

National parliaments and the Convention on the Elimination of All Forms of Discrimination against Women

Statement on the relationship of the Committee on the Elimination of Discrimination against Women with parliamentarians

1. At its forty-first session, the Committee adopted a standard paragraph on “Parliament” in its concluding observations in order to draw to the attention of State parties, the importance of involving its parliament in the reporting process under article 18 of the Convention and the implementation of all the provisions of the Convention.

2. The aim of the present note is to clarify and strengthen the role of national parliaments vis-à-vis the Convention. The note is also aimed at clarifying the relationship between the Committee and the Inter-Parliamentary Union (IPU).

I. Role of Parliaments in the process of ratification of the Convention and its Optional Protocol and withdrawal of reservations

3. The procedure for ratification/accession to international instruments as well as the withdrawal of reservations varies from State to State. In most States, approval by Parliament is necessary before the deposit of the instrument of ratification to the Secretary-General of the United Nations. Similarly, decisions concerning reservations as well as their withdrawals are also taken in Parliament. This Parliamentary procedure also applies to the Convention and its Optional Protocol. Consequently, Parliaments have a strategic role to play with respect to the ratification/accession of the Convention and its Optional Protocol. As the Convention and its Protocol have not attained universal ratification, Parliament can play a significant role in encouraging their State in becoming a party to the Convention and its Protocol. Similarly, as the Convention is the treaty body with the largest number of reservations, Parliament can also play a significant role in their withdrawal .

II. Parliaments and the implementation of the Convention

4. Parliaments and their members have a vital role to play in ensuring respect for the principles enunciated in the Convention and they have a wide range of tools at their disposal to do so. In discharging their traditional duty of overseeing the work of Government, Parliament can ensure that States parties comply fully with the provisions of the Convention. Parliaments and their members have a fundamental responsibility in their role of “constituency”, which is the basis of the legal system. The functions of Parliaments — notably legislative and budgetary functions and oversight of the executive branch of the Government — are at the heart of the implementation of the principles and rights enshrined in the Convention. The implementation of the Convention includes the incorporation of the principle of non-discrimination against women in national legislation, including in the Constitution of the State party. It also imposes an obligation on the State Party to condemn discrimination against women, to abolish all discriminatory laws and to adopt, whenever appropriate, temporary special measures to accelerate de facto equality between women and men. It also obligates States Parties to adopt appropriate policies and establish mechanisms aimed at promoting equality between sexes. As such, Parliamentarians can take active

measures to ensure that national laws, policies, actions, programmes and budget reflect the principles and obligations in the Convention.

The budgetary functions and the monitoring of governmental action are vital for a better implementation of laws relating to equality between sexes, through the approval of adequate budgets and a regular oversight of the impact of governmental measures with respect to the condition of women.

Parliament, as an organ representing the population as a whole, reflects the diversity of opinion and interests in the country by reason of its privileged access to the whole population. As such, Parliamentarians can be key players in raising awareness of the Convention and its Protocol to the population at large and to women in particular.

III. Role of Parliaments in the drafting of reports and follow-up to the concluding observations of the Committee

5. States are not legally obliged to involve Parliaments in the drafting of reports under article 18, as it is the State which has the primary responsibility of doing so. However, as the Convention is binding on all branches of Government, it is desirable that States parties involve Parliament in the reporting process under Article 18 of the Convention, the implementation of the Convention and the follow up to the concluding observations of the Committee. States parties are strongly encouraged to establish an appropriate mechanism to facilitate collaboration between Parliament and Government with regard to the input of its Parliament in the elaboration of reports, and its role in following up on the concluding observations of the Committee. The monitoring role of Parliament with respect to the compliance by the State of its international obligations, could considerably enhance the implementation of the recommendations of the Committee.

6. Consequently, it is necessary for States parties to urge Parliament, many of which now have some structures in place, such as Parliamentary Committees focusing on human rights including gender equality, to take an active part in the work of the Committee in general, as well as in the implementation of its provisions in their own country.

IV. Action of the Inter-Parliamentary Union and its relationship with the Committee

7. IPU has always strived to bring a parliamentary dimension to international cooperation and the work of the Committee. It is playing a key role in disseminating the Convention and its Optional Protocol among parliamentarians. During its conferences and the sessions of its Assembly, the organization regularly invites States that have not ratified the Convention and its Optional Protocol to do so. It also encourages States parties that have made reservations to the Convention to withdraw them and to fulfil their obligations. The Secretary-General of IPU writes to the presidents of the legislative assemblies to inform them about the upcoming consideration of the report of their country by the Committee. Once the Committee's concluding observations are available, a letter is sent to the parliament concerned to bring to its attention the recommendations adopted. In 2003 IPU, with the assistance of the Division for the Advancement of Women, published a practical guide for the use of parliamentarians on the Convention and its Optional Protocol. Every year, IPU organizes briefings on the Convention, addressed to women parliamentarians in particular. IPU also provides, in collaboration with the Office of the United Nations High Commissioner for Human Rights,

technical assistance programmes in order to build the capacities of parliaments and help them fulfil their role regarding the implementation of Convention and its Optional Protocol. Since 2006, IPU also provides Committee with country specific information including data on the political participation of women in Parliament and in Government as well as at the local level with regard to States whose reports are under consideration by the Committee.

V. RECOMMENDATIONS

8. The Committee recommends that States parties ensure the full participation of Parliament and its members in the reporting process and the full implementation of the Convention and its Protocol.
9. Given the key role of Parliament, the Committee recommends that States parties ensure that Parliamentarians, as representatives of the people, be made aware and informed of the Committee's work so that they may take it into account in their legislative functions and relay it to their constituencies and to the public at large.
10. The Committee recommends that State parties ensure that all relevant information is made available to Parliamentarians on a regular basis through appropriate Parliamentary support services.
11. The Committee further recommends that information received by Government on its obligations as a State party and other matters of concern are brought to the attention of Parliamentarians.
12. The Committee recommends that whenever members of the Committee are invited to visit a State party, it is desirable that the State party organize meetings with Parliamentarians.
13. The Committee encourages States parties to include in their reports, information on all parliamentary initiatives in the elaboration of laws in order to ensure full incorporation of CEDAW provisions into domestic legislation.
14. The Committee reiterates the importance of strengthening the national machinery dedicated to equality at the level of Parliament, such as Commissions on gender equality, missions and information on inquiries relating to violence against women, and improvement of legislation on equality between women and men.
15. The Committee draws the attention of States parties to the fact that institutional linkages and informal relations with civil society and women's organizations are fundamental to the promotion of women's rights by the Parliament.
16. The Committee encourages States parties to include in their delegation before the Committee for the examination of their report, members of Parliament as well as a special advisor in charge of relations between the Government and the Parliament in order to improve the visibility of parliamentary responsibilities.
17. The Committee calls on State parties to evaluate its collaboration with its national Parliament and other Parliaments and to take appropriate measures to enhance

cooperation between Parliaments in order to exchange best practices on the implementation of the Convention.