

17th Annual Meeting of Special Procedures Mandate-holders
28 June – 2 July 2010

Note by the OHCHR on recent thematic and institutional developments in the area of gender issues and women's human rights of relevance to special procedures

Introduction

This note provides an overview of the recent institutional developments at the international level in the area of gender issues and women's rights. It also suggests discussion points concerning the possible engagement and coordination of special procedures with these initiatives, particularly in view of the review of the functioning of the Human Rights Council and its mechanisms.

This work is of particular relevance to special procedures in light of the fact that the majority of resolutions establishing thematic mandates request the mandate-holders to integrate a gender perspective into their work.

In addition resolution 6/30 reaffirmed the commitment of the Human Rights Council to effectively integrate the human rights of women, as well as gender perspective, in its work and that of its mechanisms, in a systematic and transparent manner. This resolution reiterated the request to all special procedures to regularly and systematically integrate a gender perspective into the implementation of their mandate, including to examine the multiple forms of discrimination against women and girls, and to include in their reports information on the qualitative analysis of the human rights of women and girls.

Key Initiatives in 2010

In February 2010 the UN Secretary-General appointed Ms. Margot Wallström as his Special Representative on Sexual Violence in Armed Conflict pursuant to SC Resolution 1888. This mandate is focused on intensifying efforts to end sexual violence against women and children in conflict situations, including by engaging with high-level military and civilian leaders.

In March 2010 the Commission on Status of Women held its 54th session, which was devoted to undertaking a fifteen-year review of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the 23rd special session of the General Assembly. Participants highlighted progress and challenges in the area of women's human rights and gender equality at the national and international level.

The 2010 ECOSOC Annual Ministerial Review (AMR) will be held from 28 June to 1 July 2010, exactly at the same time as the 2010 Annual Meeting of special procedures mandate-holders. It will focus on "Implementing the internationally agreed goals and commitments in regard to gender equality and the empowerment of women". The 2010 AMR provides an opportunity to assess the state of implementation of the United Nations Development Agenda with a focus on its gender-related goals and objectives, explore key challenges in achieving the international goals and commitments in the area of gender equality and the empowerment of women and

consider recommendations and proposals for action to accelerate the implementation of gender-related objectives at all levels. The outcome of the 2010 AMR is expected to be a Ministerial Declaration on the subject of the session.

October 2010 will commemorate the tenth anniversary of the adoption of Security Council Resolution 1325 (2000) on women, peace and security. Resolution 1325 spearheaded the Security Council engagement on women's human rights and the adoption of a number of subsequent resolutions including 1820 and 1888 (2009) focused on the widespread use of sexual violence in situation of armed conflict and 1889 (2009) focused on the role of women in peace building.

In 2010 progress has continued on the implementation of the Secretary General's comprehensive proposal for the composite entity for gender equality and the empowerment of women, which will be created with through the merger of four existing entities (UNIFEM, OSAGI, DAW, and INSTRAW).

Proposal for discussion points

- ✓ What is the assessment of mandate-holders of their efforts to mainstream a gender perspective in their work as requested by the Council? What tools would they ideally want to develop in order to strengthen this particular aspect of their work?
- ✓ How to ensure exchange of information between relevant special procedures and the new composite gender entity?
- ✓ Resolution 1888 encourages the Special Rapporteur on violence against women in coordination with the High Commissioner for Human Rights and the SRSG on sexual violence to provide briefings and documentation on sexual violence in armed conflict to the Security Council. A number of special procedures address issues falling within their mandates which happen in conflict situations and may be directly or indirectly related to sexual violence. How to ensure coordination between special procedures other than the Special Rapporteur on violence against women on one hand and the new SRSG on the other?
- ✓ Mandate-holders may consider contributing to events related to the tenth anniversary of the adoption of resolution 1325 including the possibility of a press release/statement on this occasion

You will find attached to this note two Annexes. Annex I provides an overview of the references to gender in the resolutions establishing or renewing thematic and country-based mandates for ease of reference. Annex II provides additional details on the key initiatives in the area of gender issues and women's human rights.

ANNEX I

THEMATIC SPECIAL PROCEDURES			
Mandate	Resolution	Date	Mandated Gender Perspective
Adequate housing as a component of the right to an adequate standard of living	6/27	14 December 2007	(d) Apply a gender perspective, including through the identification of gender specific vulnerabilities in relation to the right to adequate housing and land
Working Group of Experts on People of African Descent	9/14		no mention of gender
Working Group on Arbitrary detention	6/4	28 September 2007	no mention of gender
Special Rapporteur on the sale of children, child prostitution and child pornography	7/13	27 March 2008	(g) To integrate a gender perspective throughout the work of his/her mandate
Independent Expert in the field of cultural rights	10/23	26 March 2009	(e) to integrate a gender and disabilities perspective into his and her work
Special Rapporteur on the right to education	8/4	12 June 2008	(k) To support the implementation of plans and programmes of actions to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education (d) To integrate a gender perspective in all of his work
Working Group on enforced or involuntary disappearance	7/12	27 March 2008	(g) To apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations
Special Rapporteur on extrajudicial, summary or arbitrary executions	8/3	18 June 2008	(f) To apply a gender perspective in his or her work
Independent expert on	8/11	18 June 2008	(h) Pay particular attention to the situation and empowerment of women in

Human Rights and extreme poverty			extreme poverty, applying a gender perspective in his or her work
Special Rapporteur on the right to food	6/2	27 September 2007	(c) To continue mainstreaming a gender perspective and taking into account an age dimension in the fulfillment of the mandate, considering that women and children are disproportionately affected by hunger, food insecurity and poverty.
Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	7/4	27 March 2008	No mention of gender
Special Rapporteur on the promotion of the right to freedom of opinion and expression	7/36	28 March 2008	(b) To integrate the human rights of women and a gender perspective throughout the work of his/her mandate
Special Rapporteur on freedom of religion or belief	6/37	14 December 2007	(d) To continue to apply a gender perspective, inter alia, through the identification of gender specific abuses, in the reporting process, including in information collection and in recommendations
	14/L.5	18 June 2010 (HRC 14)	No mention of gender
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standards of physical and mental health	6/29	14 December 2007	(d) To continue to apply a gender perspective in her/his work and to pay special attention to the needs of children and other vulnerable and marginalized groups in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (g) To place a gender perspective at the centre of all policies and programmes affecting women's health
Special Rapporteur on the	7/8	27 March 2008	(e) To integrate a gender perspective throughout the work of his/her mandate,

situation of human rights defenders			paying particular attention to the situation of women human rights defenders
Special Rapporteur on the independence of judges and lawyers	8/6	18 June 2008	(e) To apply a gender perspective in his or her work
Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people	6/12	28 September 2007	(h) Pay particular attention to the situation and empowerment of women in extreme poverty, applying a gender perspective in his or her work
Representative of the Secretary-General on the human rights of internally displaced persons	6/32	14 December 2007	(d) To integrate a gender perspective through the work of the mandate and to give consideration to the human rights of internally displaced women and children as well as other groups with special needs among the internally displaced, such as severely traumatized individuals, older persons and persons with disabilities, and their particular assistance, protection and development needs.
Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self determination	7/21	28 March 2008	No mention of gender
Special Rapporteur on the human rights of migrants	8/10	18 June 2008	1 (f) To take into account a gender perspective when requesting and analyzing information, and to give special attention to the occurrence of multiple discrimination and violence against migrants women
Independent expert on minority issues	7/6	27 March 2008	(c) To apply a gender perspective in his/her work
Special Rapporteur on the contemporary forms of racism, racial discrimination, xenophobia	7/34	28 March 2008	(d) To integrate a gender perspective throughout the work of his/her mandate, highlighting women's rights and reporting on women and racism

and related intolerance			
Special Rapporteur on contemporary forms of slavery , including its causes and consequences	6/14	28 September 2007	(b) to take account of the gender and age dimensions of contemporary forms of slavery
Independent expert on human rights and international solidarity	7/5	27 March 2008	No mention of gender
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	6/28	14 December 2007	(c) To integrate a gender perspective throughout the work of his/her mandate
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	8/8	18 June 2008	(e) To integrate a gender perspective throughout the work of his/her mandate (j) To adopt a gender- sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to violence against women
Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	9/1		No mention of gender
Special Rapporteur on trafficking in persons, especially women and children	8/12	18 June 2008	(c) Integrate a gender and age perspective throughout the work of his/her mandate, inter alia through the identification of gender and age specific vulnerabilities in relation to the issue of trafficking in persons
Special Rapporteur of the SG on the issue of human rights and transnational	8/7	18 June 2008	(d) To integrate a gender perspective throughout his work and to give special attention to persons belonging to vulnerable groups, in particular children

corporations and other business enterprises			
Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation	7/22	28 March 2008	(d) to apply a gender perspective, including through the identification of gender-specific vulnerabilities
Special Rapporteur on violence against women, its causes and consequences	7/24	28 March 2008	(c) To work closely with all special procedures and other human rights mechanisms of the council and with the treaty bodies, taking into account the request of the council that they regularly and systematically integrate the human rights of women and a gender perspective into their work, and cooperate closely with the Commission on the Status of Women in the discharge of its functions

COUNTRY-BASED SPECIAL PROCEDURES

Mandate	Resolution	Date	Mandated Gender Perspective
Independent expert on the situation of human rights in Burundi	9/19	18 September 2008	No mention of gender
Special Rapporteur on human rights in Cambodia	9/15	18 September 2008	No mention of gender
Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	13/14	25 March 2010	No mention of gender
Independent expert on the situation of human rights in Haiti	9/1	24 September 2008	No mention of gender
Special Rapporteur on the situation of human rights in Myanmar	13/25	26 March 2010	No mention of gender
Special Rapporteur on the	CHR 1993/2	19 February 1993	No mention of gender

situation of human rights in the Palestinian territories occupied since 1967			
Independent expert on the situation of human rights in Somalia	7/35	28 March 2008	No mention of gender
Independent expert on the situation of human rights in the Sudan	11/10	18 June 2009	No mention of gender

ANNEX II

Major initiatives undertaken by inter-governmental bodies and UN entities

1. The Security Council, women, peace and security

Security Council Resolution 1325 represents a landmark in that it recognized that there is a fundamental difference in the way in which men and women experience conflict. This resolution also asserted the vital role that women play or should play in putting an end to conflicts, including peace negotiations, as well as in post-conflict reconstruction.

Within the UN system a High-Level Steering Committee has been established to prepare for the commemoration of Resolution 1325 in October 2010. In addition the Task Force on Women, Peace and Security, one of the seven task forces established by the UN Inter-Agency Network on Women and Gender Equality (IANGWE) is in the process of elaborating the Agenda 2010 and beyond. This Agenda is an action plan aimed at accelerating efforts to implement Resolution 1325 and consists of several components related to prevention, participation, protection, relief and recovery and prosecution.

The UN Secretary-General also announced the establishment of an Advisory Group of civil society eminent persons whose objectives are to provide guidance and serve as an ally to the members of the High-level Steering Committee in the preparation of the tenth anniversary of Resolution 1325. Former High Commissioner Mary Robinson chairs this Group and former special procedures mandate-holders take also part in this group.

SC Resolution 1888 and the SRSG on sexual violence in conflict

Following Resolution 1325, the Security Council further elaborated on the situation of women in conflict through its Resolutions 1820 and 1888 addressing the issue of sexual violence in conflict situations. Resolution 1888 has introduced major changes to the methods of work at the UN. Peace keeping operations have started mainstreaming gender into their operations through the gender advisers deployed for that purpose. Gender sensitive programmes and policies are increasingly becoming an essential element in all peace-keeping operations.

In addition Resolution 1888 established the mandate of the Special Representative on Sexual Violence in Armed Conflict which is focused on intensifying efforts to end sexual violence against women and children in conflict situations including by engaging with high-level military and civilian leaders. The current mandate-holder, Ms. Margot Wallstrom took up her functions on 1st April 2010. The five priorities of the SRSG are the following:

1. ending impunity: justice for survivors, consequences for perpetrators, deterrence for the future;
2. protecting and empowering war-affected women and girls;

3. Strengthening the political commitment to implement Security Council Resolution 1820 and 1888;
4. Enhancing the understanding of rape as tactic of war;
5. Harmonizing and amplifying the response of the international community to war-affected women, through delivering as one.

The Democratic Republic of Congo, which she visited in April, is one of the priority countries in the SRSG workplan.

According to Resolution 1888, the Secretary-General is to identify and take appropriate measures to deploy a team of experts to situations of particular concern with respect to sexual violence in armed conflict, working through the UN presence on the ground and with the consent of the host Government, to assist national authorities to strengthen the rule of law. OHCHR together with UNDP and DPKO is involved in the conceptualization and operationalisation of this team of experts.

Resolution 1888 encourages the Special Rapporteur on violence against women in coordination with the High Commissioner for Human Rights and the SRSG to provide briefings and documentation on sexual violence in armed conflict to the Security Council.

2. Secretary-General's proposal for the composite entity for gender equality and the empowerment of women

In January 2010 the Secretary-General presented a comprehensive proposal for a new composite entity responsible to advance UN work on gender equality and the empowerment of women (A/64/588). The proposal sets out the mission statement of the new entity, namely elimination of discrimination against women and girls, the empowerment of women, and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security. Placing women's rights at the centre of all its efforts, the composite entity will lead and coordinate UN system efforts to ensure that commitment on gender equality and gender mainstreaming translate into action throughout the world. It is also meant to provide strong and coherent leadership in support of Member States' priorities and efforts, building effective partnerships with civil society and other relevant actors. The composite entity will add value by providing capacity to meet the need for:

- a strong voice for women and girls at the global, regional and local levels;
- better support for Member States as they enhance the normative and policy environment for accelerating progress towards full equality for women and girls, both globally and locally;
- assistance for national partners as they respond to critical gaps and challenges, by leading the UN system in developing and implementing innovative and catalytic initiatives;
- an enhanced UN response to the country-defined needs and priorities of women and girls, including the development of national capacity, by leading the UN system to work in a more effective, collaborative and coherent way.

The proposal suggests that the composite entity be a subsidiary organ of the GA to which it will report through ECOSOC. The Commission on the Status of Women will play a crucial role in guiding its work and an Executive Board will oversee its operational activities. The entity will combine the mandates and assets of four existing gender equality entities, UNIFEM, OSAGI, DAW, and INSTRAW, and will perform new and additional functions to close the gaps and address the challenges in the gender equality work of the UN system.

The proposal suggests a Headquarters structure to cover the new functions and continue to implement existing mandates. It also gives priority to strengthening UN capacity at the country level and leading a more coherent UN system response at the country and regional levels. The composite entity will be led by an Under-Secretary-General. It is suggested that approximately USD 125 million per annum is needed for a basic staff complement, related operating costs and “start-up” capacity at the country, regional and Headquarters levels, as well as an addition USD 375 million per annum in the initial phase to respond to country-level requests for UN programmatic support.

Since last February, Member States have been negotiating the draft resolution on system-wide coherence which includes a section on the new composite gender entity and which the General Assembly would need to adopt in order to establish such entity. The next round of negotiations is set to start in mid-June. The S-G has also asked Member States to put forward names of possible candidates for the post of Under-Secretary-General who will be heading of the new entity. It appears that the S-G intends to have a short list of candidates ready by the time the resolution creating the new entity would be passed by the General Assembly.

Although the S-G report does not make reference to interactions between the new composite gender entity and the Human Rights Council, it is expected that it will be possible for relevant special procedures to liaise with this entity through the intergovernmental structures like the CSW to which it will be linked. Additional contact points between special procedures and the new composite gender entity may be found at the regional and national level set-up that the entity will establish.

3. The Commission on the Status of Women and the review of the Beijing Declaration and Platform for Action

The 54th session of the Commission on the Status of Women took place in New York from 1 - 12 March 2010. Member States, representatives of non-governmental organizations and of UN entities participated in the session and a series of parallel events provided additional opportunities for information exchange and networking. National and regional review processes also fed into this global review process.

Through a series of high-level roundtables as well as interactive events, the Commission focused its discussions on two main points as follows:

- Review of the implementation of the Platform for Action and the outcomes of the 23rd special session of the General Assembly, with an emphasis on the

sharing of experiences and good practices with a view to overcoming remaining obstacles and new challenges; and

- Review of its contribution to shaping a gender perspective towards the full realization of the Millennium Development Goals.

In addition, the Commission discussed a number of programmatic matters including the situation of and assistance to Palestinian women, the release of women and children taken hostage, including those subsequently imprisoned, in armed conflict, ending female genital mutilation, the joint work plan on the human rights of women, violence against women and the Convention on the Elimination of All Forms of Discrimination Against Women.

During the High-Level Plenary a large number of Member States' representatives, Heads of UN agencies and international organisations and representatives of non-governmental organisations intervened. Among the UN human rights mechanisms, the CEDAW Chair and the Special Rapporteur on violence against women delivered their statements to the Commission¹.

Notably, the CEDAW Chair presented an introductory statement on the work of the CEDAW Committee which, in addition to outlining the work of the Committee during its previous two sessions, expressed her desire for the CEDAW Committee to continue to work closely with civil society, UN entities (in particular, DAW, OSAGI and UNHCR) in an effort to collectively implement the principles of the Beijing Declaration and Platform for Action.

The statement by the Special Rapporteur on violence against women, its causes and consequences outlined how violence against women is an obstacle to the implementation of the Platform for Action and the achievement of the Millennium Development Goals, and carries great economic costs and personal suffering. She stated that international and national initiatives to address violence against women have increased, as many countries have strengthened laws, policies and institutions to end violence against women. The Special Rapporteur also noted the challenges which still hinder the achievement of a world free of violence against women including dearth of sound data, limited access to justice and weak implementation of laws and policies. She also reported to the Commission her main activities during the past year concerning official country visits, communication to Governments and thematic priorities.

Member States mainly highlighted progress and challenges at the national level. Progress was most notably underlined in the area of gender equality in politics and decision-making. An example of this commitment to such issues was seen in the Constitutive Act of the African Union. Significant progress has also been made in implementing equality in all spheres of economic and social life, for example by ensuring equal access to women and girls for academic and professional training and

¹ The Special Rapporteur on violence against women is mandated by the Human Rights Council to report orally to the Commission on the Status of Women.

guaranteeing workplace safety and protection for women. Additionally, a number of countries took action to prevent violence against women by creating national action plans to prevent sexual abuse, or to support the victims of violence. Member States also stated they were still facing many national challenges in implementing the Beijing Declaration and the Platform for Action. Some of the more common obstacles included poverty, high maternal mortality rates, access to health care, and access for women to full time employment.

A panel on commemorating 30 years of the Convention on the Elimination of All Forms of Discrimination against women also took place during the 54th session. Participants reaffirmed the Convention's importance and relevance in providing a comprehensive framework for women's equal enjoyment with men of civil, political, economic, social and cultural rights and the major contribution of the Committee on the Elimination of Violence against Women to the implementation of the Convention, including through its concluding observations on the reports of States parties. It has been underlined that the Committee's general recommendations provide a rich source of legal and policy guidance and that it should continue this work with the support of all stakeholders. Panelists also reaffirmed that the goal of universal ratification of the Convention must be realized, and all stakeholders, including all Government branches, should commit to full implementation of the Convention.

Nevertheless, while many countries have undertaken legal and policy reform, panelists and participants observed that discrimination in law and practice persists in many areas, such as family, divorce and personal status, penal codes, nationality laws etc. The large number of reservations to the Convention and the limited resources and capacity of many Member States were reported as remaining challenges for the full implementation of the Convention and thus of the Beijing Platform for Action.

A number of conclusions were agreed upon at the end of the session as well as a declaration was adopted on the occasion of the fifteenth anniversary of the Fourth World Conference on Women. This Declaration will be brought to the attention of the Economic and Social Council for transmission to the General Assembly for its endorsement. Furthermore, the Commission agreed to transmit to the 2010 ECOSOC Annual Ministerial Review (AMR) a number of summaries by events' Moderators, including those on the high-level round table on "Implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly and its contribution to shaping a gender perspective in the realization of the Millennium Development Goals" and on the panel discussion on "Linkages between implementation of the Beijing Platform for Action and the achievement of the Millennium Development Goals"

4. The Human Rights Council

There currently are 31 thematic special procedures established and/or renewed by the Human Rights Council. Out of the 31 resolutions establishing or renewing these procedures, six do not include any request to integrate a gender perspective into their work. These six relate to the following mandates: Working Group of Experts on people of African descent, Working Group on arbitrary detention, Independent Expert on the effects of foreign debt on human rights, the Working Group on mercenaries,

the Independent Expert on international solidarity and the Special Rapporteur on toxic waste. None of the resolutions establishing or renewing the eight country-based special procedures request mandate-holders to integrate a gender perspective in their work.

In addition resolution 6/30 reaffirmed the commitment of the Human Rights Council to effectively integrate the human rights of women, as well as gender perspective, in its work and that of its mechanisms, in a systematic and transparent manner. This resolution requests to all special procedures to regularly and systematically integrate a gender perspective into the implementation of their mandate, including to examine the multiple forms of discrimination against women and girls, and to include in their reports information on the qualitative analysis of the human rights of women and girls. Council Resolution 12/17 of 2 October 2009 further requested the Office of the High Commissioner for Human Rights to prepare a thematic study on discrimination against women, in law and practice, and how the issue is addressed throughout the UN human rights system, in consultation with all relevant stakeholders. The Human Rights Council will consider this study and hold a half-day discussion on the issue during its fifteenth session in September 2010.