

**COMMISSION ON THE STATUS OF WOMEN**  
**56th session**

**ORAL STATEMENT BY KAMALA CHANDRAKIRANA, CHAIRPERSON OF THE  
WORKING GROUP ON DISCRIMINATION AGAINST WOMEN IN LAW AND IN  
PRACTICE**

**New York, 5 March 2012**

It is an honour for me to be here, on behalf of the Working Group on discrimination against women in law and in practice, to contribute to the discussions of the Commission on the Status of Women (CSW) on this year's priority theme, "the empowerment of rural women and their role in poverty eradication", which is an issue of utmost importance to us all.

Allow me to take this opportunity to inform you about the Working Group on discrimination against women, which was established by the Human Rights Council through resolution 15/23 in October 2010. As I am sure you are all aware, the establishment of this mechanism among the Special Procedures of the Human Rights Council is the result of a long journey with the footprints of all the key stakeholders on women's rights. Indeed, it is within this august assembly, seven years ago in 2005, that the idea of a mechanism on discriminatory laws was discussed. It occurred in the context of the Commission's review of the commitments taken by Governments at the Fourth World Conference in 1995 and the Special Session of the General Assembly in 2000 to revoke remaining laws that discriminate on the basis of sex. The Special Session set 2005 as the target for achieving this objective. The Commission then decided to consider the advisability of the appointment of a special rapporteur on laws that discriminate against women in order to effectively strengthen existing mechanisms with a view to avoid duplication. To contribute to the Commission's discussion on this, in 2008, the Office of the High Commissioner for Human Rights produced a report commonly known as the "Banda report" which mapped out discriminatory laws remaining on the books. A year later, the Human Rights Council commissioned a thematic study on discrimination against women in law and practice. This study concluded that, notwithstanding the work undertaken so far by UN human rights mechanisms, further measures were required to eliminate discriminatory laws and close the persistent gap between *de facto* and *de jure* equality. One of the proposed measures in that study was the establishment of a new Special Procedure of the Council that would focus on laws and practices that discriminate against women. During the session in which the report was considered, the Human Rights Council adopted, without a vote, Resolution 15/23 which established, for a period of three years, the mandate of the Working Group on discrimination against women. This is a significant milestone as it is only the second time a mandate specifically focused on women was created by the Human Rights Council, since that of the Special Rapporteur on violence against women in 1994.

Members of the Working Group, including myself, took up their functions on May 1<sup>st</sup> 2011. The Working Group has so far met three times and has adopted its methodological and analytical approaches to its future work. Among the various tasks mandated by the resolution establishing it, the Working Group is to prepare a compendium of best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact. It was also tasked to undertake a study on the ways and means of cooperation between the Working Group and States to eliminate discrimination against

women in law and in practice and make recommendations on the improvement of legislation and implementation of law to promote gender equality and the empowerment of women. As a special procedure of the Human Rights Council, the Working Group will be conducting two to three country visits each year; these visits will provide a unique opportunity to collect first-hand information on not only laws but also practices which discriminate against women and good practices in eliminating discriminatory laws as well as to deepen the dialogue that the Working Group endeavours to nurture with Member States on matters falling within its mandate. Within the short life of the Working Group so far, we have already had the privilege and honour to be invited by the Government of Morocco for a country visit this past month.

As just mentioned, the Working Group intends to carry out its tasks in dialogue and cooperation with States, human rights mechanisms, inter-governmental bodies, relevant UN entities, regional and national human rights institutions, experts and civil society and in close coordination with other Special Procedures, CSW, UN Women and CEDAW. While this is explicitly mandated by our founding Resolution 15/23, the Working Group strongly believes that the full protection of women's human rights demands nothing less than the active collaboration among all mechanisms and institutions at the international, regional and national levels in an effective and coherent way.

Let me now turn to the thematic priorities that the Working Group has identified for the biennium 2012-2013: in 2012, the Working Group is addressing, as thematic priority, the issue of discrimination against women in law and in practice in the area of public and political life. Within this thematic focus, the Working Group is paying particular attention to times of political transition as they provide a unique opportunity to address women's participation in the political system and women's human rights in the legal and social systems, including through transitional justice mechanisms. The Working Group is gathering information from States and other stakeholders on women's equal access to their civil and political rights, including freedom of opinion and expression, the right to nationality and citizenship, and access to justice, including through transitional justice mechanisms. Efforts are being taken to ensure that the Working Group examines the specific barriers experienced by women, such as rural women, who are facing multiple forms of discrimination, including from the feminization of poverty. In the recent country mission to Morocco, members of the Working Group were able to meet with rural women leaders who actively participated in local elections and in governmental development programs. The findings and recommendations emerging from this visit will be reflected in the report the Working Group will present to the Human Rights Council in June of this year.

As part of its dialogue with States, the Working Group has sent to all Member States a letter soliciting information on constitutional and other legislative initiatives and reforms put in place to promote women's rights and gender equality, including through the revision and repeal of discriminatory provisions in legislation; strengthening the framework of state institutions, machineries and mechanisms to implement actions in order to eliminate all forms of discrimination and violence against women; improving women's political participation, on equal terms with men, in the transitional and post-transitional process at all levels of decision-making, including through the adoption of temporary special measures; and increasing women's access to justice, including through transitional justice mechanisms. So far, we have received written responses from approximately 33 Member States and hope, with this address to the CSW, that even more will come our way.

I take this opportunity to inform you that the Working Group welcomes submissions from all stakeholders on these issues and refer you to the Working Group's page on the website of the Office of the High Commissioner for Human Rights.

For the following year, in 2013, the Working Group intends to address the issue of discrimination against women in law and practice in economic and social life paying particular attention to those efforts undertaken in times of economic crisis. Needless to say that the intersection of various grounds of discrimination will be a cross-cutting perspective in all the work carried out and particular attention will be given here too to specific groups of women, including rural women.

The Working Group sees the Commission's sessions as important fora to address issues of equality and women's human rights as well as engage with stakeholders, notably States and women's civil society organizations working at the national and regional levels. The Working Group looks forward to the Agreed Conclusions of this 56<sup>th</sup> Session which will, with no doubt, inform the Group's future work. At the same time, the Group hopes that the Agreed Conclusions of the Commission will also speak to the international human rights bodies to further enhance the full protection of women's human rights. The Working Group further hopes that today is only the beginning of a continuous and effective coordination between the Human Rights Council and its Special Procedures and CSW in the spirit of promoting a coherent approach in overcoming the remaining obstacles to full equality and women's human rights by the various bodies and mechanisms in the United Nations.

I thank you for your attention and look forward to engage in a constructive dialogue with the Commission.

