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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Integrating the human rights of women throughout
the United Nations system**

**Report of the Office of the United Nations High Commissioner
for Human Rights***

Summary

This report is submitted pursuant to Human Rights Council resolution 6/30. It identifies obstacles and challenges to integrating the human rights of women and a gender perspective throughout the United Nations system and in the work of the Human Rights Council and its mechanisms. The report also provides information on the obligations of Member States to integrate the human rights of women and a gender perspective, and conclusions and recommendations.

* Late submission.

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I. INTRODUCTION

1. The present report is submitted to the Human Rights Council pursuant to resolution 6/30, in which the Council reaffirmed its commitment to effectively integrate the human rights of women, as well as a gender perspective, in its work and that of its mechanisms, in a systematic and transparent manner including in all phases of the universal periodic review, the Advisory Committee and the review of mandates. The extent to which the Council integrates a gender perspective into its work will have a significant impact beyond the Council itself, and potentially have a bearing on the lives of women and girls in every part of the world.

2. In resolution 6/30, the Human Rights Council requested the Office of the High Commissioner for Human Rights (OHCHR) to report on the obstacles and challenges to the implementation of the resolution by the Council and to make concrete recommendations for action to address them. This marks a significant shift in focus with respect to previous requests from the Commission on Human Rights on the same theme which called, *inter alia*, for reporting on the “promotion and protection of human rights of women ... into the United Nations system” (see A/HRC/4/104). However, 16 years after States at the World Conference on Human Rights, held in Vienna in 1993, called for the integration of the human rights of women into the United Nations system, the Human Rights Council called for a more critical analysis. Accordingly, this report focuses on identifying the obstacles and challenges as a starting point for possible future concrete recommendations for action to be made by the Council.

3. For the purpose of informing the content of the report a note verbale was sent to Member States, United Nations agencies and non-governmental organizations (NGOs) on 27 June 2008 soliciting information and observations. Written contributions were received from 25 States¹ and 6 NGOs.² Suggestions from stakeholders, including issues raised during plenary discussions of the Human Rights Council in conjunction with panels on the human rights of women and how to fully integrate a gender perspective, respectively, have also informed the content of this report.

4. Section II of the report provides a brief summary of the underlying legislative authority for the Human Rights Council to fully integrate the human rights of women and a gender perspective throughout its work. It also highlights the global policy framework developed by the United Nations system through world conferences and global summits. Section III examines the challenges and obstacles to integrating the human rights of women and a gender perspective in the United Nations system, including the Human Rights Council. Finally, section IV contains conclusions and recommendations for action to address those obstacles and challenges.

¹ Argentina, Azerbaijan, Burkina Faso, Burundi, Canada, Chile, Costa Rica, Cyprus, Finland, France, Greece, Iraq, Japan, Kuwait, Lebanon, Mauritius, Mexico, Norway, New Zealand, Oman, Republic of Moldova, Serbia, Spain, Switzerland and Turkey.

² Action Canada for Population and Development, Asia Pacific Forum on Women, Law and Development, Center for Reproductive Rights, Center for Women’s Global Leadership, Human Rights Watch and Mulabi (Argentina).

II. LEGISLATIVE AUTHORITY AND GLOBAL POLICY FRAMEWORK

A. United Nations resolutions and policy framework - world conferences, special sessions and summits

5. The Human Rights Council has explicitly been called upon by the General Assembly “to integrate attention to gender perspectives into [its] consideration of all issues in [its agenda], including the development of [its] methods of work”.³ Pursuant to this call, the Council adopted resolution 6/30.

6. In addition, several calls upon the United Nations system to integrate the human rights of women and a gender perspective into all policies and programmes have been made during the last decades at the international level. Gender mainstreaming is now a globally accepted strategy for achieving gender equality and includes ensuring that all United Nations activities integrate the human rights of women. The Vienna Declaration and Programme of Action historically recognized that violence against women and girls constitutes a severe violation of rights and that women’s rights are human rights. All States affirmed that the human rights of women and of the girl child are inalienable, integral and indivisible parts of universal human rights and that the equal status and human rights of women should be integrated into the mainstream of United Nations system-wide activity (see A/CONF.157/23).

7. In 1995, the Beijing Platform for Action adopted by the Fourth World Conference on Women called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates (para. 231). Subsequently, the General Assembly, at its twenty-third special session entitled “Women 2000: gender equality, development and peace for the twenty-first century”, reiterated the importance of mainstreaming as reflected in its outcome documents.⁴

8. Since 1997, the Economic and Social Council has passed an annual resolution entitled “Mainstreaming a gender perspective into all policies and programmes of the United Nations system”. In resolution 2008/34, the Council took note with appreciation of the report of the Secretary-General (E/2008/53) and the recommendations contained therein.

9. At its last session, the General Assembly adopted resolution 63/159 in which the Assembly took note with appreciation of the report of the Secretary-General on the measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session (A/63/217), and called upon all parts

³ General Assembly resolution 61/145, para. 13.

⁴ General Assembly resolutions S-23/2, annex and S-23/3, annex.

of the United Nations system to continue to play an active role in ensuring the full, effective and accelerated implementation of the Beijing Platform for Action and the outcome of the twenty-third special session.

10. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001 urged States to incorporate a gender perspective in all programmes of action against racism, xenophobia and related intolerance and to consider the burden of such discrimination, which falls particularly on indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrants and women from other disadvantaged groups.⁵ The Durban Declaration and Programme of Action both make numerous references to multiple forms of discrimination and the intersection of discrimination on grounds of race and gender.⁶ More recently, the Durban Review Conference, held in Geneva from 20 to 24 April 2009, evaluated progress towards the goals set by the World Conference and in doing so confirmed the importance of addressing multiple forms of discrimination.⁷

11. The 2000 United Nations Millennium Declaration⁸ called for the promotion of gender equality and the empowerment of women to combat poverty, hunger and disease and to achieve sustainable development (Millennium Development Goal 3), reduce child mortality (goal 4) and improve maternal health (goal 5). At the 2005 World Summit, States recognized the importance of gender mainstreaming as a tool for achieving gender equality. To that end, they undertook to actively promote the mainstreaming of a gender perspective in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, and further undertook to strengthen the capabilities of the United Nations system in the area of gender.⁹

B. Human rights treaty obligations

12. There are also specific legal obligations for the 186 States that have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the 96 States that have ratified its Optional Protocol. Obligations also arise for the States parties not to

⁵ Durban Programme of Action (A/CONF.189/12 and Corr.1, chap. I), para. 50.

⁶ Durban Declaration, paragraphs 19, 30, 69-72, 99-100, 109; and Programme of Action, paragraphs 9, 10, 18, 30 (h), 31, 36, 39, 50-54, 56, 59, 62-66, 69, 78 (g) and (m), 88, 94, 97, 109 (b), 121, 133, 136, 137, 139, 158, 174-176, 186, 201, 212 and 217. Ibid.

⁷ See Outcome document of the Durban Review Conference at www.un.org/durbanreview2009/pdf/Durban_Review_outcome_document_En.pdf.

⁸ General Assembly resolution 55/2.

⁹ General Assembly resolution 60/1, para. 59.

discriminate in the enjoyment of rights contained in the International Covenant on Civil and Political Rights, under article 2, and similarly under article 2 of the International Covenant on Economic, Social and Cultural Rights.

13. CEDAW 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” (art. 1). States parties to the Convention have obligations to undertake a series of measures to end discrimination against women in all forms, including: to incorporate the principle of equality of men and women in their legal system, abolishing all discriminatory laws and adopting appropriate ones prohibiting discrimination against women; to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and to ensure the elimination of all acts of discrimination against women by persons, organizations or enterprises. The Convention provides the basis for realizing equality between women and men through ensuring women’s equal access to, and equal opportunities in, inter alia, political and public life, education, health and employment. It explicitly affirms reproductive choice and health as a human rights issue and also establishes the obligation of States parties “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” (art. 5 (a)).

14. In addition to CEDAW, all other fundamental human rights treaties explicitly refer to equality between men and women and the principle of non-discrimination and obligations of States parties in that regard. The Council in resolution 6/30 encouraged the efforts of all human rights treaty bodies to incorporate the human rights of women and a gender perspective in their work, particularly in their concluding observations, general comments and recommendations. Developments in this area include the adoption by the Committee on the Elimination of Racial Discrimination in 2000 of general comment No. 25 on gender-related dimensions of racial discrimination; general comment No. 32 adopted by the Human Rights Committee in 2007 on the right to equality before courts and tribunals and to a fair trial; and general comment No. 20 on non-discrimination in economic, social and cultural rights adopted in 2009 by the Committee on Economic, Social and Cultural Rights.

15. Far-reaching reservations and/or interpretative declarations constitute a limitation to States’ obligations to respect, protect and fulfil the rights contained in the treaties. CEDAW is the treaty with the highest number of reservations, presenting an obstacle to its effective implementation. Reservations have been entered to particular articles on the ground that the national law, tradition, religion or culture is not congruent with Convention principles. Some States have entered a reservation to article 2 (States parties’ obligations), although their national constitutions or laws prohibit discrimination. Similarly, many reservations relate to article 16 (equality of women and men in marriage and family relations) on national, traditional, religious or cultural grounds, while the family context is one in which women are most vulnerable to abuse of their human rights. In the view of the Committee on the Elimination of Discrimination against Women, such reservations are incompatible with the Convention and therefore impermissible and should be reviewed and modified or withdrawn.

III. OBSTACLES AND CHALLENGES TO INTEGRATING THE HUMAN RIGHTS OF WOMEN AND A GENDER PERSPECTIVE INTO THE HUMAN RIGHTS POLICY FRAMEWORK

16. Resolution 6/30 encourages organs, bodies, mechanisms and agencies of the United Nations system to work actively to integrate the human rights of all women and a gender perspective throughout their work, including through exchange of information, lessons learned and best practices. The following paragraphs highlight lessons learned from United Nations agencies, programmes and entities, including in the area of prevention and resolution of conflicts and peacebuilding, to inform the Human Rights Council in its efforts to strengthen the integration of the human rights of women and a gender perspective into its work.

A. Integration of a gender perspective in the work of United Nations agencies, programmes and other entities

1. Lessons learned

17. The integration of a gender perspective and gender mainstreaming has presented a challenge for United Nations entities, and organizational gender policies, gender integration tools and gender units have become normal features throughout the United Nations system. While this has generated many good practices in gender equality programming, it has often been ad hoc, absent systems in place to ensure sharing of such experiences throughout the system. In light of the above, several United Nations entities and specialized agencies have undertaken in-depth gender evaluations in recent years, including the International Labour Organization, the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF). A similar gender evaluation by OHCHR is ongoing, the results of which are expected by the end of 2009.

18. The outcomes of the evaluations indicate certain commonalities with respect to existing challenges:¹⁰ an under-resourced gender integration process (resources have decreased in recent decades); lack of effective accountability mechanisms; lack of senior-level and executive leadership; individual rather than institutional commitment; lack of time allocated for often complex gender analysis; misunderstanding of the concept of gender integration; lack of regard for competence in gender equality in recruitment; lack of structural stability of existing gender units; and designation of mainly junior staff as gender focal points.

¹⁰ See for example UNICEF, *Evaluation of Gender Policy Implementation in UNICEF*, Executive Summary, 2008, and UNDP, *Evaluation of Gender Mainstreaming in UNDP*, Executive Summary, 2006.

19. In light of the OHCHR commitment to the integration of gender and women's rights, a Women's Rights and Gender Unit was established at the end of 2006. The work of the unit includes elements related to the Office's capacity to ensure adequate support on gender and women's rights to the Human Rights Council, and particularly to its special procedures.

20. At the first gender integration panel discussion of the Human Rights Council, held on 20 and 21 September 2007, OHCHR expressed the view¹¹ that stakeholders need to pursue a dual approach for the United Nations system: redoubling the mainstreaming effort throughout the system on the one hand, and providing support to the entities in the system in charge of gender issues, on the other. Integration requires both a process for the whole system as well as a dedicated United Nations entity with the mandate and resources to promote the rights of women. In this regard, there is great expectation around the enhanced, consolidated gender architecture that is being discussed with Member States at United Nations Headquarters.

21. In resolution 6/30 the Council welcomed cooperation between the Commission on the Status of Women and the Human Rights Council, and the cooperation and coordination between the Division for the Advancement of Women, OHCHR and the Special Adviser to the Secretary-General on Gender Issues.

2. Prevention and resolution of conflicts and peacebuilding

22. More specifically, resolution 6/30 also urges the United Nations system and Governments to make efforts to ensure and support the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peacebuilding. Security Council resolutions 1820 (2008) and 1325 (2000) on women, peace and security provide guidance for needed action at the United Nations and governmental level in this regard.

23. Challenges to the practical implementation of resolutions 1325 (2000) and 1820 (2008)¹² remain, both at the level of the United Nations and in national contexts. While discrimination against women remains entrenched, and often legally permissible, women will continue to be

¹¹ The presentation of the Deputy High Commissioner for Human Rights may be found at www.ohchr.org.

¹² Such challenges are outlined in the recent study by the United Nations Development Fund for Women (UNIFEM) on women's participation in peacebuilding, at www.unifem.org/news_events/story_detail.php?StoryID=753.

prevented from active and equal participation in efforts to maintain and promote peace and security. All States have responsibilities under the resolutions, in particular States in conflict and post-conflict situations, but also those States that provide post-conflict assistance. The use of special measures to promote greater equality, as well as awareness of the rights upon which the resolutions are based, are fundamental to their efficacy.

24. Few States have drawn up a national action plan on resolution 1325 (2000) and those that have face the challenge of monitoring and evaluating the implementation of their plan. It is important to disseminate resolution 1325 (2000), both in countries in a conflict and/or post-conflict situation and in countries that supply personnel for peacekeeping missions, to ensure awareness of its content and the rights it recognizes. Coordination of ministries is key to evaluating the activities conducted and to formulating additional measures if new needs arise, as is the inclusion of civil society in this process. OHCHR is also an active member of United Nations Action against Sexual Violence in Conflict, an inter-agency initiative launched in 2007 to amplify and better coordinate the United Nations response to rape as a tactic of war (as identified in resolution 1820 (2008)).

B. Human Rights Council

25. The Human Rights Council should be recognized for ensuring that efforts have been made to integrate the human rights of women and a gender perspective into its work from the outset. Resolution 6/30, which had 73 co-sponsors and was adopted without a vote, represents an important step forward in itself. However, the challenge that remains is how to ensure in practical terms that the Council addresses the rights of women and girls directly, and that it also applies a gender perspective across all its work.

1. Programme of work

26. In resolution 6/30 the Council decided to incorporate into its programme of work two annual meetings to discuss each issue. The purpose of one annual meeting is to discuss the substantive issue of the human rights of women, including the question of violence against women. The purpose of the second is to discuss the methodology for how to integrate a gender perspective throughout the Council and its mechanisms. Evaluating its own work is an innovative feature of the Human Rights Council.

(a) Human rights of women, including the question of violence against women

27. On 5 June 2008, during its eighth session, the Council formally considered the human rights of women for the first time since its inception in 2006, pursuant to General Assembly resolution 61/143, in the form of an expert panel discussion entitled “Addressing violence against women: setting priorities”.¹³ The panel called for, inter alia, greater State commitment to

¹³ All presentations at this panel, and statements by members and observers, can be found at portal.ohchr.org/portal/page/portal/HRCExtranet/8thSession/OralStatements/050608/Tab2h (password required).

providing resources for and implementing measures that will prevent and punish acts of violence. Advocates also called for the creation of a Human Rights Council gender focal point, a small, regionally balanced and self-selected group of States that would have a particular focus on violence against women.

28. The second part of the panel focused on “Maternal mortality and the human rights of women”,¹⁴ which presented an important opportunity to consider maternal mortality not only as a health or development issue, but also as a human rights issue. Among the recommendations stemming from the debate was that the Council should consider the human rights implications of maternal mortality and consider establishing an independent mechanism, similar to a working group, which would be closely linked to the existing international human rights mechanisms, to enhance accountability. In March 2009, at the tenth session, New Zealand led a joint statement initiative of 85 States concerning the human rights implications of maternal mortality. At its eleventh session, the Council adopted without a vote resolution 11/8, which had 85 co-sponsors, on preventable maternal mortality in which the Council requested OHCHR to prepare a thematic study to identify the human rights dimensions of preventable maternal mortality and morbidity in the existing international legal framework and recommend options for addressing them throughout the United Nations system.

29. Also at the eleventh session, the second plenary panel discussion was held, focusing on “Equality before the law”. It considered, among other things, the establishment of a special mechanism of the Council. After the debate, a cross-regional joint statement¹⁵ was made echoing the call of the High Commissioner for Human Rights for the creation of a special mechanism to address the legalized inequality of women.

(b) Integration of a gender perspective throughout the Council and its mechanisms

30. The initial panel, entitled “Integration of a gender perspective in the work of the Human Rights Council”, which preceded and laid the foundation for resolution 6/30,¹⁶ was held on 20 and 21 September 2007, during the sixth session. Its aim was to stress the concepts behind integrating a gender perspective and to offer concrete ideas for how the Council might do this

¹⁴ All presentations at this panel, and statements by members and observers, can be found at portal.ohchr.org/portal/page/portal/HRCExtranet/8thSession/OralStatements/050608/Tab3h (password required).

¹⁵ By Bosnia and Herzegovina, Burkina Faso, Chile, Colombia, the Congo, Côte d’Ivoire, France, Hungary, Mexico, Norway, Slovenia, Switzerland and Uruguay.

¹⁶ Presentations and statements made during the discussions, including the summary of recommendations, can be found at portal.ohchr.org/portal/page/portal/HRCExtranet/6thSession/OralStatements/200907/Tab (password required).

throughout its mechanisms and programme of work. Thirty-one States made statements during the interactive dialogue, welcoming the discussion on gender integration and providing constructive proposals to that end.¹⁷

31. On 12 September 2008, during the ninth session, the Council, following on resolution 6/30, held its second panel discussion, on “Gender integration”, focusing on the work of the Council and its special procedures in order to have a more targeted and results-orientated discussion. The panel provided many practical recommendations for the special procedures to fulfil resolution 6/30, including specific recommendations relevant to the individual mandates. By ensuring that an annual meeting is held each year to evaluate progress and consider how it can improve its integration of a gender perspective, the Council has indicated its significant commitment to this issue.

32. What emerged from the panels already held as one of the more significant challenges is a lack of understanding on the part of Member States of how to integrate a gender perspective into the Council’s work. The “Gender integration” panel discussions produced an important set of practical recommendations,¹⁸ some of which the Council could immediately implement with minimal effort, and others which would merit further consideration.

33. More fundamentally, while the meaning of “gender”, “gender mainstreaming”, “gender equality” and “gender parity” have been clearly spelled out in numerous United Nations policy documents, there continues to be a divergence of views and understanding among Member States as to the respective definitions, which sometimes hampers optimal effectiveness and debate. In this regard, the Deputy High Commissioner in her presentation at the first gender integration panel went to considerable lengths to explain the importance of language and the demystification of definitions.¹⁹ When considering the human rights of women, it is important to add the phrase “and a gender perspective” in order to emphasize that adopting a human rights-based approach through a gender perspective affects not only women and girls, but necessitates an analysis also of the human rights impact upon men and boys; gender integration/mainstreaming is simply ensuring that women and girls’ rights, perspectives and needs, as well as those of men and boys, are systematically considered.

¹⁷ Presentations and statements made during the interactive dialogue and the summary of recommendations can be found at www.ohchr.org.

¹⁸ The summary of the recommendations of the “Gender integration” panel can be found at www.ohchr.org.

¹⁹ “Gender” refers to the socially constructed roles of men and women or the social differences that are learned. Gender roles are deeply rooted in every culture, but they are changeable over time and have wide variations both within and between cultures. The presentation, of 20 September 2007, can be found at www.ohchr.org.

2. Universal periodic review

34. The establishment of the universal periodic review (UPR) has reinforced cooperation between States, the Human Rights Council and the United Nations human rights mechanisms. The UPR process is particularly interesting for countries that have not ratified some of the international human rights treaties, including CEDAW. In fact, many States are now facing questions they would not otherwise address in any other forum, including the former Commission on Human Rights, and stakeholders hope that the universal periodic review can be used to explore human rights issues that tend to receive little attention.

35. Human Rights Council resolution 5/1 recognizes the importance of gender integration and specifically mandates the principle that UPR must “fully integrate a gender perspective” into all aspects of the review (annex, para. 3 (k)). Furthermore, resolution 6/30 urges all stakeholders to take into full account the human rights of women and a gender perspective and encourages States to prepare information through broad consultation at the national level with all relevant stakeholders, including non-governmental organizations active in addressing gender issues and the human rights of women and girls.

36. As the experience of the first three sessions of UPR in April, May and December 2008 have shown, most States take their responsibility seriously, fully engaging in the preparation of national reports through consultation with relevant stakeholders and actively participating in the actual review at all levels. It should be noted that in the course of the review several States have made commitments to remove far-reaching and long-standing reservations to CEDAW.

37. However, the earliest outcomes of the first reviews with respect to women’s rights also suggest that there are challenges to integrating a gender perspective, and it should be noted that there is some discrepancy between what is raised during the review dialogue and the issues addressed in the final recommendations. Issues of women’s rights raised during the dialogue are mainly limited to general references to gender equality, education and domestic violence. In some instances intersectional or multiple forms of discrimination have been cited, but the final recommendations do not address these linked forms of discrimination. Other key issues that underpin the full enjoyment of women’s rights have generally not been addressed during the dialogue, such as access to adequate housing, land and political representation and the right to reproductive choice and family planning. There have been few or no recommendations on indigenous women, older women, women of the lower castes, women living in poverty or in slums or other forms of inadequate housing, gender budgeting, women’s right to education, and the right to development. During the plenary sessions of UPR, there was almost no discussion on the right to reproductive choice and family planning, although this trend seems to have been reversed during the fourth UPR round.

38. While the process is still developing its best practices, and it is arguably too early to make a full assessment of its effectiveness in integrating the human rights of women and a gender perspective, a practical approach would be to address and prioritize the full range of women’s rights issues; this necessarily would include the reproductive and sexual rights of women. As noted above, one challenge seems to be a lack of understanding of or consistency with respect to what “integrating a gender perspective” or “gender mainstreaming” means in practice. In addition, discussions of women’s rights issues have generally been limited to the context of

“victimized” women who experienced violations such as sexual abuse, rather than in the context of empowerment, such as in relation to access to education; health goods, services and facilities; political participation; and the achievement of the Millennium Development Goals and women’s contributions to this process.

3. Special procedures

39. The special procedures should be commended for the great importance they have attached to integrating a gender perspective into the work of the Council. Even before the adoption of resolution 6/30, the majority of the special procedures mandate holders had taken important initiatives to integrate a gender perspective into their work,²⁰ and had identified women’s human rights and a gender perspective as a cross-cutting priority theme.²¹ Numerous special rapporteurs have participated as expert panellists during the panels at the Council, and in late July 2008, 14 mandate holders made a joint written submission (A/CONF.211/PC/WG.1/5) to the Durban Review Conference Preparatory Committee outlining the main issues which, in their view, should be integrated or strengthened in the Durban Declaration and Programme of Action. That extensive reference was made to the need to strengthen the provisions on multiple forms of discrimination illustrates the collective recognition given by the special procedures to the importance of addressing multiple forms of discrimination.

40. The remaining challenge resides in implementing resolution 6/30 in a systematic way. The resolution requests 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. With this request the Human Rights Council has shown leadership, emphasizing that gender is not synonymous with mandates that deal explicitly with women’s rights.

41. The Special Rapporteur on violence against women, its causes and consequences represents the primary mandate in the area of the human rights of women. However, increased focus among special procedures on the intersectionality of rights, including collaboration in the form of joint missions, regional consultations and communications, as well as on thematic issues, has resulted in the integration of violence against women in the work of many other mandates.

²⁰ Beginning in 2002 the Commission on Human Rights invited the special procedures to regularly and systematically take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of the human rights of women and girls (resolution 2002/50). The review, rationalization and improvement of all mandates undertaken as part of the institution-building of the Human Rights Council resulted in nearly all special procedures being required to mainstream a gender perspective into their work.

²¹ See www2.ohchr.org/english/bodies/chr/special/gender.htm.

42. Indeed, several special procedures mandate holders have addressed the intersections between the focus of their mandate and violence against women in the course of their work.²² These efforts have contributed to an expansion of the normative understanding of women's human rights as well as of the avenues for addressing violence against women in different contexts. This work could be further encouraged by the Council by addressing violence against women during interactive dialogues with States and special procedures mandate holders, and by encouraging greater dialogue and collaboration between mandate holders on issues of violence against women.

43. While the application of a gender perspective by special procedures is welcome, it should be noted that to date it has resulted primarily in highlighting interlinkages between forms of violence against women, while a broader gender perspective or analysis with respect to any given mandate is largely absent. In addition to encouraging synergy between mandates, and with the violence against women mandate in particular, the Council could also encourage all mandates to mainstream a gender perspective into their work, as well as to periodically consider dedicating their reports or other activities to the specific intersections between their mandate and the human rights of women and girls. Given the diversity of the existing mandates, this would enrich the body of knowledge on the multiple forms of discrimination and human rights violations against women and girls, identify important intersections, and provide valuable qualitative analysis of their human rights.

²² For example: the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment addressed various forms of violence against women as forms of torture in a recent report to the Council (A/HRC/7/3). Through this report, the Special Rapporteur contributed towards an understanding and an application of the torture protection framework which is gender-inclusive, with a view to strengthening the protection of women from violence by recognizing that violence against women is a form of torture. The former Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context addressed the intersections between violence against women and the denial of the right to adequate housing. The Special Rapporteur documented the greater vulnerability to various forms of violence which women face as a result of a lack of access to housing. The Commission on Human Rights, in its resolution 2002/49 on women's equal ownership of, access to and control over land and equal rights to own property and to adequate housing, entrusted the Special Rapporteur with the additional task of preparing a study on women and adequate housing. The Special Rapporteur presented his main findings, stemming from thematic research, country missions, regional consultations and replies received to a questionnaire, in three reports (E/CN.4/2003/55, E/CN.4/2005/43 and E/CN.4/2006/118). The former Special Representative of the Secretary-General on the situation of human rights defenders recognized the particular vulnerabilities of women human rights defenders to gender-based and gender-intensified violence because of their gender as well as the nature of the work they often do which defies social and cultural norms (E/CN.4/2002/106 and subsequent reports).

4. Advisory Committee

44. The Human Rights Council in resolution 6/30 requested the Advisory Committee to integrate regularly and systematically a gender perspective into the implementation of its mandate, including when examining the intersection of multiple forms of discrimination against women, and to include in its reports information on and qualitative analysis of human rights of women and girls.

45. At its first session, in August 2008, the Advisory Committee requested five of its members to prepare draft guidelines on methods to operationalize gender mainstreaming at all levels (recommendation 1/4). These were discussed by the Advisory Committee at its second session, held in January 2009 (A/HRC/AC/2/CRP.4). At the latter session, the Advisory Committee also recommended (recommendation 2/4) that the Council authorize the Committee to prepare draft guidelines on methods to enhance implementation of gender mainstreaming, including action-oriented mechanisms within the Council and all other organs within the United Nations system, in consultation with all relevant stakeholders. At its tenth session, the Council noted that the Committee's recommendation with regard to gender mainstreaming might be addressed in the context of the work of the Council at its future sessions (President's statement PRST 10/1).

5. Special sessions

46. General Assembly resolution 60/251 which created the Human Rights Council states in paragraph 10 that the Council "shall be able to hold special sessions when needed at the request of a member of the Council with the support of one third of the membership of the Council". In 2007, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, during his interactive dialogue with the Council, urged member States to hold the first thematic special session on maternal mortality, noting that the figures of women who die during or after giving birth dwarf the numbers of extrajudicial and summary executions and disappearances each year. Although the Council did not respond to the choice of theme, it has held two thematic special sessions, concerning the global food crisis and the impact of the financial crisis.

47. At the seventh special session, held in May 2008, on the negative impact on the realization of the right to food of the world food crisis, the Special Rapporteur on the right to food pointed out that reactions to the increase in the global prices of food included the withdrawal of children, particularly girls, from school and malnutrition among preschool-age children, with possible dramatic and irreversible consequences. At the ninth special session, held in February 2009 and devoted to the global financial crisis, speakers referred to the need to take the impact of the crisis on women into account. Yet, aside from these general references, none of the sessions provided for in-depth gender analysis.

48. An obvious test for the Human Rights Council as to how well it integrates a gender perspective was its eighth special session, held in November/December 2008, on the situation of human rights in the east of the Democratic Republic of the Congo. The High Commissioner for Human Rights in her opening statement noted that of particular concern was "the unparalleled violence against women, including rape". The Council adopted resolution S-8/1. While it is

noted that the Council condemned sexual violence and the recruitment by the militia of child soldiers (para. 5), it did not specifically refer to Security Council resolution 1820 (2008), which calls for the “immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians”, nor to Security Council resolution 1325 (2000) calling for women to be active participants in peace processes.

6. Resolutions and decisions

49. Human Rights Council resolutions are increasingly making explicit references to gender dimensions, albeit still in a general manner. States tabling an initiative could first consider how the subject matter of the resolution can make more specific references to the differential impact on women, men, girls and boys, and to the potential for discrimination.

IV. CONCLUSIONS AND RECOMMENDATIONS

50. **With regard to the human rights of women, the United Nations system has been working on violence against women for almost two decades, beginning with the Declaration on Violence against Women, including through the work of the Special Rapporteur on violence against women and relevant resolutions adopted since. A clear set of internationally agreed standards on the prevention, investigation and punishment of violence against women now exists; the role of the Human Rights Council should therefore now be to contribute to the implementation of those standards.**

51. **In order to do so effectively and from a human rights perspective, it is essential that women be seen as rights holders, and not only as a “vulnerable group” in need of protection, assistance and care; otherwise, solutions tend to focus only on the affected women and usually consist of adopting “protective” measures that may in reality restrict the full enjoyment of the women’s rights. If violence against women is seen as a human rights violation and an entrenched social problem that affects both men and women, it is more likely that the solutions to address it will involve all actors, including perpetrators and the community itself, and be empowering as well as rights-enhancing.**

52. **According to General Assembly resolution 61/143, the Council’s debate on priority-setting for its work on violence against women should address how to integrate the issue into its full agenda. In this context, the task becomes a question of planning how most effectively to integrate the issue within the Council’s existing work and how best to contribute to the implementation of the recommendations contained in various United Nations reports on this topic, including the special procedures and, most particularly, the Special Rapporteur on violence against women.**²³

²³ Recommendation by Alejandra Sardá, on behalf of CLADEM - Latin American and Caribbean Committee for the Defence of Women’s Rights and Mulabi (Argentina), speaking on the gender panel at the eighth session of the Human Rights Council, 5 June 2008.

53. **Resolution 6/30, which was adopted without a vote in December 2007, represents an important step forward and a tool to ensure that a gender perspective is included in the Human Rights Council's work from the outset. What needs to be explored further is how to ensure in practical terms that the Council addresses the rights of women and girls directly, and that it applies a gender lens across all its work, including the universal periodic review, the new and revised special procedure mandates, and its working groups and the Advisory Committee. To this end, the following recommendations are made for the consideration of the Human Rights Council.**

Cooperation between United Nations agencies

54. **There is great expectation surrounding the enhanced, consolidated gender architecture that is being discussed with Member States at United Nations Headquarters. The Human Rights Council could encourage cooperation and coordination between OHCHR and the future consolidated gender architecture.**

Universal periodic review

55. **A preliminary analysis indicates that the State reports and the compilation reports prepared by OHCHR for UPR reflect little of the human rights of women or a gender perspective. Stakeholders have been calling for greater effort by global actors to seize this window of opportunity to strengthen the protection gap with regard to gender-related discrimination and violence, and engage more fully with UPR. The United Nations entities whose main purpose is advancing women's status and rights can provide a valuable contribution to the compilation reports.²⁴ In turn, that information will assist States, both members of the Council and observers, to ask questions that are timely and specific, and can lead to the identification of practices or areas in need of further attention by the State under review and to assistance from the international community. The Human Rights Council could recommend that such United Nations entities provide as much detailed information as possible on women's human rights, including sex-disaggregated data wherever possible, to enhance the quality of the UPR process, and encourage them to do so.**

56. **When preparing their reports, States should consult with NGOs active in addressing gender issues and use disaggregated data to identify gender issues. A paragraph could be included in the "normative framework" section indicating the efforts the State has made to ensure that women are represented in executive decision-making positions, as well as the judicial and legislative areas. Reference could be made throughout the rest of the report to how the domestic policies and programmes described take into account the differential effects on women, men, girls and boys.**

²⁴ For example, UNIFEM, the United Nations Population Fund, the Office of the Special Adviser on Gender Issues, the Division for the Advancement of Women and the United Nations International Research and Training Institute for the Advancement of Women.

57. An evaluation of how the State under review has met its obligations to eliminate violence against women could be made a standing item on the list of issues that are included in each State report. It is essential that the report provide data disaggregated by sex, ethnicity, geography, income and other relevant social factors with respect to the situation of violence against women, as well as the legal and institutional frameworks in place to address it. A standardized set of questions could be produced to that end, as well as additional contextualized questions for each country under review.

58. During the session, the State under review could be asked how it integrated a gender perspective in the preparation of the report. Such an exchange could help identify policies and programmes described in the State's report that might benefit from applying a gender perspective. The UPR process should assess progress made by States in terms of ensuring gender integration in their national policies as well as the practical enjoyment of human rights by women in the societies in which they live.

59. It is expected that as part of the outcome of State reviews under UPR, the international community will have an important role to play, including by assisting States in implementing conclusions and recommendations. This could potentially have a crucial effect in the area of women's rights.

Special procedures

60. Mandate holders could develop guidelines on how to effectively integrate a gender perspective into their work which could be incorporated in the Manual of Operations of the Special Procedures of the Human Rights Council.²⁵ A list of analytical questions should be developed to ensure that adequate gender-based considerations underlie the examination of any topic within any and every mandate. Reports to the Council should include information on the extent to which women's groups, government agencies responsible for gender policies and other relevant agencies have been consulted in the process.

61. It is equally important for special procedures to incorporate a gender perspective in the planning, preparation and carrying out of country visits. Mandate holders should seek information from a wide variety of sources during country visits, including women's NGOs, government offices for women's affairs, professional organizations, academic institutions, etc. All individuals and institutions, including those not working on gender or women's issues, should be asked about gender issues in order to show how the issue under consideration affects men and women differently.

62. The Coordination Committee of Special Procedures should aim to facilitate gender integration in all aspects of the work of the special procedures by focusing on and discussing this topic on a regular basis, including at their annual meeting, inter alia to promote sharing of effective strategies and best practices for integrating a gender perspective.

²⁵ Recommendations from the gender panels of 20 September 2007 and 12 September 2008.

63. In addressing the gender balance of the special procedures mandate holders concerted efforts are still required to encourage applications from qualified and internationally recognized female candidates. Approximately one third of the current mandate holders are women. While this is an increase from previous years, Governments should make deliberate efforts to nominate women candidates to the list of eligible mandate holders and due consideration should be given by the Consultative Group and the President of the Council to the importance of ensuring an overall gender balance when proposing candidates. The Consultative Group, in reviewing and selecting candidates, should also emphasize whether candidates have demonstrated experience with and are committed to addressing a gender perspective and issues pertaining to the human rights of women in their work.

64. In paragraph 58 (d) of resolution 5/1, the Human Rights Council signals its intention to address thematic gaps in the context of the review of mandates. As part of that task, the Council could consider the creation of additional special mechanisms addressing other areas of women's rights, such as equality before the law.

Advisory Committee

65. It is recommended that the members of the Advisory Committee consult broadly with all stakeholders, including NGOs active in addressing gender issues and the human rights of women and girls, for their input in the preparation of the guidelines to integrate regularly and systematically a gender perspective into the implementation of mandates.

66. Governments should make a deliberate effort to present women candidates and persons with gender expertise for the Advisory Committee. Council members should give due consideration to the importance of ensuring an overall gender balance when electing members of the Committee.

67. The Advisory Committee should give due consideration to gender balance when designating Committee members to prepare draft proposals or reports pursuant to a request from the Council.

Programme of work, special sessions, resolutions, etc.

68. With regard to special sessions, there is a need to raise awareness, especially around what integrating a gender perspective is in areas that may seem to have other primary goals, or where a gender perspective does not seem obvious. It has been suggested that the Secretariat could play a role by contributing to both knowledge and capacity-building. Easily available information on the OHCHR home page and the development of a toolkit for gender integration in thematic resolutions could be considered.

69. Dissemination of the recommendations of all the gender panels and the annual meeting on the human rights of women could be vastly improved with easier access from both the Human Rights Council Extranet and the OHCHR website. OHCHR should be requested to prepare a summary of the deliberations of future gender panels.

70. Resolutions are increasingly making explicit references to gender dimensions, which is encouraging; however, it is important that references be substantive, with details regarding the specific application of a gender perspective in the precise case. States tabling an initiative could consider how the subject matter of the resolution reflects the different ways in which the issue affects men and women, boys and girls.

71. The gender integration panel discussions have produced an important set of practical recommendations that the Human Rights Council could immediately implement with minimum effort. However, there is a lack of continuous stocktaking of such recommendations, and the Council may wish to reflect on the suggestion to create a Council “gender focal point”, in the form of a group of self-identified States.

72. Further, the Human Rights Council may wish to ensure that all its plenary panels reflect a gender balance and perspective, not just those explicitly discussing women’s human rights or gender integration, and to encourage all panellists to apply a gender perspective in their presentations.

Prevention and resolution of conflicts and peacebuilding

73. Challenges remain to the implementation of many of the commitments contained in Security Council resolutions 1325 (2000) and 1820 (2008). All States have responsibilities, in particular those in conflict and post-conflict situations, but also those that provide post-conflict assistance. The use of special measures to promote greater equality as well as awareness of the rights upon which the resolutions are based is fundamental to their efficacy. Coordination of ministries is indispensable to evaluate the activities being conducted and to formulate additional measures if new needs arise, and it is equally important to work with and include civil society in the process.

Human rights treaty bodies

74. The Human Rights Council is not mandated to make any decisions regarding treaty bodies’ modus operandi; however, the Council can support their work by contributing to the implementation of their concluding observations and recommendations, particularly in the context of UPR. Options may include systematically making recommendations to ratify CEDAW and its Optional Protocol and encouraging the withdrawal of reservations, and the taking of particular steps to implement international human rights obligations and recommendations stemming from treaty bodies.

75. Another challenge is to improve information-sharing and raise awareness on how existing instruments can be better employed for the purpose of gender integration. Both CEDAW and the Beijing Declaration and Platform for Action could be utilized more systematically to integrate a gender perspective into the work of the Human Rights Council and its mechanisms, as they provide a legal and political platform for this approach. Awareness-raising through seminars and workshops and information on the OHCHR home page could be considered.

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