

International and Regional Instruments on Women's Rights and Gender Equality: The Caribbean Perspective

How Civil Society and Feminist movements can support states in the implementation of the Montevideo Strategy in synergy with BPfA and the 2030 SDGs agenda

29 January 2020

11:30 am – 1 pm

Looking Back

CEDAW – The Convention on the Elimination of all forms of Discrimination Against Women is the oldest and possibly the best-known international instrument on women's rights and gender equality. It reigns supreme as the 'women's bill of rights' and structured in 30 articles divided into 6 parts.

- **Part I** (Articles 1-6) focuses on non-discrimination, sex stereotypes, and sex trafficking.
- **Part II** (Articles 7-9) outlines women's rights in the public sphere with an emphasis on political life, representation, and rights to nationality.
- **Part III** (Articles 10-14) describes the economic and social rights of women, particularly focusing on education, employment, and health. Part III also includes special protections for rural women and the problems they face.
- **Part IV** (Article 15 and 16) outlines women's right to equality in marriage and family life along with the right to equality before the law.
- **Part V** (Articles 17-22) establishes the Committee on the Elimination of Discrimination against Women as well as the states parties' reporting procedure.
- **Part VI** (Articles 23-30) describes the effects of the Convention on other treaties, the commitment of the state parties and the administration of the Convention.

Adopted at the United Nations General Assembly on December 18, 1979, we celebrated its 40th anniversary just over a month ago globally, even as we look

1.29.2020 / Terry Ince



toward the 25th anniversary of Beijing. So, while we prepare for Beijing+25 we should also be acknowledging the linkages to the substantive articles of the CEDAW – Articles 1 – 17.

The UN General Assembly Declaration on the Elimination of Violence Against Women (1993) called upon states to ‘take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitive them to the needs of women’. (Article 4-i).

The Beijing Platform for Action (BPfA 1995) commits governments to the following strategic objectives:

- Provide gender-sensitive human rights education and training for the police, military, correction officers ... including those operating in areas of armed conflict or refugee areas - including to sensitize personnel to the nature of gender-based acts and threats of violence so fair treatment of female victims can be assured. (D1.n; E5.o; I2.I; section D.121)
- Encourage, support and implement measures and programmes to increase knowledge of the causes, consequences and mechanisms of violence against women amongst law enforcement officers and police personnel and develop strategies to ensure that the re-victimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices. (D1.g)
- Include information about international and regional instruments and standards in public information and human rights education and in adult education/training programmes, particularly for groups such as military,

police and other law enforcement personnel to ensure that human rights are protected. (I3.d)

- Adopt laws that punish police, security forces or any other agents of the state who engage in acts of violence against women in the course of performance of their duties and take action to investigate and punish perpetrators. (D1.o).
- Create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment, free from the fear of penalties or retaliation and file charges. (D1.l)
- Ensure that women have the same right as men to be judges, advocates or other officers of the court, as well as police officers and prison and detention officers, among other things. (I2.m)

The Montevideo Strategy – a regional political commitment provides guidance for the full implementation of the agreements adopted by the Regional Conference on Women in Latin America and the Caribbean. This Regional Gender Agenda make these agreements the road map for achieving the perspective of gender equality and women’ autonomy and human rights. So that the Montevideo Strategy is both a political and technical instrument designed to support the implementation and strengthening of multidimensional and comprehensive public policies that ensure the fulfillment of human rights for women’s autonomy and the achievement of gender equality in Latin America and the Caribbean. It does not stand alone, but draws on the lessons learned and issues outstanding after years of implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the 15 years of implementation of the Millennium Development goals and proposes measures to overcome the main

obstacles to institutionalizing gender equality and women's rights in State structures. The overall objective is to guide sectoral and cross-cutting public policies aimed at eliminating gender inequalities and fostering sustainable development.

We are at the dawn of a new decade – 2020 being pivotal years for both the Montevideo strategy and the Beijing platform for action – pivotal as both the regional agenda and the Beijing Platform for action are being reviewed. It is also 5 years since the global community committed to implement the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs), including **SDG 5** aimed at achieving gender equality and empowering all women and girls.

So how are we doing in the Caribbean:-

Let me start by acknowledging that progress has been made – leveraging both International and Regional instruments. There are policies in place that my mother did not have the opportunity to benefit from as she tried to assert her autonomy as a woman, wife, mother. All Caribbean countries have signed and or ratified the CEDAW, the Montevideo Strategy, and other Regional / Sub-regional agreements with the aim of equality for women, upholding the human rights of women and the advancement of women and girls.

The question I constantly ask myself and the organization that I represent is how can we, as members of Civil Society work to influence legislation while we work on the ground to raise awareness of and sensitize all persons to the powerful instruments that already exist, leverage those tools to hold all stakeholders accountable. And further, why are we – Civil Society in our region – seemingly divorced from the Region or rather how can we get back to a place where the

1.29.2020 / Terry Ince



Region had an Agenda that is understood by all stakeholders. What is our role and how can we be an effective stakeholder?

What is the role of Civil Society Organizations and Feminists Movements?

The role of Civil Society is not constant, being shaped by what is happening around us every day, which means that it can take many different shapes. One thing is certain, that is that it can provide an entry point for productive engagement which includes oversight on governance and implementation, transparency and hold governments accountable. Civil Society Organizations are non-state, not for profit, voluntary entities formed by people representing a wide range of interests.

The role of Feminists Movements (according to Wikipedia), refers to a series of political campaigns for reforms on issues such as reproductive rights, domestic violence, maternity leave, equal pay, women's suffrage, sexual harassment, and sexual violence. And this list is not exhaustive.

Together, we are a powerful force that should be leveraged effectively to ensure that we contribute toward the development of women and girls – and make spaces in areas where the space seems to be closed. .

The Caribbean

As a region, the response to international treaties was swift and overwhelming. Countries became signatories and ratified International and Regional treaties/agreements. The primary challenge continues to be in the implementation of the mandates agreed to, despite the templates, support, guidance being offered and provided.

1.29.2020 / Terry Ince

While it is common practice to have a space dedicated to ‘women’ either a ‘Gender Affairs Ministry’ or ‘Women’s Affairs’ office and in most cases it is separate and apart from Children Affairs, we have been seeing a steady escalation of violence against women and femicide in the Region. The now familiar recent study on women which highlighted 1 in 3 women would have been a victim of sexual assault before the age of 25 suggests that respect, protect and fulfill – and the principles of – non-discrimination, Equality and State Obligation have not been effectively put into practice.

So, what we ought to be considering goes beyond the issue of having a percentage of women in political office (though that is an essential part of the solution). It is about a change in behavior that must involve a re-thinking of past approaches, evaluating what worked 25 years ago or even 5 years ago and determining whether those approaches will still work today. And then making the necessary adjustments.

I wish that we could make the time and space to honestly unpack all that we know that requires unpacking and re-constitute the ingredients for success – because we have the ingredients for success. In the time I have left I want to touch on three points that we can think about as human rights defenders, feminist and members of the Civil Society community, support agencies and state duty bearers.

Good Practice

- **Collaboration.** Sounds simple enough and we hear it all the time, but we can all do a better job of following through with collaboration. Collaboration also requires humility. We can't always be the leader – we must know our strengths, share those strengths with others and support those who exhibit the skill/expertise that we don't have. I have several examples of Civil Society organizations coming together to affect legislative change in Trinidad and Tobago. The back stories are very interesting but know that it was true collaboration with lots of ebbs and flows that led to the eventual success.
- **The Act to Amend the Marriage Acts – 45:01; 45:02; 45:03; 45:04; 45:51. Ascended to on 22 June 2017**

Brought together all stakeholders; was one of the CEDAW recommendations in the concluding observations from the Trinidad and Tobago CEDAW review in 2002; saw several campaigns from CSOs; FBOs, Activists; Feminists over the 15 years
- **The Sexual Offences Amendment Bill - passed by special majority in the house of representative on 19 September 2019.**

Trinidad and Tobago became the smallest country in the world to have passed a form of sexual offender registration; stands as a model for other SIDS in the region; The bill includes mandatory DNA and AIDS testing; courts have the discretion to determine which offender go on the registry in order to allow due process to balance off the sex offender's right to private and family life under the Trinidad and Tobago constitution; A coalition of Civil Society organizations came together and submitted recommendations to the Attorney General's office as the bill was being crafted.
- Leverage techniques and technologies that make the most sense, have the farthest reach, including the Media

Opportunities

- Post-CEDAW review recommendations in the concluding observations provides a working environment for Civil Society and State to work together to develop comprehensive plans to address issues highlighted in a sustainable
- Immigrant integration – bridging communities through engagement and dialogue
- Disaster preparedness and Climate action
- Review of the Regional Gender Agenda

New Ideas

- The old becomes the new.....
- RethinkRevisit post-Beijing actions.
- Develop solutions which are embedded within a Regional / Global movement leveraging Regional / Global instruments that would have sustainable regional impact.
- Re-constitute Regional meetings, engaging all stakeholders including grass roots and feminist organizations, UN Agencies like ECLAC, UNFPA, UN Women and others to drill down to the root of issues. Ensure that Education is integral to the action.
- Designate resources for Civil Society integration – conferences / educational opportunities
-

**** Together we can all work toward developing a culture of shared responsibility ****