

WORKSHOP ON CEDAW
The Convention on the Elimination
of Discrimination Against Women
27th -29th October, 2010
At the Blue Ridge Conference Centre – South Hill
ANGUILLA



Report by Julene Banks,
representing the Human Rights Commission
the Constitutional Commission
and the various sectors of Civil Society

Purpose of the Workshop:

I was privileged to be asked to represent the Human Rights Commission at the CEDAW Workshop in Anguilla during the period 27th -29th October, 2010. This workshop was hosted by the Commonwealth Foundation as part of its initiative to build human rights capacity in the British Overseas Territories. The UK ratified the Convention in 1986 having signed as a participating state in 1981. BVI and TCI were the two Caribbean Overseas Territories (OT's) where the Convention had been extended since 1986. The objectives of the workshop included the examination of any technical obstacles to extending CEDAW to the other four Caribbean OT's – Anguilla, Bermuda, Cayman Islands, and Montserrat. Reports from State Parties to the CEDAW Committee are required every four years and the UK's next report is scheduled for 2012.

The organisers and presenters included persons from the UK Government's Equalities Office and from UNIFEM. A short report prepared by Peter Ashman of the Commonwealth Foundation is attached which provides an overview of the proceedings and includes three annexes (1) a welcome message from the UK Equalities Minister and Home Secretary, (2) list of participants) and (3) outline plans of each territory.

Booklets on "CEDAW Made Easy" produced by UNIFEM were also provided. An electronic copy is attached to this report.

Cayman Islands Presentation

There were four representatives from the Cayman Islands – two from the Government and two from Civil Society. The Government representatives were Reshma Sharma, Senior Crown Counsel (Treaties and Conventions)Attorney General's Chambers and Tammy Ebanks-Bishop, Senior Policy Advisor, Ministry of Community Affairs. Alex Thomas of the Business and Professional Women's Club (BPW) represented that organisation as well as other stakeholders in Civil Society. I, Julene Banks, represented the views of the Human Rights Commission, the Constitutional Commission and various sectors of Civil Society, including the Caymanian Bar Association.



The Cayman Islands presentation was made on the second day of the Workshop. The two Government representatives provided a joint power point presentation outlining the legal and

policy framework offered by Government in the Cayman Islands. This was followed by a verbal presentation by Alexa Thomas, providing details of the work of the BPW and its stakeholders, including the Crisis Centre, the Cayman Islands Tourism Association (CITA), and the AIDS Foundation. She also shared the views of a female pastor who was concerned about the breakdown in the home environment and wanted to see tranquillity in the home become a priority.

The representation made on behalf of the Human Rights Commission was in power point format and was well received. Comments made on behalf of the Constitutional Commission highlighted its priority to ensure education on Constitutional matters which included supporting and promoting human rights education so that the Cayman Islands was compliant with its obligations under the Constitution as well as other local legislation and international treaties and conventions. The Constitutional Commission also wanted to ensure that the public had ample opportunity to voice their views and provide input. Some of the other private sector views that were shared included the points made by the Caymanian Bar Association and the Cayman Islands Ministers Association.

The Cayman Islands presentation was also enhanced by the distribution of booklets provided by the Education Ministry titled "Steps to Equality" which had been prepared for Heroes Day 2009. This colourful well designed booklet details the struggles and achievements of the pioneering women who fought for the right to vote and notes some of the advances on the path of equal governance.

Comparisons/Concerns

In comparing the achievements of the Cayman Islands to the other OT's, it was very heartening to note that Cayman was more advanced in some areas than even BVI and TCI who were already signatories to CEDAW. This is supported by the proposed action plans which form part of the short report provided by the Commonwealth Foundation.

One of the things that has been reinforced in my perspective is that one of the provisions needing closer attention in CEDAW is Article 5, especially (a) "To modify the social and cultural patterns of conduct of men and women, with a view to **achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.**" My questions remain unanswered – (1) what is the education component recommended by the CEDAW Committee to address this? (2) Have we gone too far in Cayman?? Women seem to be getting ahead and men seem to have lost their way. What can we do differently as a society that will be a beacon to the rest of the world? My thought is that any education under Article 5 should also include provision for the care of elderly parents and emphasise the value of caregiving as an important foundation of the home which promotes the wellbeing not only of the home, but the wider community.

Proposed Action Plan of the Cayman Islands

Cayman Islands

Review of legislation

Joint presentation on CEDAW to stakeholders

Education programme for all

Produce information booklets (including for schools)

Secure passage of Gender Equality Promotion Bill

Training for public service

Data collection

Develop civil society involvement in gender equality

It had been proposed that the joint presentation on CEDAW to stakeholders would have been made during the 16 days of Activism 2010, however this was not possible. It is hoped that a joint presentation on CEDAW will be done early in 2011 to identified stakeholders and the general public as part of our education campaign.

Recommendations

1. That priority be given in 2011 to educate the public on CEDAW and to invite feedback and discussion on the various issues represented.
2. That all implications are fully aired and discussed. These issues would include equal pay for equal work, maternity/paternity leave and other matters that have direct bearing on family life. Also further amendments to Domestic Violence legislation. Some of the more controversial topics include possibility of legalisation of abortions and prostitution.
3. That the perspective of obligations and privileges be explored as we seek to define rights and entitlements.
4. It may be helpful to adopt some of the approaches suggested by the UK Equalities and Human Rights Commission.
 - a. " The Commission believes the Government, employers, unions and educationalists all have a role to play not only in tackling occupational segregation but in ensuring that when women do move into non-traditional work they are remunerated accordingly. The root cause of pay discrimination is to be found within the workplace, where the legacy of the 'breadwinner wage' (paid to a man to enable him to provide for his family) still influences the higher

wages paid to men and the much lower wages paid to women working part-time. The remedy here is to foster good equal pay practices. We need to tackle the secrecy over pay, so woman is not forced to take legal action just to find out if they are being treated fairly and we need to encourage employers to carry out equal pay audits.”

- b. “The Commission strongly supports the creation of a single system to support working parents. Current support packages focus on informing employers about their obligations to the pregnant employee but we also see a need to offer advice about how to minimise the cost to productivity and to reap any potential productivity benefits. If men are to opt to share the responsibility for childcare we need to create a culture which ensures that men as well as women are comfortable with discussing their needs as parents with their employers and which also provides them with sufficient financial compensation for any loss of earnings incurred through taking on a more active parenting role. With regard to the impact of family responsibilities, the most pressing need is to encourage men to take up parental leave and flexible working, and to make sure that when they wish to share the day-to-day care of their children with their partners, they are not penalised for doing so – there would be little point in transferring the disadvantage from women to men.”
5. In furthering our discussions on gender equality and other human rights, we should also pay attention to the findings in the Yolanda Forde report on *Predisposing Factors to Criminality in the Cayman Islands*, especially the recommendations for changes to the education system and the redefinition of the concept of parental neglect. (See paragraphs 3.30 to 3.36, pp 54-56). Another study that needs to be consulted is the “Study of the Family in Caymanian Society” completed in March 1997 by Dr Eleanor Wint. It would be helpful to have an update on this report to see what improvements or advances have been made since that report was compiled, and what further recommendations arise. If we can build a better family unit promoting a healthy approach to shared responsibilities and enhanced harmony in the home, we will then be on the right path to building better communities and workplaces and a better nation.

I wish to again express my appreciation for being allowed this opportunity and I look forward to continuing discussions on how best to ensure true equality and the respect for essential human rights and responsibilities in the Cayman Islands. Special thanks to Ms Deborah Bodden, Manager of the Commissions Secretariat, and Mr Michael Ebanks, Analyst for the Human Rights Commission, for their capable assistance in the preparation of the presentation.

Julene Banks

December 2010

Attachments:

1. Short Report of the CEDAW workshop and its annexes
2. List of Stakeholders
3. Electronic copy of CEDAW Q&A booklet.