

Expert Group Meeting

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‘Beijing +30: Emerging issues and future directions for gender equality and women’s rights’

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## **States International Responsibility**

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The human rights system is confronting serious pressures at this particular moment:

- i. Armed conflicts, humanitarian crisis and forced displacement involving several State Parties.
- ii. Reluctance from some State Parties to comply with international obligations.
- iii. Anti-rights campaigns against equality and diversity
- iv. Limited resources to support the adequate functioning of the Office of the High Commissioner on Human Rights, as the Secretariat for the UN Treaty Bodies.<sup>1</sup>

This is particularly challenging for the protection of Human Rights for women and girls. Historically, the Beijing Platform for Action provided a solid international political agreement to promote global gender equality. As it has been said, in the last 30 years, advancements were relevant in legal frameworks, as well as in institutional developments of specialized gender equality machineries. At the same time, limits have been shown in the economic dynamics. Women, particularly those affected by poverty, suffered the persistent lack of access to public services (education and health, particularly sexual and reproductive health) and were pushed to the most precarious work environments. Efforts from the international cooperation and national policies to provide financial support has always been limited to small groups that could not reverse the main trend of exploitation of the feminine labor force in the majority of the countries. Decent work and equal pay for equal work are still challenges for the majority of women.

At the same time, we, increasingly, see social movements acting in several countries with more international presence in the discussions with United Nations Treaty Bodies. This is particularly notable in the CEDAW Committee. The constructive dialogs with State Parties are always enriched by the collaboration from civil society organizations, non-governmental organizations and academia, all of them highly committed to the advancement of women's human rights. Here I could mention the indigenous women's organizations because they asked the CEDAW Committee to provide a General Recommendation on their rights and worked several years in conjunction with experts, until the adoption of the GR39 on the rights of indigenous women and girls in October 2022.

Without doubt, CEDAW is one of the most important UN Treaty Bodies with 189 ratifications and the CEDAW Committee adopted 39 General Recommendations that constitute a solid juridical doctrine for the interpretation of the Convention. The influence on substantial changes in legal frameworks remain a big asset for women's struggles. Constitutions, civil codes and penal laws in many countries have recognized key women's human rights. Reproductive and sexual rights as well as advancements in family relationships remains more difficult to achieve and are subjected

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<sup>1</sup> The CEDAW Optional Protocol (OP) is one of the mechanisms most seriously affected because there is not enough budget for the meetings of the Working Group on Communications and Individual Complaints under Art. 2 of the OP which are backlogging as they are not being addressed on time. The same pattern is affecting the Working Group on Inquiries under Art. 8 of the OP because the planned confidential inquiries to States Parties have not been budgeted.

to pushbacks in several countries. It is particularly important to note that the Optional Protocol adopted in 2000 (with 115 ratifications) is also a powerful binding tool for the advancement of women's human rights because it is focused on the functioning of judicial systems when the rights of women are in discussion (Individual Communications) or when the Committee receives reliable information indicating grave or systematic violations by a State Party (visit and Inquiry report).

It is also clear that feminist movements everywhere are a main force of change. In all the States, including the few of them that did not ratify CEDAW, like the United States of America or Iran, CEDAW is an inspiration for the struggles of the women's movements. The importance of CEDAW goes beyond the formality of ratification.

After 30 years of the adoption of the Beijing Platform for Action, it is important to continue to empower women in all countries. CEDAW is a powerful UN Treaty that is evolving in their interpretation according to the new trends in recent history. Legislative gender reforms that introduce rights in each country need to be well known and be used by women in order to promote real changes in their lives.

States are responsible for the respect, protection and fulfilment of women's human rights, not only by refraining from taking actions that involve discrimination against women, but in a positive manner, enabling a range of measures to promote conditions for the enjoyment of de jure and de facto equality for all women and girls. This international responsibility has been established by CEDAW, as stated in the General Recommendation 28 in 2010. States are also responsible for the actions taken by non-state actors. Moreover, there is also extraterritorial responsibility for States when they (or their private companies) act outside their territories. Advocates for women rights need to extend their knowledge to the large scope of CEDAW for the protection of women's human rights, taking into consideration the General Recommendations adopted by the CEDAW Committee.

Women and girls should also be active in all spheres of taking decisions, in order to be visible to authorities in their own States and also at the international level. CEDAW Committee will adopt this year General Recommendation # 40 on the equal and inclusive representation of women in decision making systems.

The large scope of women's human rights is in rapid expansion. A new understanding of rights is developing a solid creative doctrine with new means to enlighten the future generations of women. Technologies are also part of the new knowledge set for girls and young women. It is clear that the world is facing destruction and construction at the same time. Young women and girls should not be constrained to old patterns or stereotypes of submission and domination. The Beijing Platform for Action should be projected to the future horizon of the new generations of women in each different context in order to strengthen the elimination of barriers to equality and to re-consolidate an acceleration of solid anti-discriminatory policies.