

Sheri Labenski

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## Holding the state to account: reflections on CEDAW

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*The event “Where Would Women Be Without CEDAW” focused on violence against women and girls and holding governments to account, following a public lecture by Mauritian Supreme Justice and CEDAW member, Aruna Narain. The two sessions celebrated CEDAW’s successes, assessed its limitations, and looked towards the future, recognising the important work that still must be carried out. The*

*following is a summary of the second panel by [Sheri Labenski](#) and [Keina Yoshida](#). You can read the summary of the first panel [here](#).*

The speakers in the second panel, Rosie Lewis (Deputy Director of the [Angelou Centre](#)), Louise Kennedy (Vice Chair of the [Northern Ireland Women's European Platform](#)) and Harriet Wistrich ([Centre for Women's Justice](#)) reflected on CEDAW Session 72 when the 8<sup>th</sup> periodic report of the United Kingdom of Great Britain and Northern Ireland was examined by the CEDAW Committee in Geneva earlier this year.

These Concluding Observations addressed many of the concerns which had been raised to the Committee and which are available in the shadow reports presented by NGOs prior to the session. In a [previous blog post](#) Keina Yoshida highlighted connections between CEDAW's examination of the UK and the WPS agenda. This panel also emphasised the role NGOs play in the functioning of the CEDAW, which also links to the importance of NGOs within the development of the WPS agenda. The panel was an important opportunity for civil society to speak about how the CEDAW can be used to hold the State to account in the context of frontline services, in the courts, and through other advocacy avenues. As part of the 40<sup>th</sup> anniversary celebration of CEDAW the aim of this panel was to demonstrate how NGOs contribute to CEDAW's development and also how the UN can become a space for advocacy and friendships amongst colleagues working on the same areas.

## **Concluding Observations**

The examination of the UK by the CEDAW Committee has coincided this year with a number of examinations, including by the [Committee against Torture](#), the [Special Rapporteur on Extreme Poverty and Human Rights](#), and most recently the [Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance](#). There are many synergies between the reports, underscored by huge uncertainties with respect to Brexit and growing inequalities due to austerity policies. For example, the SR on Extreme Poverty noted in his report that recent policies in the UK have too often perpetuated rather than tackled gendered aspects of poverty. The panel event also took place just over a month after the death of Lyra McKee, a 29-year-old journalist and LGBT activist and a peace march took place in Northern Ireland just a few days before it. This tragic example reiterates the urgent need to address issues of discrimination that exist amongst embedded biases within state structures.

While the CEDAW Committee's Concluding Observations highlight a number of positive aspects in relation to efforts made by the State since its last consideration in 2013, the Committee noted that Brexit has resulted in a critical juncture and stressed that "placing women's rights at the heart of [the Government's] deliberations and ensuring that women's rights are strengthened will result in creating a stronger and more resilient society". The Concluding Observations both reinforce its previous recommendations and include new recommendations for the UK. New recommendations include the realisation of legal and substantive gender equality in relation to the implementation of the 2030 Agenda for Sustainable Development, and that the State "[r]eview its policy on fracking and its impact on the

rights of women and girls and consider introducing a comprehensive and complete ban on fracking".

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## **The Panel**

In addition to these more general points the panellists each addressed certain aspects. Rosie Lewis drew attention to the specific situation of BME women and the structural discrimination they face. She noted the lack of public funds and cuts to specialist services for

BME women, highlighting the importance of State reporting and the UK's failure to address many of the issues raised by the Committee. She underscored how the Government had failed to implement the CEDAW into domestic law but continues to rely on the use of existing legislation in order to claim compliance with the Convention. There is a need for CEDAW education in frontline services.

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Louise Kennedy addressed the particular situation of women and girls

in the different legal jurisdiction in Northern Ireland, reminding the audience of the Committee's Inquiry under the CEDAW Optional Protocol into sexual and reproductive rights and the ongoing struggle of women and girls in the context of a lack of any government there since January 2017. She provided the room with the exact number of days since there was last a functioning Stormont government and drew attention to the different areas which had been affected. This was addressed in the Committee's Concluding Observations, which reminded the UK Government that "the devolution of government powers does not negate the direct responsibility of the State party to fulfil its obligations to all women and girls within its jurisdiction" and that the State had an obligation in the absence of a functioning NI government to "take all measures necessary to ensure the effective application of the Convention".

Harriet Wistrich, is a solicitor and leading human rights advocate who recently represented [Sally Challen](#) in her successful appeal against conviction and sentence for the murder of her controlling husband. She drew attention to CEDAW's relevance to the domestic courts of England and Wales. She discussed the Committee's significant recommendation under CEDAW article 6 that women in prostitution should be decriminalised and that their criminal records be expunged, which had been the subject of consensus between the more than 50 NGOs attending the session and is the subject of an ongoing case before the Court of Appeal. She also raised the non-implementation of CEDAW in domestic courts and how this plays out in arguments before them, including in the case of [QSA, Broadfoot and ARB v Secretary of State for Justice](#), currently pending before the Court of Appeal. Finally, Harriet Wistrich also drew attention to the low

prosecution rates of rape and sexual violence and the very worrying use of civil torts such as defamation claims to silence women who made allegations about gender-based violence against their former partners.

## Conclusion

The panel provided an opportunity for civil society views and reflections on the CEDAW process and consideration of the Committee's Concluding Observations. Importantly, this event allowed us to recognise the way CEDAW is understood and utilised from the perspective of NGOs, legal practitioners and academics. Locating CEDAW in each of these spaces reaffirms the need to work together across different fields. Collaboration can provide the essential analysis and understanding that relates broad structural issues to individual instances where women still find discrimination and a lack of access to rights. This panel event allowed us to pause to celebrate CEDAW's accomplishments and look forward to the next forty years.

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*This blog was based on the event, "Where Would Women Be Without CEDAW", part of a series of events to mark the 40th anniversary of CEDAW funded through an Arts and Humanities Research Council grant entitled a [Feminist International Law of Peace and Security](#). This project explores how a feminist approach to peace can shape understandings of the international law of peace and security and applies a feminist analysis in order to develop new perspectives on some of the persistent issues facing the world today. The projects conception of 'Feminist Peace' places CEDAW at its very core. The*

*event provided an opportunity to think about how CEDAW and WPS interlink, rather than fragment, the law and how their interaction can create 'checks and balances' for addressing women's experiences within the international legal framework as well as in domestic spaces.*

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*The views, thoughts and opinions expressed in this blog post are those of the author(s) only, and do not reflect LSE's or those of the LSE Centre for Women, Peace and Security.*

## About the author



**Sheri Labenski**

Sheri is a Research Officer in the Centre for Women, Peace, and Security, where she works on an ERC funded project Gendered Peace. Sheri's other research focuses on female perpetrators in international criminal law, which examines the way understandings of gender, law and violence shift when female perpetrators are centred within analysis.



Keina is a Research Officer in the Centre for Women, Peace, and Security, where she works on the AHRC funded project Feminist Approaches to the International Law of Peace and Security (FILPS). Keina is researching the links between the environment, nature, sustainable development goals, the gendered causes and impacts of violence against women, and structural inequalities in the context of international legal conceptions of peace and security.

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