



**CONVENTION ON THE ELIMINATION OF ALL FORMS
OF DISCRIMINATION AGAINST WOMEN**

Ministerial Statement

To The House of Assembly

By

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Mr. Speaker, I rise today to inform Honourable Members of this House that the Bermuda Government has formally requested the United Kingdom to take the necessary steps to have the Convention on the Elimination of all forms of Discrimination against Women – commonly referred to as CEDAW – extended to Bermuda. In this regard, I note that on Monday February 6th 2017 Honourable Premier Michael Dunkley presented a letter of request to have CEDAW extended to Right Honourable Baroness Anelay, the UK Minister of State of the Foreign and Commonwealth Office responsible for the Overseas Territories.

Mr. Speaker, CEDAW is the landmark international agreement that affirms principles of fundamental human rights and equality for women around the world and is often referred to as the ‘women’s bill of rights’. It is one of the core international human rights treaties of the United Nations treaty system, which requires member states to undertake legal obligations to respect, protect and fulfill human rights.

Mr. Speaker, CEDAW was adopted by the UN General Assembly on December 19th 1979, coming into force as a treaty on December 3rd 1981. Today, CEDAW is one of the most widely endorsed human rights treaties and has been ratified or acceded to by 189 countries to date, including the United Kingdom (UK) who signed the treaty in July 1981 and ratified CEDAW in 1986. Three (3) British Overseas Territories,

namely British Virgin Islands; Turks & Caicos Islands; and the Falkland Islands, had the Convention extended in 1986. Two (2) further Overseas Territories, Anguilla and Cayman Islands, had CEDAW extended in March 2016.

Mr. Speaker, the articles of CEDAW fall into three main groups: the first set of articles explains the nature and scope of the state's obligations; the second set of articles targets specific forms of discrimination and outlines measures that the state must undertake to eliminate discrimination in each of these areas; and the last set of articles governs procedural and administrative matters, including the CEDAW reporting process.

Mr. Speaker, the Convention defines discrimination against women as "*...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*"

Mr. Speaker, countries that have ratified, acceded to, or have had CEDAW extended are legally obligated to work towards implementing its provisions and are also committed to monitoring and reporting on the measures they have taken to comply with their treaty obligations.

Mr. Speaker, in 2014 the UK Government commenced a project focusing on the work required to take forward the extension of CEDAW to outstanding overseas territories in accordance with recommendations from the UN CEDAW Committee. The UK Government Equalities Office (GEO) developed a CEDAW compliance template to assist the overseas territories in gathering and submitting the relevant evidence.

This consisted of a number of thematically organised indicators of compliance, drawn from CEDAW's substantive Articles and the Committee's General Recommendations. The thirteen (13) themes pertained to: civil legal matters; criminal legal matters; discrimination; health; nationality; education; trafficking and exploitation; rural women; migrant women; governance; family life; political and public life; and employment. Once Bermuda completed these templates they were sent for review to the UK Government which determined that Bermuda was in a good position to request that CEDAW be extended.

Mr. Speaker, when governments become parties to a convention, they can identify that they will not be bound to particular elements of that treaty. This is known as "entering a reservation", and is permitted under article 28 of CEDAW. In undertaking the compliance work necessary to determine whether Bermuda is ready for the extension of CEDAW, the Ministry of Social Development and Sports and the Attorney-General's Chambers determined that two (2) Reservations would be necessary.

Mr. Speaker, the two (2) Reservations relate to Article 1 and Article 15(4) of the Convention. Article 1 of CEDAW defines discrimination – which I described a few minutes ago - and Article 15(4) states that “countries shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.”

Mr. Speaker, the first Reservation will preserve the position whereby Bermuda can continue to conscript only male recruits to the Royal Bermuda Regiment and that religious organisations would not be compelled to have women priests. The second Reservation will preserve the right of the existing constitutional and immigration provisions, which have the effect of discriminating against a Bermudian woman married to a non-Bermudian husband, due to the lesser rights granted to

a non-Bermudian man compared to a non-Bermudian woman married to a Bermudian man.

To elaborate **Mr. Speaker**, section 11(2)(d) of the Bermuda Constitution imposes restrictions on the movement or residence within Bermuda of any person who does not belong to Bermuda. Under section 11(5)(c) a foreign national wife belongs to Bermuda if, by decree of a court or a deed of separation, she does not live apart from a husband who possesses Bermudian status, or a husband who has been granted a certificate of naturalization. However, section 11(5)(c) does not apply to the foreign national husband of a wife who possesses Bermudian status. Section 27a of the Bermuda Immigration and Protection Act 1956 provides for an additional condition to apply to the foreign national husband of a wife who possesses Bermudian status in order for him to remain and reside in Bermuda, i.e. that he has no relevant convictions.

Mr. Speaker, while the Government recognizes and intends to address this inequality in due course, it was determined that the appropriate course of action is to have the Convention extended now and work towards removing this Reservation. As CEDAW is an aspirational treaty Bermuda must and will focus on improving gender equality to ensure that women and girls enjoy the same access to opportunities and benefits in every aspect of life.

Mr. Speaker, as an Overseas Territory of the United Kingdom, Bermuda will be required to take the UK's reservations. The Attorney-General's Chambers have reviewed the UK's reservations and determined that there is no legal impediment, nor will there be any negative impact in doing so.

Mr. Speaker, although the work on completing the UK compliance templates commenced in 2014, considerable time and effort has been

expended by a number of persons over the past 15 years in working towards having CEDAW extended, and I congratulate all those involved. Once the Convention has been extended, work will begin on identifying areas of policy and legislation to enhance Bermuda's compliance with CEDAW.

Thank you **Mr. Speaker**