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**“PANEL ON GENDER, AFRICAN DESCENDENT & DEVELOPMENT”**

**TWENTY YEARS AFTER BEIJING:  
THE ROLE OF CEDAW IN ASSESSING THE IMPACT OF BPFA  
ON WOMEN OF AFRICAN DESCENDENT**

**Bianca M. Pomeranzi  
Member of the CEDAW Committee**

Madam chairperson and distinguished participants

Let me thank the Working Group of Expert on People of African Descent for inviting the CEDAW committee at this panel which is part of the Decade on “Recognition, Justice and Development” endorsed by the General Assembly of the UN to strengthen national, regional and international cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African Descent, and their full and equal participation in all aspects of society.

The implementation of the programme of activities for the international decade has many common fields of intervention with the work undertaken by the CEDAW committee in monitoring the achievements over the past 20 years of the Beijing Platform for Action.

The Beijing Fourth World Conference on Women was an extraordinary moment in the history of the international women’s movements as well as women workers around the world, with unprecedented mobilization of feminist policy-makers, activists and academics in the international political arena, both prior to the conference and subsequently.

This gave important legitimacy to the Platform for Action its call for action in critical areas of concern and its role as a framework to guide and inspire policy-making at the national and international levels, as well as provide ideas and mobilizing principles to the various women’s groups and representatives of civil society who were concerned with improving the conditions of women and realizing their rights and empowerment.

Twenty years after the Beijing Platform of Action was adopted, despite some important progress in a number of areas, gender inequalities remain and have been sharply exacerbated by the contemporary patterns of globalization.

Gender inequalities intersect with other inequalities and challenges of policy and the political economy that impact adversely on the realization of development. However, the Beijing Platform of Action provides not only an important intrinsic statement about the significance of gender equality, but also precise policy guidance and suggestions of processes that are essential also for other action plans .

The two central documents adopted at the 1995 United Nations Fourth World Conference on women in Beijing, (the Beijing declaration and the Beijing Platform for Action) recognize the interdependence of gender and racial equality in acknowledging that women and girls face barriers such as "race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people."

The Beijing Platform for Action acknowledges that gender subordination may be informed and heightened by race discrimination, xenophobia, and other experiences. Similarly, because racial discrimination may exist or be intensified due to its intersection with gender, attempts to address the persistence of racism requested to incorporate a gender analysis on the concept of interdependence especially within the antidiscrimination law context, treaties and treaty bodies.

My analysis is based on the recent work of the Committee on these issues with a particular point of view focused on the economic and social rights of women (the third part of the convention) and especially open to the next Agenda for Development Post 2015.

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in its preamble, states that the eradication of racial discrimination and other forms of subordination is "essential to the full enjoyment of the rights of men and women" but we can say the main work on this issues started in the more recent years.

Since the very beginning of the process of preparation of the WCAR the Committee that oversees implementation of the International Convention on the Elimination of all forms of Racial Discrimination (CERD) adopted a General Recommendation 25 on "Gender related dimensions of racial discrimination", which started to call upon states parties to include information on gender aspects of racial discrimination in their reports to the committee.

The CEDAW committee did not issue a parallel general recommendation but highlighted the theme in many of its general recommendations. In this respect I would like to recall the Para 3 of the GR 28 which declares: **"The Convention is part of a comprehensive international human rights legal framework directed at ensuring the enjoyment by all of all human rights and at eliminating all forms of discrimination against women on the basis of sex and gender (...), while other international human rights treaties, such as the International Convention on the Elimination of all forms of Racial Discrimination, are implicitly grounded in the concept of non-discrimination on the basis of sex and gender"**.

This important GR was issued in 2010 and since then every GR emphasized the specific problems of intersectionality. I would like to mention in particular **Para 36 of the GR 30** on "Women in conflict prevention, conflict and post-conflict situations" which address the rights of "women of diverse caste, ethnic, national or religious identities, or other minorities, who are often attacked as symbolic representatives of their community" .

In the same strain the **Para 30 of the GR 32** on "The gender-related dimensions of refugee status, asylum, nationality and statelessness of women" states : "in line with the Convention, states parties are required to take proactive measures to ensure that the legally recognized grounds of persecution, including those enumerated in the 1951 convention relating to the status of refugees (race, religion, nationality, membership of a particular social group and political opinion), are given a gender-sensitive interpretation".

This are only few examples on how by calling on states parties to report on discrimination at the intersection of race and gender, the CERD committee and the CEDAW committee achieve an important work to concretize the interdependence and intersectionality of human rights of women of African descendent.

In my experience - which is still quite new as I am member of the Committee since 2013- the GRs offer a guide for the constructive dialogues with the SP in order to eliminate specific forms of violence and discrimination faced by women of African descent.

The results of the application of the GRs can be found in many of the Concluding Observations of the CEDAW where the committee presents to the SP specific recommendations for the implementation of the Beijing Platform for Actions.

In all the 56 constructive dialogues to which I participated a particular attention has been given to the failure of many countries to recognize discrimination and gender-based violence faced by women from racially or ethnically marginalized groups and immigrant women.

The main articles of the CEDAW Convention that are subject to specific analysis in this perspective are: Article 2 and 15 on discrimination and access to justice; Article 5 on stereotypes and violence (especially for women in conflict situations because violence against women is rampant during periods of armed conflict, although international law prohibits gender-based violence as a weapon of war); Article 6 on trafficking and sexual exploitation, Article 9 on nationality and, more generally, all the articles in the third part of the Convention which analyse the economic and social situation of women with respect to Employment, Education, Health, Economic empowerment, Social protection and the specific article 14 on “multiple discrimination” against women of minorities, or of racially or ethnically marginalized groups.

All these areas coincide with the twelve areas of concerns of the Beijing Platform for Action. Therefore it is possible to affirm that the role of the Committee in monitoring the implementation of the BPFA has produced a “body of evidence” that in many cases States’ policies and programs do not sufficiently focus on the underlying issues of structural racism. In this regard, the commission urges the states to take not only remedial, but preventative steps to reduce the multiple vulnerabilities of women which address the disparities caused by the intersection of sexism and racism.

Many of the multiple vulnerabilities are addressing the situation of afro-descendant women even though the focus on this group and the definition are explicitly used by the Committee only for the state parties of Central and Latin America, without any reference to other areas of the world as Europe or North America where mention is made only for groups of women of other racial and ethnic identities.

Unfortunately I could not to conduct a study on the CEDAW COBs before this panel to show as the committee mentioned explicitly afro descendant women. I hope that in the course of the decade some Universities or Human rights NGOs can do this analysis which would be very helpful on concentrating on the systemic and systematic discriminations against women of African descent in many countries of the world. To this end would be likewise important to intensify the cooperation among the different bodies and mechanisms of human rights so to increase the impact of their respective actions.

Discrimination emanating from categorical distinctions on the basis of sex and race have historically intersected in multiple and diverse ways, and have taken specific forms during particular historical conjunctures, such as in the contexts of slavery and colonialism.

The dominant structures of power often relied on violence to sustain their patriarchal and racial boundaries.

The racial regime of the liberal state has been regulated mainly through immigration and naturalization laws. Through the construction of racialized and gendered citizenship, modern states have reproduced the historically established structures of domination albeit in different ways. Analysis of the phenomenon of citizenship within the modern national state reveals how notions of gender (the "nuclear family"), and race (the "other") are implicitly woven into the laws.

In this era of globalization the international community has to recognize that despite the commitment and initiatives of many governments in the area of law and policy, the dismantling of racial discrimination remains slow. As the global economy secures cheap and flexible labour through immigration and offshore production, sexism and racism prejudices become personified through the women who are entering the labour market as suppliers of cheap and unorganized labour.

This process increases women's vulnerability to multiple forms of discrimination and subordination. At the same time, the global development of international human rights protection opens new spaces for women's individual and collective struggles against all and multiple forms of discrimination.

Women of color, racialized women, marginalized women and indigenous women have accurately argued that will not be changed until we also commit our actions to prioritizing respecting, protecting, fulfilling their human rights and their fuller participation in development at the center of our work.

The ongoing intergovernmental process to set a Post-2015 Development Agenda and the new Sustainable Development Goals offers support for a broader conception of development, defined as "freedom from fear and want for all without discrimination" and the creation of conditions in which people everywhere can realize their universal human rights — civil, political, economic, social and cultural.

Throughout the Post-2015 process it has been widely recognized that gender equality and women's human rights should be a central ambition, and that the structural barriers to achieving this are now specifically addressed, through a stand-alone goal addressing women and girls of all ages and in all their diversity as well as addressing the specific needs of women and girls across the development framework.

This acknowledgment as well as the adoption by the UN General Assembly of the resolution, A/RES/68/268, on "Strengthening and enhancing the effective functioning of the human rights treaty body system" open new possibilities to increase the impact of treaty bodies' work on the intersectionality of gender inequality and racial discrimination with the support from other parts of the UN system – the Special Procedures, the Universal Periodic Review (UPR), OHCHR's field offices, and other UN departments and agencies.

The Concluding Observations of CERD and CEDAW can provide a foundation for realizing rights and evaluating public policies with regard to gender, race and development, especially in the framework of the new Global Partnership designed by the Post 2015 Agenda.

A first area of possible cooperation could be the improvement in collecting data and statistics at national level on discrimination against specific groups of women. We know that the lack of data, as countries rely on aggregate indicators, mentioning inequality between different groups of women masks the degree of inequality and impedes the development of targeted policies .

The second area of cooperation could be to intensify the strategic discussions between different bodies and the exchange of expertise among their members on specific issues as migrant and refugee women, trafficking and sexual exploitation of human beings especially in conflict situation, domestic violence and harmful practices, stereotyping of racialized groups of women and other emerging themes.

The third and most challenging area, among the future opportunities now available in the framework of the Post 2015 Agenda, is to promote the implementation of the Recommendations of UPR and COBs, through the Development Assistance framework (UNDAF), the Rights Up Front initiative of the Secretary General, which governs all of the UN's work and the role of the UN's Resident Coordinators both in their terms of reference and appraisal process. To operationalize these various opportunities, and work with the State party to develop specific plans of action against racial and gender discrimination, there is the need to improve the cooperation of UN Women and the other bodies of the UN development system with OHCHR and especially with CEDAW and CERD.

Last but not least is important to stress, as an explicit tool for the future, the constant attention, exchange of information and support which should be devoted to the initiatives and voices of women's ngos and human rights defenders as proactive stakeholders and agents of effective change.