

10th Informal ASEM Seminar on Human Rights 2010-07-04

Key note address by Mrs. Lena Hjelm-Wallén

Distinguished participants,

I'm delighted to participate in this 10th Informal ASEM Seminar on human rights. Being one of the initiators to these dialogue seminars I'm delighted to address you. On the occasion of the first meeting of ASEM Foreign Ministers in Singapore in February 1997, I as Swedish Minister of Foreign Affairs together with my French colleague Hervé de Charette suggested that informal seminars on human rights should be held within the ASEM framework. The aim of this initiative was to promote mutual understanding and co-operation between Europe and Asia in the area of political dialogue, particularly on human rights issues

The Asia-Europe Meeting dialogue addresses political, economic and cultural issues, with the objective of strengthening the relationship between the two regions, in a spirit of mutual respect and equal partnership.

The origins of the ASEM process lay in a mutual recognition, in both Asia and Europe, that the relationship between the two regions needed to be strengthened, reflecting the new global context of the 1990s, and the perspectives of the new century. In July 1994, the European Commission had already published "*Towards a New Strategy for Asia*", stressing the importance of modernising EU's relationship with Asia, and of reflecting properly its political, economic and cultural significance. The Commission Communication "Europe and Asia: A strategic Framework for Enhanced Partnerships of September reaffirmed this objective.

The initial ASEM partnership consisted of 15 EU member states and 10 ASEAN member states plus China, Japan, Korea and the European Commission. ASEM saw the first enlargement at its Fifth Summit in 2004 in Hanoi, where the ten new EU Member States (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) and three new ASEAN countries (Cambodia, Laos and Myanmar) were officially parts of the process. The subsequent round of

enlargement in 2007 brought in Bulgaria, India, Mongolia, Pakistan, Romania and the ASEAN Secretariat, increasing the grouping into a total of 45 partners and I'm informed that a further enlargement is due next year with Russia, Australia and New Zealand as possible new members to the group.

The Informal ASEM Seminar on Human Rights has proved to promote groundbreaking government-civil society dialogue parallel to Asia Europe Meeting (ASEM) priorities. This is achieved by bringing together government officials, academics and civil society participants of the forty-five ASEM partners.

It is fair to conclude that over the years the seminar series has developed from targeting quite easy topics to focusing on more difficult topics, thus paving the way for an in depth discussion on the actual domestic implementation of human rights standards or lack of implementation. The participants have a better understanding of human rights issues in their respective region specific context. The relevance of the seminar series is also demonstrated by the fact that the ASEM political dimension of the seminar series has been more accentuated the recent years and member states tend to upgrade their participation.

The level of discussion has indeed increased over the years. The seminar series has established itself as one of the more important Asian-European government-civil society platforms to further the understanding, development and implementation of human rights standards in the two regions. The seminar format makes it possible for a serious and non-confrontational exchange of ideas between government and civil society paving the way for increased interaction on regional and domestic level of the issues at hand.

By targeting pertinent human rights issues, the work and importance of the seminar series has also been recognised in two recent high level ASEM meetings (Chairman's statement, 7th ASEM Heads of State Meeting, Beijing October 2008 and Chairman's statement, 9th ASEM Foreign Minister's Meeting, Hanoi, May 2009). The results of the proceedings have also been disseminated in various universities both in Asia and in Europe by lecture series organised by ASEF.

Equality is the cornerstone of every democratic society which aspires to social justice and human rights. In virtually all societies and spheres of activity women are subject to inequalities in law and in fact. This situation is both caused and aggravated by the existence of discrimination in the family, in the community and in the workplace. While causes and consequences may vary from country to country, discrimination against women is widespread. It is perpetuated by the survival of stereotypes and of traditional cultural and religious practices and beliefs detrimental to women.

Efforts to document the real situation of women worldwide have produced some alarming statistics on the social and economic gaps between women and men. Women are the majority of the world's poor and the number has increased since the mid 70's. Women are the majority of the world's illiterate. Women in Asia and Africa work more hours a week than men and are mostly unpaid. Worldwide, women still earn less than men for doing equal work. Women's unpaid housework and family labour, if counted as productive output in national accounts, would increase measure of global output significantly.

The concept of equality means much more than treating all persons in the same way. Equal treatment of persons in unequal situations will operate to perpetuate rather than eradicate injustice. True equality can only emerge from efforts directed towards addressing and correcting the inequalities in society. This broader view of equality must become the underlying principle in the struggle for recognition of the human rights of women.

The Convention on the Elimination of All Forms of Discrimination against women (CEDAW) was adopted by the UN General Assembly in 1979 and entered into force 1981. The Instrument sets out, in legally binding form, internationally accepted principles on the rights of women which are applicable to all women in all fields. The basic legal norm of the Convention is the prohibition of all forms of discrimination against women. This norm cannot merely be satisfied by the enactment of gender-neutral laws. In addition to demanding that women be accorded equal rights with men, the Convention goes further by prescribing the

measures to be taken to ensure that women everywhere are able to enjoy the rights to which they are entitled. The CEDAW-Convention is one of the most ratified of the UN core human rights conventions. More than 180 states have ratified the convention. Notable exceptions are USA and Iran. The sad fact is however also that it is the convention to which states have filed most reservations.

Equality of rights for women is a basic principle of the international community as well as nations with very few exceptions. The preamble of the UN Charter sets as a basic goal "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women" Furthermore, Article 1 of the Charter proclaims that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all people "without distinction as to race, sex, language or religion".

We will at this seminar focus on discrimination against women. But we should remember that there is another group of both men and women – the LGBT persons that also need our attention. Lesbian, gay, bisexual and transgender people are heavily discriminated because of their sexual orientation and gender identity. In many countries and within the International Human Right system steps have been taken ensuring LGBT persons protection from discrimination. This work must continue.

Back to CEDAW. To combat gender-based discrimination, the Convention requires States parties to recognise the important economic and social contribution of women to the family and the society as a whole. It emphasizes that discrimination will hamper economic growth and prosperity. It also expressly recognizes the need for a change in attitudes, through education of both men and women to accept equality of rights and responsibilities and to overcome prejudices and practices based on stereotyped roles. Another important feature of the Convention is its explicit recognition of the goal of actual equality in addition to

legal equality, and of the need for temporary special measures to achieve that goal.

The Committee on the Elimination of Discrimination against women is the body of independent experts that monitors the implementation of the Convention. Countries who have become party to the treaty are obliged to submit regular reports to the Committee on how the rights of the Convention are implemented. The Committee considers each State party report and addresses its concerns and recommendations to the State in the form of concluding observations. The Committee also formulates general recommendations and suggestions directed to States and concern articles or themes in the Convention.

Ladies and gentlemen, dear friends,

Sweden usually has a fairly good track record when it comes to gender and equality issues. It is worth noting that the recent examination of Sweden's compliance with the CEDAW-Convention resulted in a number of concluding observations pertaining the finding by a commission of inquiry that Swedish Constitution is gender-blind and not gender-sensitive and that the concept of equality in the Constitution is not in line with the Convention. The Committee further noted with concern the lack of judicial reference to the Convention. I am happy to tell you that we have tried to improve this when we made changes in our Constitution according to a decision by the Swedish Parliament a month ago.

The Committee acknowledged Sweden's elaborate system of gender mainstreaming at municipal, regional and governmental level, but raised concerns that the plan lacks effective monitoring and accountability mechanisms including sanctions for non-compliance.

Low percentage of women in high-ranking posts particular in the academia was noted with concern as well as the low representation of women in top management positions and on boards of private companies.

The high level participation in of women in the labour market and measures taken by Sweden in support of such participation was commented. These schemes (comprising 13 months parental leave with at least a two months exclusive quota for fathers) enable both women and men to reconcile work and family life. When the parental leave scheme was introduced in 1974 very few fathers used it. In 1991 the share of father on leave was around six percent. According to a recent article in the International Herald Tribune eight in ten fathers now take a third of the total months of leave and nine percent of fathers take 40 percent of the total or more.

Finally the Committee noted the absence of sufficient information and statistical data necessary for a more systematic approach concerning violence of women, prevalence of prostitution and women with disabilities.

My last issue is sexual violence in conflict.

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However, sexual violence during conflict remains vastly under-addressed due to weak national mechanisms for protection and judicial redress and inadequate health and social support services.

Many still view sexual violence as an inevitable, if regrettable, consequence of conflict and displacement – an attitude which encourages impunity for perpetrators and silences survivors. Sexual violence in conflict and impunity for perpetrators' crimes are amongst history's great silences.

Although a range of governmental, non-governmental and international initiatives to address sexual violence are being implemented, the scale and complexity of the problem, coupled with coordination challenges, has meant huge gaps in the response.

In September 2009, the UN Security Council adopted Resolution 1888 on Women and Peace and Security, which demands that all parties to armed conflict take

immediate action to protect civilians, including women and children, from all forms of sexual violence.

The Council also urged greater measures by States and the UN to end sexual violence in conflict. Attempts to end and respond to sexual violence must protect and promote women's rights, as well as empower women.

Good practices and existing programmes addressing sexual violence must be reinforced and strengthened. I'm happy to note that a fellow Swede and a friend of mine Margot Wallström has recently been appointed as the Secretary-General's Special Representative on Sexual Violence in Conflict. But it is sad to note the necessity for the task.

Women are often leaders in the drive to end sexual violence and to secure peace. Their voices must guide advocacy and programming efforts. The constructive involvement of men and boys is also vital to help prevent and respond to sexual violence in conflict.

Friends,

This was some reflections about the many issues that will be discussed during our seminar days. I hope we will have a fruitful dialogue.