



**PERMANENT MISSION OF THE REPUBLIC OF CROATIA
TO THE OSCE, UN AND INTERNATIONAL ORGANIZATIONS
VIENNA**

A-1010 VIENNA, BARTENSTEINGASSE 16/7, TEL: (43-1) 535 01 37, FAX: (43-1) 535 01 34
E-MAIL: cromiss.vienna@mvep.hr

Gender Equality Review Conference Opening Statement
on the Occasion of the 10th Anniversary of the 2004 OSCE Gender Action Plan
As delivered by Ambassador Dubravka Šimonović
Vienna, 10 July 2014

I would like to start by thanking the Swiss chairmanship, the OSCE Secretariat and ODHIR for jointly organizing this first OSCE Gender Review Conference 10 years after the adoption of the OSCE Action Plan for the Promotion of Gender Equality.

This is a timely opportunity for the OSCE and all its participating States to examine progress in achieving substantive equality between woman and man just before the next years global Beijing +20 review of the Platform for Action (BPA) adopted at the Fourth World Women's conference in 1995 dedicated to women peace and development.

I am very glad that focus of this conference is on the elaboration of implementation strategies and in my capacity as Permanent Representative of Croatia to the OSCE I would like propose that from now we convene each year the OSCE Gender Review Conference. This format of the regular review conference would enable us to yearly and systematically follow-up on implementation of already accepted or newly developed standards in order to accelerate progress in achieving substantive equality between

Madame Moderator,

Distinguished colleagues and friends,

based on experience gained as a CEDAW Committee member for the past 12 years I would like to bring in today's discussion important links and synergies between the global instrument for women's empowerment – namely the UN Convention on the Elimination of all forms of Discrimination against Women of 1979 (CEDAW Convention) and the OSCE Action Plan for the Promotion of Gender Equality (Gender Action Plan).

We can ask ourselves: What is the relevance of the UN CEDAW Convention and also the BPA for this OSCE Review Conference of its GAP and for the OSCE as a regional security organization?

First of all there is a shared gender equality vision of the CEDAW Convention, the BPA and the OSCE GAP aimed at achieving substantive gender equality based on recognition of an existing gender inequality gap at all levels marked by ongoing sex and gender based discrimination, and violence against women including sexual violence in conflict, harmful

gender practices and stereotyping resulting in exclusion of women from equal enjoyment of human rights and fundamental freedoms.

The CEDAW Convention addresses this gender inequality gap as a gender specific human rights instrument that proclaimed women's rights as human rights. It is women's antidiscrimination and women's empowerment instrument that requires from its States parties to: "*embody the principle of equality of men and women*" and: "*to ensure the practical realization of this principle.*" This concept of substantive equality goes beyond the concept of equal opportunities or what is known as formal equality concept.

Yet, on many occasions we can observe that the concept of equal opportunities is used as equal to the concept of substantive equality that is prescribed by the CEDAW Convention.

The Convention contains two unique women's empowerment provisions that focus on structural causes of gender inequality. State parties have obligation

- to modify negative or harmful stereotypes on roles for men and women (Articles 5 (a)).
- adopt temporary special measures to accelerate advancement of women and achievement of *de facto* equality of women and man. This provision provides legal ground for adoption of quotas and other measures that are not deemed as discrimination. Under this provision legality of quotas should not be question any more.

The Convention articles from 6 to 16 are providing relevant guidance on actions needed to address discrimination against women in areas of trafficking, prostitution, political participation, nationality, education, employment, health, economic life, rural areas, equality before the law and in the family.

Acceptance of the CEDAW Convention imposes reporting obligations for State parties to report to the CEDAW Committee on the legal and other measures undertaken to give full effect and to implement provisions of the Convention. The CEDAW Committee composed of 23 independent experts who serve in their personal capacity considers reports through a constructive dialogue with the high level delegation of the given State Party, and adopts by consensus Concluding observations in which it points out for each State party implementation gaps and recommends measures to be undertaken.

The CEDAW Committee also adopts General Recommendations directed to all State parties, which provide authoritative guidance on the nature and scope of the Convention's provisions. Up to now the Committee adopted 30 general recommendations. The last one and also relevant for the work of this Organization is the general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations. It provides clear links between the Convention and the SC resolution 1325 and follow-on resolutions and calls State parties to report to the CEDAW Committee on their implementation.

The Committee under the Optional Protocol to the Convention considers individual complaints and inquires on allegations of grave or systematic violations by the State parties of the rights in the set forth in the Convention. Individual complaints procedure provides the CEDAW Committee with an opportunity to develop its jurisprudence against the background

of an individual factual situation, while the inquiry competence allows it to craft recommendations to address grave or systematic violations of women's rights.

The Committee also adopts other statements, for example on the Role of Parliaments in reporting process, Role of NGOs or on concrete country situations.

This all is turning the CEDAW Convention into dynamic or "living" women's human rights and empowerment instrument and the CEDAW Committee into a global accountability mechanism whose recommendations should be used by all its State parties but also other stakeholders like the OSCE field missions when they are supporting Participating States to meet their international and regional commitments.

Now we should turn to the OSCE GAP.

At the OSCE level, in the Decision N.14 of 2004 at the OSCE Ministerial Council participating States recognized "that equal rights of women and man are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region". Participating States committed themselves to make equality between women and man an integral part of their national policies and within the OSCE organization. They also endorsed the OSCE Plan for Promotion of Gender Equality.

The OSCE GAP builds on existing international commitments and as such it includes formal and substantive links between the CEDAW Convention and GAP including concrete set of actions aimed to strengthen the implementation of the CEDAW Convention and its Optional Protocol:

- States that have ratified the Convention with reservations consider withdrawing them.
- States parties to the CEDAW are also called upon to consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
- If they are parties to the CEDAW Convention report regularly and on time to the CEDAW Committee, and include women's organizations in the preparation of their reports;

If we look OSCE GAP priority areas and provisions of the CEDAW Convention we can see that all GAP priority areas are explicitly or implicitly addressed by the legally binding provisions of the CEDAW Convention that has been ratified by all except one OSCE Participating State and by all its Partners for Co-operation.

By ratification all State Parties (188) assumed obligation to incorporate the CEDAW Convention into their national legal systems and to give full effect to its provisions. In that respect we can observe that all priority areas of the GAP are also addressed by the CEDAW provisions.

1. OSCE GAP priority to "Establish non-discriminatory legal and policy frameworks" has been addressed in the Conventions Article 1 on the definition of discrimination against women and Article 2 of the prohibition of such discrimination and on the substantive equality;

2. OSCE GAP priority on "Preventing violence against women" has been addressed in the Conventions Article 1, 2 , 5 and in the General recommendation 19 on violence against women;
3. OSCE GAP priority: "Promoting the participation of women in political and public life" has been is addressed under the Conventions Article 7 and 8 while implementation measures are under Article 4. 1 on TSM and in the General recommendation 25 ;
4. OSCE GAP priority : "Promoting women's participation in conflict prevention, crisis management and post-conflict reconstruction" has been addressed in the Preamble of the Convention to which Security Council Resolution 1325 refers to, Article 7 and the General recommendation 30 on women in conflict prevention, conflict and post-conflict situations:
5. Promoting equal opportunities for women in the economic sphere is addressed in Article 11 on employment;
6. Creating national mechanism for the advancement of women is addressed under the Article 3 and the BPA.

I would like to conclude that both the CEDAW Convention and the OSCE GAP are **complementary instruments** that should not be used as two separate or parallel instruments but as **mutually reinforcing complimentary tools** for elimination of discrimination against women and the practical realization of gender equality that is an essential component of security and stability in the OSCE region.

Thank you Madame Moderator.