Statement by Kamala Chandrakirana
Chairperson-Rapporteur, Working Group on the issue of discrimination against women in law and in practice

Geneva, 21 June 2012
Madame President,
distinguished delegates,
representatives of the United Nations, and
members of civil society,

It is an honour for me to address this 20th session of the Human Rights Council for the first time since the establishment of the Working Group on the issue of discrimination against women in law and in practice, on 1 October 2010. The Members of the Working Group assumed their functions a little more than a year ago, on 1 May 2011. I am pleased to represent them here as current Chairperson-Rapporteur of the Working Group.

Before proceeding to the introduction of our first Annual Report, I would like to convey our appreciation to the Member States who have actively engaged with the Working Group and responded positively to our efforts to implement the mandate during this first year. We are encouraged by the significant number of replies we have received to our letter of December 2011 to all Member States seeking inputs to inform our first thematic report to the Council in 2013. Our requests for country visits have been accepted by Morocco, Moldova, and Tunisia, and we have so far conducted missions to Morocco and, just recently, to Moldova. We are currently in discussion with Romania and South Sudan and look forward to engaging with other Member States as we go forward.

**Annual Report**

In accordance with Human Rights Council resolution 15/23, the Working Group has submitted its first annual report to the Human Rights Council under document symbol A/HRC/20/28 as well as an addendum to this report concerning its first country visit, to Morocco from 13 to 20 February 2012.

The annual report is a culmination of a series of reflections and consultations by the Working Group with States, the United Nations System, the human rights mechanisms and other stakeholders aimed at defining the scope of its mandate in relation to resolution 15/23 and in light of progress already achieved. These discussions provide the Working Group with a foundation to create a space for constructive engagement and dialogue on its mandate, and to
develop a complementary and distinctive contribution for the further advancement of equality and women’s human rights.

The annual report reflects the intention of the Working Group to address the issue of eliminating discrimination against women in law and in practice from the perspective of States’ obligations to respect, protect and fulfil women’s human rights, more than three decades since the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

It also contains a conceptual framework elaborated for the purpose of identifying and mapping good practices on the elimination of discriminatory laws, for implementing and improving existing legislation on equality and human rights, and for identifying ways and means to achieve greater progress on gender equality, protection and empowerment of women.

This conceptual framework will be applied to our two priority thematic issues for 2012-2013, namely discrimination against women in political and public life, including during times of political transitions, and discrimination against women in economic and social life, including during times of economic crises. These issues are of pressing global concern today and warrant particular attention because of their implications for women’s enjoyment of their human rights. We are currently conducting research on these two themes, the results of which will inform the Working Group’s annual report to the Human Rights Council in 2013 and 2014, respectively.

In order to compile a compendium of best practices, the Working Group seeks to look at good practices that have been transformative in relation to eliminating discrimination against women in law and in practice. This will entail examining constitutional amendments, judicial review, legislative reform, litigation and case law, as well as other forms of reform initiatives by a diversity of stakeholders. We are particularly interested in legal and policy frameworks which are responsive to the intersections of sex-based discrimination with other grounds of discrimination as well as in special measures which reach women facing multiple forms of discrimination, such as rural and indigenous women, women with disabilities, women living in poverty and women facing other forms of marginalization.
A key understanding underlying the Working Group’s dialogue with States and other stakeholders is that in order to effectively eliminate discrimination against women, the political will of States, with broad-based consensus of society, is a fundamental requirement. Progress in eliminating discrimination against women has been achieved as integral parts of the renewal of whole nations and regions, and as part of the responsiveness and accountability of States to an active citizenry committed to equality, non-discrimination and human rights for all women and men. It also bears noting that while political transitions offer unprecedented opportunities for progress on women’s human rights, they can also result in regression and produce new forms of discriminatory laws and practices. In this regard, the Working Group recognizes that good practice is evidenced where States take advantage of the opportunities to advance women’s human rights and avoid any kind of regression. This would include ensuring that complex national reforms do not result in incoherent laws and policies, and dissonance in their implementation between different levels of governance and sectors of policy-making.

Further, the Working Group highlights the importance of women’s agency and empowerment and sees this as an integral part of good practice in sustaining achievements in equality and non-discrimination, including in improving legislation and effectively implementing the law. Women initiate, lead and sustain engagements with formal political and legal processes as well as with social and cultural institutions and communities, amounting to negotiations over the long-term for the common good and development of whole societies. Women also take actions to end all forms of discrimination and human rights violations by claiming their place as full and equal citizens of nations and of the global community, and in so doing, face particular risks as human rights defenders.

In terms of its activities during the Working Group’s first year of existence, let me highlight some of our work. We have held three sessions and conducted two country visits as previously mentioned. We will present the report of our visit to Moldova at the 23rd session of the Human Rights Council. As part of its task to work in close coordination with relevant bodies within the UN human rights system, the Working Group has initiated engagements with several treaty bodies and Special Procedures mandate-holders. In October 2011, we met with the CEDAW Committee to discuss modes of cooperation and held an exchange of views with the Chairperson of the Committee on the Rights of the Child and a member of the Human Rights Committee. In November 2011, we took part in the fourth session of the
Forum on Minority Issues in Geneva which allowed us to address the interplay of various forms of discrimination that women face because they are women and members of a minority. In April 2012, we engaged in discussions in Addis Ababa on the gendered dimensions of enforced disappearances, in cooperation with the Working Group on Enforced and Involuntary Disappearances. Just a couple of weeks ago, we participated in an Expert Workshop on Human Rights and International Solidarity in Geneva, in support of the mandate of the Independent Expert on Human Rights and International Solidarity.

The Working Group has also had several discussions with UN Women, including with its Executive Director, to explore possible collaboration on areas relevant to its mandate. In March 2012, we were given the opportunity to participate in the 56th session of the Commission on the Status of Women during which I introduced the mandate and the Group’s working methods. We are also continuing with outreach and partnerships to both inform and support our own work and to ensure that our outputs have impact on the ground.

It is our intention to develop the modalities of our engagement and collaboration with several of these key institutions and to report more concretely on this next year.

**Country Visit**

Madam President,

I would now like to present an overview of the findings from the Working Group’s first country visit to Morocco from 13 to 20 February 2012. Allow me to take this opportunity to thank the Government of Morocco for hosting the Working Group’s first visit and for its cooperation throughout. I am pleased to report the open and positive dialogue at both governmental and non-governmental levels during the visit, and I look forward to continued dialogue with the Government and other stakeholders on the implementation of the Working Group’s recommendations.

The Working Group’s visit coincided with an important moment in Morocco’s history, namely, the culmination of a decade of democratic reforms in the adoption of a new Constitution on 29 July 2011, followed by the inauguration of a new Government after parliamentary elections on 25 November 2011. At the time of our visit, a process had started
to give effect to Constitutional provisions, including with regards to the creation of new institutions, and the newly installed Government was beginning to unveil its programme and priorities. The Working Group’s mission was therefore timely and it is my sincere hope that its findings and recommendations will be integrated into, and shape, unfolding processes.

Madam President,

Morocco has made important progress on equality and women’s human rights. Its legal framework has undergone a series of amendments, notably to the Family and Nationality Codes, in 2004 and 2007 respectively, and new laws have been enacted which have contributed to enhancing equality between men and women and lessening discrimination against women. The new Constitution is a crowning achievement in this framework, providing a solid basis for greater progress on equality and women’s human rights in Morocco. It establishes the primacy of international law in the domestic legal order and requires that domestic laws be harmonised with international standards. Its article 19 enshrines the principle of equality between men and women and creates a body to advance progress in these areas. Ensuring respect for Constitutional provisions will be an issue of great importance to Morocco in the coming years.

Notwithstanding political and legal advances, the Working Group identified several discriminatory provisions in the Family Code, the Nationality Code, the Penal Code and the Labour Code which perpetuate inequalities and discrimination against women in Morocco. It found that gender-sensitive interpretation and enforcement of the law continue to be areas for considerable improvement so as to guarantee women equality before the law and equal protection of the law. The Working Group was made aware of conservative and patriarchal attitudes which permeate the law and its application, risking regression from current achievements, and serving to maintain inequalities, discrimination, degrading and harmful practices and violence against women. Beyond the law, it is clear that there exist many cultural and societal obstacles which impact on women’s status and opportunities in Morocco. This is an area that deserves urgent measures from the Government and all parts of Moroccan society, including men and religious leaders, to fight against stereotypes and negative portrayals of women, and to empower women.
The institutional and policy framework for gender equality and women’s human rights is comprehensive. The Working Group found the National Human Rights Council and the Institution of the Mediator dedicated to ensuring greater coherence and efficiency in the protection and promotion of human rights, including for women. Both benefit from good representation of women in their composition and are responsive to women’s rights concerns. Importantly, the new Constitution has created an “authority for parity and the fight against all forms of discrimination”. A key challenge will be to ensure coherence across these multiple institutions and to establish the authority without delay as it is poised to play a pivotal role in ensuring further consolidation and advancement of gender equality and women’s human rights. We underline the importance of ensuring a consultative process in elaborating the law to operationalize the authority.

On the policy front, we were encouraged to learn that an agenda for equality was adopted by the previous Government for the period 2011-2015. It is an important tool to advance equality and women’s human rights in Morocco and the Working Group encourages the incoming Government to endorse it and move to its implementation rapidly.

In the area of political and public life, the new Constitution renews hope of increasing women’s participation in decision-making bodies and two organic laws establish a quota for women’s representation in the Parliament and in political parties governing bodies. The meagre representation of women in the composition of the new Government, however, is a troubling sign for women in Morocco and we urge the Government to take concrete steps, without delay, which would safeguard and further advance the achievements on women’s rights in Morocco, including in anticipation of the next local elections.

The Working Group found that rural women and other marginalized groups of women in Morocco suffer many hardships that deprive them of their human rights. The devolution of powers to the regions can be an effective means to combat rural poverty, especially by increasing women’s participation in political life, including at the local level, and initiatives such as the National Human Development Initiative are offering women life-transforming opportunities. However, this national initiative needs to take rights and results-based approaches and guarantee women’s full and active ownership of the programme. As gender-based violence remains a serious concern in Morocco, a critical area for action is to close the
gaps in legal protection on violence against women, including by enacting a law as soon as possible on all forms of violence against women.

The Working Group was able to document several good practices, including with regards to leadership and political willingness at the highest levels of Government and a truly vibrant civil society working towards gender equality and women’s human rights. Morocco’s well-developed gender-responsive budgeting approach also deserves recognition. We have offered a number of recommendations to improve legal protection and the institutional and policy framework, advance women’s participation in political and public life and empower rural women and other marginalized groups of women.

Madam President,

In closing, I would like to restate the Working Group’s commitment to carrying out its mandate in an optimal way and to contributing to the creation of a new momentum for equality and women’s human rights.

I thank you for your attention and I look forward to a constructive dialogue with the distinguished members of this Council.