

**WILPF REPORT ON ANNUAL DAY:
WOMEN'S RIGHTS**
(11th HRC Session - 04 June 2009)



One Page Summary:

On Tuesday the 4th of June the Human Rights Council (HRC) dedicated a whole day to discuss women's rights in two panels on the following topics:

1. On the institutional aspects of the lack of women's equality before the law.
2. On the wider perspective on equality before the law from academia and civil society.

On 14 December 2007 the Human Rights Council reaffirmed the principle of gender equality in Resolution 6/30 and the need for a comprehensive approach to the promotion and protection of the human rights of women. It decided to add to its programme of work an annual full-day meeting to discuss the human rights of women. Due to delays in this same programme of work for the 11th Session the day was reduced to two slots of three hours.

The panelists called for the:

- Ratification of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in ensuring the full enjoyment of women's rights. Reservations to CEDAW should be repealed.
- Installing a Special Procedure to research the discrimination and inequality of women before the law. (Russian Federation is against this.)
- Interconnectedness between Treaty Bodies, Universal Periodic Review (UPR) and the HRC. Treaty Bodies should gender mainstream their general recommendations. Non Governmental Organisations (NGOs) need to gather these recommendations and ensure that they reach the national arena and the UPR. The UPR process could complement the work of other UN mechanisms, especially the work of CEDAW. There should be more women elected to the Treaty Bodies.
- Change discriminatory differences between men and women in domestic law.
- The EU should set itself guidelines to combat Violence Against Women (VAW).
- Allow women to be part of the judiciary.
- Combat the high level of impunity of rape, especially in armed conflict.
- Attentions for the following pressing issues in the fights of VAW: Differing marriage ages for women and men; limited possibilities to divorce; statutory periods that women cannot remarry after divorcing a man; persistence of bride price; polygamy in customary practice; Female Genital Mutilation (FGM); failure to address marital rape; intersex and transgender situations; and failure to address non-penetrable rape.

Disappointing was the fact that a full day of discussions only allowed two National Human Rights Institutions (NHRIs) and four Non Governmental Organisations (NGOs) to make contributions. Another point of disappointment was the quality of the interactive dialogue as most States did not react to the panelists, but focused more on their national efforts made. Part of the annual day should be the discussion of measures which can be adopted by States and other stakeholders, to address human rights violations experienced by women. Unfortunately only the panelists this discussion did only take place from the side of the panelists in their statements.

Overview:

1. First Panel
2. State Interactive Dialogue
3. NHRI & NGO Input
4. Second Panel
5. State Interactive Dialogue

1. FIRST PANEL

(On the institutional aspects of the lack of women's equality before the law.)

High Commissioner for Human Rights [Ms. Navanethm Pillay]:

The HCHR emphasized that women's rights are part of the annual agenda of the Human Rights Council. She recalled CEDAW, and its current 186 signatories, with 97 countries which signed the Optional Protocol. Furthermore she recalled the Beijing Platforms, and said that it is high time to repeal unequal legislation, which States committed themselves to during the Beijing Platform. Lastly she recalled the HCHR Resolution 6/30, from 2007, which urged all States to implement their Treaty obligations, including addressing the human rights of all women and girls. She recalled that inequality in the law is one of the root causes for violence against women.

Minister of State for Foreign Affairs and Human Rights of France [H.E. Rama Yade]:

Rama Yade recalled that in France women could pursue a profession or open a bank account without needing the permission of their husbands only since 1965. The Minister requested attention for the widespread prevalence of sexual violence in the DRC and urged States to put an end to this horrendous crime. She emphasized that discriminatory traditional practices and prejudices are one of the root causes of VAW.

The Minister said that legal texts have to be revisited, which are discriminatory towards women and lead to unequal and abusive treatment. Inequality in domestic law between men and women leads to discrimination on the socio-economic, cultural & civil human rights of women. An example is for instance the difference in marital age by domestic law between women and men.

The EU should set itself guidelines on combating VAW and should focus further on the situation of women in conflict and post-conflict situations. The EU should ensure that its representation in the field focuses on the needs of women when funding projects. She recalled in this aspect the upcoming anniversary of SCR 1325 and the good work done by CEDAW in this perspective.

SR on the Independence of judges & lawyers [Mr. Leandro Despouy]:

Women have great difficulties to get involved in legal procedures. In multiple countries women are not part of the judiciary at all, for example in the case of the Maldives. Another difficulty is the access to courts throughout the entire trial, which results in the inability to fully exercise their rights. Child custody is another point.

Complete impunity for sexual violence is highly prevalent and there is ongoing practice in which sexual violence is condoned by traditional customs. Usage of rape as a weapon of war

is emphasized, in which the former Yugoslav tribunals showed that members of the armed groups used rape to terrorize populations. It is a very serious phenomenon. Currently it is seen in the Great Lakes region, where rape is highly prevalent.

Another issue raised was the trafficking of women. It is displacement, kidnapping, slavery and torture. Women cannot be found easily and do not know how they can. Trafficked women by prostitution gangs are the new disappeared where the civilians of Latin-America urgently request attention for.

SR on the Promotion and Protection of the Right to Freedom of Opinion and Expression [*Mr. Frank La Rue Lewy*]:

Violence Against Women, sexual violence and other violations of women have to be denounced. Freedom of Expression is one of the main instruments available to halt VAW. Freedom of expression is one of the fundamental mechanisms available to fight all forms of discrimination.

Frank la Rue Lewy supports to install a Special Mechanism / Procedure to research the discrimination and inequality of women before the law.

Member of Human Rights Committee [*Mr. Michael O'Flaherty*]:

States had set a deadline on 2005 during the Beijing Platform, to ensure that all discriminatory legal measures will be eradicated. Rarely can there be such an unachieved UN goal. 2005 – 2008: The Human Rights Committee raised 47 legal inequalities: Differing marriage ages for women and men; limited possibilities to divorce; statutory periods that women cannot remarry after divorce of a men; persistence of bride price; polygamy in customary practice; FGM; failure to address marital rape; and failure to address non-penetrable rape.

There are three inter sectoral aspects of discrimination: 1) poverty, 2) indigenous peoples and 3) girl children. It is not the question that we do not have enough law. The CESCR has said that the notion of prohibited sexual exploitation, does also cover the social construction of gender stereotypes, prejudices and expected roles. This raises the issue if other Treaty Bodies should review there General Recommendations in this light.

Good practices examples: existence of legislative audits, discrimination proofing of legislation, codifying customary law, mandating of national institutions, appointment of judiciary assistance for women and putting the burden on the employer in cases of abuse.

Disaggregated data should be received to be able to ensure women's rights and fight VAW. NGOs and national institutions need to focus on the gender perspective in any engagement. States, NGOs and national institutions need to do a better job at gathering all general recommendations and ensure they will reach the national arena, where they are needed.

Associated himself with the call on a Special Rapporteur to research inequality of women under the law. The UPR mechanism could be more effectively using recommendations of Treaty bodies to ensure women's rights. Reinforced commitment to CEDAW is one, but needed for all of the Treaty Bodies. There should be more women elected to the Treaty Bodies.

Member of the Committee on the Elimination of Discrimination against Women [*Ms. Pramila Patten*] (CEDAW):

Discriminatory laws are active all over the world and are violating CEDAW when its concerning a State Party. The majority of these relate to family life, especially to marriage.

Governments are continually not sticking to promises made under the Beijing Platforms and CEDAW. Reservations to CEDAW should be repealed.

More work is needed on unintentional discrimination. Gender-neutral laws in itself can lead to unequal laws. Another issue is the cases of women who face multiple forms of discrimination, for instance not only on the basis of being a women, but also in transgender or intersex identities.

Women cannot wait. The pace in which States makes changes to their domestic law is too slow. States needs to be confronted with their legal obligations, via diplomatic pressure and awareness raising. The UPR and HRC are seen as a very strong ally to use the concluding observations and ensure follow-up by States.

SR on Extrajudicial, Summary or Arbitrary Executions [Mr. Philip Alston]:

The SR was a former CESCR member for 12 years and in his current mandate most victims are men, not women. An important issue is the applicability of human rights law on non-state actors. The relationship between human rights law and culture is a difficult one, which leads to a lot of daily troubling questions. It is important to have a legislative foundation which need to be established, but on the other hand the UN should not allow ticking boxes.

Honour killings are addressed as part of the SR's mandate. The SR explained that where one, two or ten women are killed, the State is not responsible. It is called murder. But when there are hundreds of women are killed and the State does nothing but point at the law which is in place, the State is responsible. A state is responsible for ensuring that the law is upheld and could for instance install penalties for the perpetrators of honour killings: an anti-lynching law.

The question of witchcraft is another issue. In 95% of those killed are women due to witchcraft allegations. In a good many countries people believe in witchcraft. It is no option to make witchcraft and similar traditional believes, illegal.

SR on Violence Against Women, its causes and consequences [Mrs. Yakin Erturk]:

Violations of women is part of the cultural practices and are not a question of good and bad, as for instance in the case of honour killings perpetrators say to act in favour of the women to protect her from herself. Women's rights are not partial and cannot be dealt with fragmented. The dichotomy between socio-economic and civil-political rights, is not beneficial for ensuring the fulfillment of women's rights.

Take gender issues as one of the criteria in the UPR review. Indicators on State responsibility should be taken up in the UPR process.

2. STATE INTERACTIVE DIALOGUE

[Most countries which responded are not reported upon in this document, because their comments were too general and too much focused on promoting domestic policy and law.]

India:

Presented their national measures and strategies. Ensured that the Indian constitution prohibits discrimination based on gender. Focused on the protection of the unborn girl child and victims of domestic violence.

Argentina:

Acknowledges the ongoing stereotyping of women in the Argentinean society.

Colombia:

Named SCR 1325, and raised issues around the dynamics between regional and local efforts to decrease discrimination of women.

Norway:

Made comments connected to Beijing, Beijing +5, Beijing+10 and CEDAW. The Norwegian representative pushed for installing a Special Procedure to focus on gender equality before the law. This would contribute towards Beijing +15.

Questions: 1) What are the major obstacles CEDAW is facing to increase equality before the law? 2) Would it be advisable to install a new procedure on gender equality before the law?

Czech Republic (EU):

The UN capacities need to be strengthened to address inequalities before the law. The UPR could address developments in the several Treaty Bodies. It is worth considering installing a special mandate to address gender inequality before the law. Questions to the panelists: what is your experience on promoting gender equality through legislation?

Switzerland:

Made the connection between VAW and patriarchal and traditional systems. Requested the panelists to comment on the complementarity between the Treaty Bodies and the HRC to fight VAW.

Ukraine:

Emphasized that both men and women carry responsibility in ensuring the full enjoyment of women's rights.

Russian Federation:

Russia sees no reason for the installment of a new Special Procedure. There is already a SR on VAW and trafficking. Their mandates already include discrimination against women sufficiently.

United Arab Emirates:

Did not talk about equality, but about privileging women over men.

United Kingdom:

Women's equality can only be assured with the combination between improved legislation and continual active participation of civil society and governmental bodies.

Bosnia and Herzegovina:

Introduced a five-year plan the Bosnian government adopted to fight VAW.

South Africa:

Patriarchal, customary, traditional and religious practices discriminatory towards women are the main challenges faced by the government.

3. INPUT NHRIS & NGOS**NHRI United Kingdom:**

Recalled CEDAW recommendation Nr. 19. Three million British women suffer of VAW every year. The British NHRI urged the UK Government to focus on different group of women, and the continuing wage gap.

NHRI Malaysia:

Much progress can be achieved when the State works closely with the NHRI of the country and the NHRI recommended CEDAW to specifically recommend this to States. Overall, the NHRI promoted the Malaysian policies via workshops in which policy makers, decision takers, NHRI representatives and civil society representatives.

NGO Cairo Institute for Human Rights Studies:

Raised the discrimination and suppression of women in the Arab world: male dominated governments, autocratic States and harmful traditional practices. Women in the Arab world pay the biggest price for foreign occupation and armed conflict.

NGO Equality Now:

Reported advancements in women's legal rights, but emphasized that these advancements are moving too slow. Pressed for a new Special Procedure to research the discrimination and inequality of women before the law.

NGO Amnesty International:

Emphasized the importance of the participation of women in peace-building and decision making in conflict and post-conflict situations.

NGO Women's International Council:

Listed the results on women's lives of discriminatory measures. Gender equality should be directly linked to economic growth.

NGO FIDH:

The International Federation for Human Rights pushed for the establishment of a special mandate to focus on discriminatory laws for women. There has to be an international body which can deal with individual complaints of discriminatory measures.

NGO Women's Global Leadership:

The following four under addressed areas / perspectives need to be addressed: 1) Agency and decision making of women, women are not inherently invulnerable, 2) Women are punished for claiming rights over their gender, 3) Women's human rights defenders are targeted and 4) An intersectional approach.

NGO Worldwide Organisation for Women:

The WHO, WFP and World Bank have established that maternal mortality is one of the highest causes of mortality. VAW damages the very fabric of society.

4. SECOND PANEL

(On the wider perspective on equality before the law from academia and civil society.)

Civil Society Representative [Ms. Maha Abu-Dayyeh Shamas]:

At the grass roots level women fully understand their needs in the context in which they are living. There is a clear State responsibility to ensure that equality is ensured for women under law. Outside bodies need to support local voices and make space for local women's groups to have a say in the promotion of these improvements of law. States need additionally support UN bodies in addressing women's rights.

Director of the Centre for Feminist Legal Research [Ms. Ratna Kapur]:

Welcomed a special mechanism to study women's equality before the law. The SR could focus on de facto equality and inequality.

Civil Society Representative [Ms. Marianne Mollmann]:

Made the link between HRC and the General Assembly.

Member of Human Rights Committee [Mr. Michael O'Flaherty]:

The UPR can take into account the recommendations made by Treaty bodies and the Treaty bodies can make usage of all the information which comes together in the UPR process. Issues of gender should be taking out of a little niche and mainstreamed further. There has been a strong old fashioned discourse amongst States, in which CEDAW is made responsible for everything, while the whole human rights framework should focus on gender issues. There is a protection gap for women which have not been addressed enough in the UN.

Member CEDAW [Ms. Pramila Patten]

Reacted highly positive on self-critical statements made by States on the situation of women in their countries. In response to the representative of Chile: lack of financial and technical capacity forms an underlying reason for a shortage of non-discriminatory legislation. This was mentioned as the main reason for the establishment of a special mandate to research the unequal laws for women.

There is a possibility that a new standing committee / working group will be established within CEDAW which brings together old and new members, to ensure continuity.

5. STATE INTERACTIVE DIALOGUE

Canada (on behalf of Australia and New-Zealand):

Focused in their statement on equal access to education for women and girls. Requested panelists for their advice to ensure that women and girls have access to education. Specific questions: 1) What are the specific steps States should take ensure full access to education for women and girls? 2) Which are fields of priorities States have to focus on in their work on women's rights?

United States of America:

Statement read out by an intern. Protection of rights of women in Iraq and Afghanistan was mentioned and attention was requested for SCR 1325 and 1820.

Netherlands:

The representative highlighted issues of discriminatory legal provisions on family life: age to marriage, consent to marriage, marital power of the husband and custody issues. Where are the main existing inequalities for women before the law? And how can these be changed? Complimentarity between the UPR and the Treaty Bodies should be further researched to answer these questions.

Sweden:

CEDAW should work on general recommendations on the meaning and implications on equality of women before law, both de facto and de jure. What can the HRC do to further the equality of women before the law?

Brazil:

Brazil requested attention for additional vulnerabilities of women, which lead to higher levels of VAW: HIV/AIDS, extreme poverty, low schooling backgrounds and unemployment.

DRC:

Acknowledged that VAW is not 'non-existing' in DRC's territory. Shifted the issue though to issues surrounding school drop-out, wage gap and custody. The DRC supports a new SR on equality of women before the law.

The DRC promises to work together with women's organization in the DRC to work against violence against women.

European Commission:

Pushed for further monitoring of the implementation of measures against discrimination of women.

Islamic Republic of Iran:

Said that a pertinent issue would be gender justice. In order for decisions to be made, all parties should be involved. Iran pushes for the elimination of domestic violence, focuses on the specific vulnerabilities of women held in custody and targets sexual violence and brings perpetrators to justice.

Chile:

Chile was the convener this Annual Day on Women's Rights. Chile listed a long list of inequalities between men and women.