and our experience shows that they can pave the way to national legislations and even binding international law. The route travelled by CEDAW GR #19 illustrates the latter case well.

Let me briefly explain....As is known, the CEDAW Convention itself, owing to historical and political realities at the time of its adoption (1976) does not contain any specific provision on violence against women. As late as the 1990's, international human rights law refrained from facing gender-based violence against women as a violation of women's human rights. The CEDAW Committee, in 1992, attempted to 'read violence against women into' the provisions of the Convention in order to fill the vacuum which had already become glaringly apparent and intolerable against the background of feminist politics and human rights activism of the times. In 1992 the CEDAW Committee released General Recommendation #19 and took a historic step to link the notion of 'violence against women' to the legally binding provisions of CEDAW. The Committee declared violence against women to be a form of discrimination against women. This General Recommendation stated that "gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men." It emphasized that the Convention, (Article 1), defined discrimination against women in a comprehensive manner which includes gender-based violence, that is, "violence directed against a woman because she is a woman or that affects women disproportionately."

In this way, the CEDAW Committee provided for all, a comprehensive definition of violence against women. This definition has since been adopted by many, as the basic yardstick. General Recommendation#19 also stated that violence against women can be exhibited in different forms in all areas of life thus, linking the notion to all of the main premises of CEDAW. Diverse and seemingly unrelated practices such as sexual harassment in the work place, early or

forced marriage and domestic violence are thus regarded as forms of violence against women replacing the earlier narrow conception that focused mainly on domestic violence.

Since then (1992), the CEDAW Committee, in its review of state reports, has been systematically referring to General Recommendation#19, and treating violence against women as a form of discrimination against women and a violation of women's human rights. Thus, the issue has been routinely included in state party reports to CEDAW and no state-party has ever refused or declined to be questioned by the Committee on this matter despite the fact that 'violence against women' does not appear in the text of the Convention.

Today, violence against women is well anchored into the human rights agenda by a series of declarations and decisions of political bodies in the UN, landmark decisions of international and regional courts (ICC, ECHR) and even binding legal texts (eg.Istanbul Convention), not to mention the many national laws on the issue, around the world. To put it differently, this body of 'soft law' that originated in CEDAW GR#19 has been 'codified'.

Distinguished Participants,

General Recommendations of CEDAW are based on the Committee's accumulated experience and practice involving both governments and civil society women's organizations.

They interpret, update and contextualize the Convention's provisions where need be, providing guidelines to governments and civil society on how to interpret and implement them.

General Recommendations have often introduced and helped legitimize new concepts and perspectives in line with a 'progressive' understanding of women's human rights. They help 'routinize' state obligations and help define future Committee practice along evolving values and new standards. Furthermore, General Recommendations of CEDAW have been influential in changing perceptions and norms in the international arena as well as national contexts. They have led to binding legal instruments and been the basis of court decisions (e.g. EHCR/ Opuz vs. Turkey, 2009)

All in all, they reflect the 'dynamic nature of CEDAW and are testimony to the critical work done by the Committee.

Let us now turn to our work at hand here.

At the moment, the CEDAW Committee is working on six different General Recommendations all of which refer to critical and “burning issues” in the area of women’s human rights and gender equality. They are

General Recommendation on Protection of Women’s Human Rights in Conflict and Post-conflict Situations,

General Recommendation on Rural Women,

General Recommendation on Women’s Access to Justice,

General Recommendation on Economic Consequences of Divorce,

General Recommendation on Refugees, Asylum and Statelessness  
and

CEDAW& CRC General Recommendation/ General Comment on Harmful Practices.

Each of these General Recommendations has already gone through several stages of the preparation process as their presenters will tell you.

Let me now introduce the distinguished speakers of the Panel who will give us a bird’s-eye view and brief analyses of the prospective General Recommendations the CEDAW Committee is currently developing.

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