



Committee on the Elimination of Discrimination against Women meets with non-governmental organizations

Committee on Elimination of Discrimination
Against Women

17 January 2011

Discusses Situation of the Rights of Women in Israel, Kenya, Lichtenstein and South Africa

The Committee on the Elimination of Discrimination against Women this afternoon met with non-governmental organization to discuss the situation of the rights of women in Israel, Kenya, Lichtenstein and South Africa. As part of its work, the Committee invites non-governmental organizations and national human rights institutions to provide information and documentation relevant to the Committee's activities. This is the first of two meetings that will take place with civil society groups; the second meeting will take place on Monday, 24 January when the Committee will hear relevant information pertaining to the rights of women in Bangladesh, Belarus and Sri Lanka.

Representatives of non-governmental organizations in Israel noted that women migrant workers who worked as caregivers were often employed in working situations based on domination and exploitation that could deteriorate into trafficking and other forms of exploitation. These workers were also excluded from labour law protections afforded to other workers and they often lived with their abusive employers so they risked becoming homeless if they complained. It was also noted that women were often discriminated against in terms of family law in Israel and Palestinian women were often reluctant to report cases of gender based violence because of a lack of trust of police officials; thus many of these cases went unreported and were not prosecuted.

Representatives of non-governmental organizations from Kenya said that women and girls in slums and informal settlements lived under the constant threat of sexual violence, largely because there was a lack of sanitary conditions in these areas and women were exposed to violence when they went to the latrine. The Government had not systematically addressed these issues, nor had it addressed inequality and gender discrimination in land and housing practices. Inheritance and land distribution in rural areas were often governed by traditional practices and customary biases against women, especially in rural areas. It was also noted that the Kenyan Government was taking far too long to pass and implement critical laws to protect the rights of women such as the Equality Bill and the Family Protection Bill, among others. Poor participation by women in public life and post election violence were also of great concern.

Representatives of non-governmental organizations from Lichtenstein highlighted the topic of domestic violence in Liechtenstein, where crimes committed in conjunction with domestic violence were not always prosecuted and it remained a problem that had to be taken seriously. Under current law violent acts such as bodily injury and suppression of documents were only prosecuted if the victim pressed charges, but many victims were reluctant or afraid to do so, especially in a small country such as Liechtenstein, so these crimes often went unprosecuted. Women thus became trapped in their violent relationships, and this was particularly true for immigrant women, who under the new foreigners' law could lose their residency status if they left the marital home before five years had passed.

Representatives of non-governmental organizations from South Africa said that a dual system of customary and civil law created contradictions that were discriminatory toward women, including polygamy. Customary laws promoted harmful cultural practices including forced marriages, child marriages and abduction of young women into arranged marriages. This affected all women who married under customary law, but had greater negative impacts on rural women. The most pervasive form of violence against women in South Africa was domestic violence and women often remained in abusive relationships because of financial dependence on men. Violence against lesbians and transgendered women was on the rise, and the killing of women had increased.

Speaking during the discussion were representatives from the Women's Centre for Legal Aid and Counselling, Kav LaOved, the Working Group on the Status of Palestinian Women in Israel, the Ruth and Emmanuel Rackman Centre for the

Advancement of the Status of Women, Amnesty International, Franciscans International, the Centre on Housing Rights and Evictions, the Economic and Social Rights Centre, the Committee for Gender and Diversity at the University of Liechtenstein and the Masimanyane Women's Support Centre.

When the Committee reconvenes on Tuesday, 18 January at 10 a.m., it is scheduled to begin consideration of the fourth and fifth periodic reports of Israel (CEDAW/C/ISR/4-5).

Statements

Israel

HANNY BEN ISRAEL, of Kav LaOved, said her organization represented disadvantaged workers, particularly women migrant workers. Protections for these workers in Israel were no more than a distant dream. Women who worked as caregiver were often exposed to working situations based on domination and exploitation that could deteriorate into trafficking and forced labour. These workers were also excluded from labour law protections and they often lived with their abusive employers so their shelter was at risk if they complained. These workers were also barred from having children or marrying other migrant workers and if they became pregnant they could face detention and/or deportation. Migrant caregivers were also exempt from the Work and Rest Hours Law and they were barred from addressing the Ombudsman on Migrant Workers.

OLA NAJAMI-YOUSEF, of the Working Group on the Status of Palestinian Women in Israel, said that this organization was a coalition of 14 Palestinian women's and human rights non-governmental organizations inside Israel. Palestinians comprised approximately 20 per cent of the population, or a little over 1 million people in Israel. This national minority was discriminated against on a number of levels, through laws as well as government policy. In terms of violence against women, since there were no Arab police investigators on the police forces and there was a lack of trust of the police forces, many Palestinian women did not report cases of sexual or domestic violence. Investigations were usually conducted by men who had very little empathy for the survivors of physical and sexual violence. There were only two centres for rape survivors in Arabic and they had been set up by non-governmental organizations.

ATARA KENGISBERG, of the Ruth and Emmanuel Rackman Centre for the Advancement of the Status of Women, said she would focus on issues of family law in which women were often discriminated against in terms of marriage and divorce. For example, for Jewish women to get a divorce the husband must grant his consent or the divorce would be invalid under religious law and thus women could not remarry or have kids with a new husband and men used this power to force women to give up their rights to property and other marital benefits.

SALWA DUAIBIS, of the Women's Centre for Legal Aid and Counselling, said that the State party's failure to take responsibility under the Convention to make sure that Palestinian women under its jurisdiction were not discriminated against caused long-term harm to these women and diminished their lives. Less than three weeks ago, Israel extended, for yet another six months, the ban on family unifications for Palestinians, in complete disregard for the Committee's previous concluding observations and the concerns raised in the list of issues.

A representative of another non-governmental organization said that gender based violence often constituted persecution and women often had to flee this violence and thus became refugees or asylum seekers. However, women escaping gender based violence were not allowed protections in Israel and gender based violence was not seen as a basis for granting asylum or refugee status. The representative asked that Israel reform this policy.

Kenya

GODFREY ODONGO, of Amnesty International, said that women and girls in slums and informal settlements lived under the constant threat of sexual violence, largely because there was a lack of sanitary conditions in these areas and women were exposed to violence when they went to the latrine. This lack of sanitation had also resulted in a number of waterborne diseases. The official failure to address sanitation requirements was also connected to insufficient policing in the slums and informal settlements. He asked that the Kenyan Government extend equal treatment under the law to people living in these areas and to increase the levels of policing and better sanitation.

PATRICIA NDUNGE, of Franciscans International, wanted to draw the Committee's attention to the fact that healthcare remained a serious concern in Kenya, where maternal mortality rates were still very high. Lack of proper nutrition was also a serious issue with regards to HIV/AIDS treatment. She asked the Kenyan Government to increase the number and training of healthcare professionals and sexual and reproductive health services, as well as other concrete measures to combat gender based discrimination.

GOIZON UNANDIA-ZARRABE, of the Centre on Housing Rights and Evictions, said about 2 million people lived in slum and informal settlements and women faced particular challenges in these areas such as gender based violence. The Government had not systematically addressed these issues, nor had it addressed the inequality and gender discrimination in land and housing practices. Inheritance and land distribution in rural areas were also affected by traditional practices and customary biases against women, especially in rural areas. Policies needed to be formulated to reform the traditional justice system and to change attitudes toward women's property rights. Widows should also not be evicted from their matrimonial homes.

ELIJAH ODHIAMBO, of the Economic and Social Rights Centre, said that there was gender based discrimination in terms of the allocation of national resources and he asked that the Government address these inequalities by incorporating a gender based perspective in its budget allocations. Women were also often blamed for bringing HIV into a home, when the reality was that women were more likely to know their HIV status than men, but because they were required to disclose this fact to their partners this put them at risk for violence, eviction from the matrimonial home, disinheritance and loss of custody of children. There were also discriminatory aspects of the law of succession act which often led to the eviction of women upon the deaths of their husbands.

ALEXANDRIA MUHANJI, of the Federation of Women Lawyers in Kenya, said that the Government was taking far too long to pass and implement critical laws that protected the rights of women such as the Equality Bill and the Family Protection Bill, among others. Poor participation by women in public life and post election violence were also of great concern. Women were underrepresented in political posts and Ms. Muhanji called on the Government to enact special measures to combat this lack of participation by women in the nation's political life. Three years after the fact, the Government had also not prosecute those responsible for post-election violence, including sexual violence.

Liechtenstein

TRUDI ACKERMAN, of the Committee for Gender and Diversity at the University of Liechtenstein, highlighted the topic of domestic violence in Liechtenstein, where crimes committed in conjunction with domestic violence were not always prosecuted. It remained a problem that had to be taken seriously. Under current law violent acts such as bodily injury and suppression of documents were only prosecuted if the victim pressed charges, but many victims were reluctant or afraid to press charges, especially in a small country such as Liechtenstein, so these crimes often went unprosecuted. Women thus became trapped in their violent relationships, and this was particularly true for immigrant women, who under the new foreigners' law could lose their residency status if they left the marital home before five years had passed.

South Africa

LESLIE ANN FOSTER, of the Masimanyane Women's Support Centre, drew the Committee's attention to discriminatory laws and mechanisms and violence against women and impunity in South Africa. Discrimination was normalized and internalized by society as a whole and framed all responses from the Government and civil society. A dual system of customary and civil law created contradictions that were discriminatory to women, including polygamy. Customary laws promoted harmful cultural practices including forced marriages, child marriages and abduction of young women into arranged marriages. This impacted all women who married under customary law, but had greater negative impacts on rural women. The most pervasive form of violence against women in the country was domestic violence and women often remained in abusive relationships because of financial dependence on men. Violence against lesbians and transgendered women was on the rise, and the killing of women had increased.

TABISO BOBO, of the Masimanyane Women's Support Centre, addressed the Committee regarding challenges facing young women in South Africa today, particularly rural women. They faced a lack of access to education, healthcare and employment opportunities as well as gender based violence. Many women left to seek work and became vulnerable to human trafficking and sexual exploitation. There was a lack of access to sexual and reproductive healthcare and this led to HIV infections and unwanted pregnancies for women. Many young women also became involved with older men as a means of supporting themselves.

Questions by Committee Members on Israel

Committee members asked for more information on polygamy in both Israeli and Palestinian communities. Was there a comprehensive law dealing with domestic violence in Israel? Was there specific legislation on sexual offences and were treatment centres open for both Israeli and Palestinian women? Was there any legislation that dealt with non-discrimination against women? Did the marriage age of 17 apply to both men and women?

A number of questions were asked about female migrant workers and their rights and whether they lost their work permits if

they got married and if this applied to male migrant workers and people who worked in fields other than care giving.

Responses by the Non-governmental Organizations of Israel

A non-governmental organization representative noted that there was a lack of political will on behalf of the Israeli Government to bring to justice Palestinian men who perpetrated crimes against women then escaped to Israeli controlled area where they could avoid prosecution.

The Committee was informed that the minimum marriage age was 17 for both men and women and about 40 per cent of Arab women were in polygamous marriages. According to rabbinical courts, if a woman did not get her husband's permission to divorce any future children she had were considered bastards and not entitled to inheritance rights and she could also lose her rights to matrimonial property.

The exemptions from labour laws experienced by caregivers were particular to that group and were not applied to everyone by virtue of a Supreme Court decision that found that this distinction was legal due to the nature of work done inside someone's home.

Questions by Committee Members on Liechtenstein

A Committee member asked for additional information on the new foreigners' act and how this affected a woman's residency status if she tried to leave an abusive marriage after being married for less than five years.

A non-governmental organization representative had mentioned that many women at the university worked part time and a Committee member asked if this was also the case for male university employees to encourage them to share in child rearing and family obligations.

In terms of domestic violence, were there non-governmental organizations that used the Optional Protocol to combat domestic violence?

In Liechtenstein there was the possibility to have a de facto union as opposed to a civil union, but what were a woman's property rights under these de facto unions? What were the rights enjoyed by gays and lesbians under the same sex partnershi laws?

Responses by the Non-governmental Organizations of Liechtenstein

A non-governmental organization representative said that more information on domestic violence would be provided in writing. In terms of male professors and university employees who took advantage of the part time employment, there were quite a few of them who did, but this was not surprising to see in academia.

Questions by Committee Members on Kenya

What was the Government doing to change the attitudes of people who blamed women for contracting HIV/AIDS? Women did not have the power to negotiate healthy relationships so how were they blamed for contracting HIV and the person who gave it to them was not?

Responses by the Non-governmental Organizations of Kenya

Non-governmental organizations said they were working on changing laws to help women affected by HIV/AIDS to decrease discrimination against these women.

Questions by Committee Members on South Africa

Committee members asked for clarification on customary marriage laws in the country.

Responses by the Non-governmental Organizations of South Africa

The representative of a non-governmental organization said traditional and customary law did not give women full rights as they could not speak for themselves and had to be represented by their fathers, brothers or husbands and they were dependent

they could not speak for themselves and had to be represented by their fathers, brothers or husbands and they were dependent on men for the enforcement of their rights. The non-governmental organization representative said that if there was a dispute between civil and customary law they would like to see civil law and the constitution prevail.

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