

**WILPF REPORT ON ITEM 8:
INTEGRATION GENDER PERSPECTIVE**
(12th HRC Session - 28 September 2009)



Summary:

On Monday the 28th of September the Human Rights Council held its annual discussion on the integration of gender perspectives in the Council's work. In this annual discussion the focus was put on the Universal Periodic Review (UPR).

The 6 panelists focused on their specific capacities. Ms. Farha was the only NGO representative and focused on the multilevel discrimination women face. She recommended that NGOs should be allowed the space for better and deeper interaction with Delegates during the UPR. Ms. Rishmawi spoke on behalf of the OHCHR and urged States to stick to their commitments voiced towards CEDAW during their UPR. Ms. Quisumbing pushed for greater collaboration with NHRIs.

The Treaty Bodies were represented by panelists Ms. Victoire Dah and Ms. Bras Gomes, who pressed for the establishment of gender specific indicators on which States would be obliged to report during the Universal Periodic Review. Other points were the need for a gender definition adopted by the Council and the request that Treaty Bodies should spread their recommendations during the UPR. Mr. Sarkin represented the Special Procedures and explained the definition of gender and emphasized the importance of sex aggregated data. This allows longer term analysis to objectively review the follow-up of States towards the recommendations they accepted during the UPR.

In total 29 States took part in the interactive dialogue in two slots. Most presented their national efforts. Chile, Nicaragua requested that a guide could be put together to ensure that best practices on gender integration can be shared. Brazil supported the request for sex-aggregated data and Sweden and Pakistan (OIC) the request for female representation in decision-making bodies. Sweden in addition pushed for greater NGO involvement in the UPR process. Russia requested the Council to support the new UN agency for women. Slovenia pushed for review of national discriminatory legislation in the UPR. France warmly welcomed the Mexican and Colombian fight for a new Mandate for a Special Procedure to focus on inequalities before the law. China unfortunately said that the protection of gender equality should be restricted to the Sovereign State.

Twenty minutes were allotted to NHRIs and NGOs during the annual discussion. Unfortunately there were only five NGOs that spoke and the NHRI of Morocco. Human Rights Watch referred to the discussion as much too focused on general concepts instead of best practices and information from specialized agencies.

Overview:

1. Panelists_____Page 2
2. States_____Page 5
3. NHRI / NGOs_____Page 7
4. Response Panelists_____Page 8
5. Oral Statement 23 NGOs_____Page 9

1. PANELISTS

Ms. Mona Rishmawi:

[Officer in Charge of OHCHR Research and Rights to Development Division]

Ms. Rishmawi focused on the efforts undertaken within the OHCHR. She said that three elements were critical to the UPR process: the Treaty Bodies, the Special Procedures and the National Human Rights Institutions. Several States have made commitments to remove far reaching and long standing reservations to CEDAW during their UPR Reviews. The speaker urged the Human Rights Council Members to ensure that these pledges would be followed up.

She added that it is unclear what it means to integrate a gender perspective. Mostly the focus is wrongly put on the victimization of women and not on the strength of women and their potential in decision making, peace building and leadership. The OHCHR representative recalled the upcoming 25th celebration of CEDAW and expressed concern that in no country in the world women's de jure rights have been made de facto. Legal frameworks need to be strengthened by the Council to ensure that discrimination is not part of domestic law.

Ms. Leilani Farha:

[Executive Director of the Centre for Equality Rights in Accommodation]

Gender integration will not be effective when it is merely undertaken as an institutional exercise. It must be a qualitative process, aimed at ensuring all women's rights, with a clear understanding of all vulnerabilities women face: their access to economic, social and cultural rights and the level of violence against women.

She recalled her personal experiences during the UPR in which recommendations made by States on Women's Rights were not contextualized. The intersection and interdependency of rights have been picked up by a number of Treaty Bodies. The Concluding Observations of the Treaty Bodies are an essential part of the advocacy toolset women can use domestically to ensure their rights are upheld in front of law.

Ms. Farha made two recommendations: 1) Mechanism should be developed in the UPR process to ensure better and deeper interaction with Delegates. Oral interventions are an important part of this. 2)

Adequate resources need to be available so that NGOs can participate meaningfully in the UPR process.

Ms. Cecilia Rachel Quisumbing:

[Member of the National Human Rights Commission of the Philippines]

The NHRI representative in the panel, Ms. Quisumbin, emphasized that NHRIs are key actors in the human rights field and their role in the UPR should be empowered. NHRIs are capable of providing independent and vigilant advice. NHRIs can ensure that gender is not a specialized subject, but a cross-cutting issue. For example gender is the only cross-cutting issue that is added to the millennium development goals.

She provided the following recommendations: 1) Troika's can ensure that questions concerning women's rights are asked prior to the UPR review. 2) Use the time of your Delegation to raise the different gender issues during the UPR process. 3) Make much more use of the recommendations of the various Treaty Bodies. 4) The OHCHR can put together a document with lessons learnt after the first cycles of the UPR. 5) NHRIs can collaborate together to ensure that they are respected as a special niche organisation.

Mr. Jeremy Sarkin:

[Member of the Working Group on Enforced and Involuntary Disappearances]

Mr. Sarkin said that there has to be a very clear understanding of what gender means. Any examination must provide sufficient understanding of the societal structure of gender roles. Gender refers to the societal constructed position of women and men in public and private life. He made sure to distinct gender from sex, which is purely a biological term. Gender should be a cross-cutting dimension to solve issues relating to race, ethnicity, social origin and social class. What does mainstreaming of women's gender perspective mean? Gender discrimination needs to be reduced, and this can only happen when sufficient funds are earmarked for this work.

States should be requested to ensure that they have sufficient sex disaggregated data to ensure they can paint the picture of gender issues. This data will particularly be useful for long term analysis and research on interconnectedness of vulnerabilities. In addition, states should be requested to present numbers during the UPR review process on the sensitization of police and judicial officers.

In the UPR report more pages should be ensured for NGO input and NGOs should play an enhanced role in the process. The outcome document should have a specific section on gender. More women should be part of the UPR process. Lastly, States need to ensure that up to date gender dimensions are added to their recommendations.

Ms. Maria Virginia Bras Gomes:

[On behalf of the Committee on the Elimination of all forms of Discrimination Against Women].

CEDAW plays an essential role for integrating the gender perspective. The Human Rights Council should adopt a gender definition to ensure that the integration throughout the Council and its subsidiary bodies can be assured. This definition could be highly helpful during the Universal Periodic Review. Only Resolution 6/30 of the Human Rights Council is specifically focusing on the integration of the gender perspective.

She advised that a technical gender working group would be put together to identify gender specific indicators on which States would be obliged to report during the Universal Periodic Review. National consultations produce the national reports. States under review should be pressured to ensure a collaborative working method to prepare their country report, in which civil society play a significant role. During this process gender should be a cross-cutting issue.

Members of the Troika should be aware of gender issues and should ensure that gender questions are part of the questions which need follow-up. The country should ensure that there are indicators determined which ensure ongoing implementation of recommendations on gender issues during the UPR process.

Ms. Fatima-Binta Victoire Dah

[Chairperson of the Committee on the Elimination of Racial Discrimination]

Ms. Victoire Dah referred to double or multiple level discrimination, as gender is only one perspective on which certain individuals can be discriminated. The Human Rights Council should focus on this multiple leveled discrimination.

CERD as a Treaty Body decided to send their Concluding Observations to UPR Delegations to stimulate Delegations to take on these as recommendations. The impact of Paragraph selection should be evaluated before the interconnection between the Treaty Bodies and the UPR develops further.

Ms. Maria Virginia Bras Gomes

[Member of the Committee on Economic, Social and Cultural Rights]

Women have been given very unequal roles to play. This has a negative impact on development. Women experience greater obstacles to ensure their human rights and experience more multiple level discrimination than men. In times of crisis women are in a weaker position than men, because they lack the access to the necessary resources.

In many of the concluding observations the Committee focuses on multiple level discrimination and the inequality due to societal roles linked to women. Two cross-cutting issues should be further subject in the follow-up to the UPR: (1) Provision of social services for men and women and (2) common definitions and benchmarks.

To ensure that these cross-cutting issues are successfully part of the UPR process, countries have to be pressured to provide sex disaggregated data, which allows longer term analysis to objectively look upon the developments of the States towards the recommendations they accepted after the UPR process.

2. STATES

[Only the most important reaction are part of this report. In total 29 States took the floor]

Chile:

Chile said that the integration of gender perspective is necessary to ensure that the MDGs will be met. The UPR is an excellent mechanism to work towards real equality between women and men. Resolution 6/30 should be implemented fully. For this political will and action is needed. A guide should be put together to ensure that best practices can be shared.

Brazil:

Brazil supports the integration of the gender perspective in all phases of the UPR process and the idea of making sex-disaggregated data requested. This can be achieved by a greater coordination on a higher level of the United Nations system.

Sweden (on behalf of the EU):

Sweden said that the UPR has brought up many examples of negative laws and practices against the equality of women. The State under review needs to always be requested to provide information on women representation in decision making levels. Questions to the panel: (1) How will you foresee that your work will be impacted on by the UPR? (2) How can NGOs with limited resources draw from the synergy between UPR and Treaty bodies?

Finland:

Finland raised the fact that women only own 1% of all land and property in the world and that land ownership is important in ensuring food security and political power. Women need to take part in all societal levels and professions and not only to those 'typical' of women.

Russian Federation:

Said to be willing to focus on gender issues in its preparation on the defense towards the 5th and 6th UPR process upcoming. The Council has to make its contributions to the new UN agency in its own field of specialization.

France:

France warmly welcomed the Mexican and Brazilian fight for a new Mandate for a Special Procedure to focus on inequalities before the law. How can the Council contribute to the lifting of reservations towards CEDAW? What role can the Council play for better implementation of Resolution 6/30?

Slovenia:

Reviews of national discriminatory laws should be included in the UPR process. This could be done through a new mechanism. Professed support to Mexican and Brazil.

Nicaragua:

Nicaragua referred to the greater impact of the current crises (food, economic) on women than men. They requested the OHCHR to bring together the best practices of the first cycles of the UPR Process.

Pakistan (On behalf of the OIC):

Statement of the OIC focused on the participation of women, not on the more cross-cutting integration of the gender perspective. The representative said that full participation of women in the implementation of the UPR process is necessary. The OIC encouraged broader participation of women and especially in the decision making layers of society. In the pre-review women should be better represented.

China:

China said that the protection of gender equality should be restricted to the Sovereign State. The CEDAW committee should seek as appropriate favourable conditions to ensure all States will ratify the Convention and CEDAW can do so in seeking connection to the national civil society.

Japan:

Advised:

- Inclusion of the gender perspective in the implementation of the UPR recommendations.
- Welcomed comments made during the annual discussion, to encourage the evaluation of the UPR of States via civil society.

They asked: How can the knowledge and expertise of the Treaty Bodies be used in order to further the integration of the gender perspective?

The Netherlands:

The representative posed questions concerning several challenges: (1) How to address and prioritize the full range of women's issues in the UPR? (2) Could the members of the panel of the information supporting roles foreseen for UN entities? (3) Would Treaty bodies as well benefit if they will refer to UPR's recommendations, as in the UPR references are made to the Treaty Body recommendations?

A report will soon follow up on the lunch seminar on the complementarity between the UPR and the Treaty Bodies.

Bangladesh:

Will proliferation of other mandates to work on the broad issue of gender inequality be helpful? Bangladesh welcomed the new agency, as it consolidates the UN work on the broad integration of the gender perspective. The second UPR will be the testimony of the review of the State. It comes down to the follow-up.

Republic of Korea:

The UPR provides a unique possibility of reviewing a countries human rights position in general:

- Concrete evaluation forms are needed to provide hard recommendations.
- There is a need for more factors established to review the level of gender integration.
- National, regional and international levels of monitoring is needed for the follow-up to the UPR process.

United States of America:

Women are the majority of the world's uneducated, unfed and unpaid. The US introduced a new resolution to implement SCR 1820: SCR 1888 and said to support the new mechanism proposed by Mexico and Brazil and pushed for it.

Switzerland:

The Swiss representative pushed for the establishment of standardized catalogues of questions on the main gender issues.

3. NHRI / NGOs

NHRI (Morocco):

The Moroccan NHRI said that the gender concept should be redefined at 2 levels:

- On the level of analysis of data.
- On the adoption of a definition of gender in the context of the CEDAW

Women's International League for Peace and Freedom:

See attached statement at the end of the report.

Human Rights Watch:

Human Rights Watch said that this debate is too limited to general references and many issues have not been touched upon. Concrete ways to improve:

- 1) Incorporate information from relevant agencies;
- 2) More proactively promotion of best practices;
- 3) UPR should not be a process in which states should be able to pick and choose what they like

Inter-African Committee on Traditional Practices Affecting Women and Girls:

Reminded the HRC of some traditional practices all over the world which violate the human rights of girls and women. Governments should be made responsible for ending traditional practices which violate human rights. Called for a synergy between international and national laws and policies.

International Federation of Women's Rights League:

The UPR is an essential tool to ensure the accountability of States towards their human rights obligations.

International Federation of University Women:

IFUW pushed for systematic accountability towards human rights obligations and supported the request for sex disaggregated data.

4. RESPONSE PANELISTS

Ms. Leilani Farha:

[Executive Director of the Centre for Equality Rights in Accommodation]

She urged the Council to be careful with the synergy between UPR and treaty monitoring bodies. There is a risk context is lost and recommendations would be watered down. The UPR process is really useful though in playing the leading role to encourage the implementation of recommendations. On the other side it is unreasonable to think that the UPR could cover all Human Rights issues.

A protocol should be established how the rejection of recommendations is keeping in fact with human rights. Best national practices needs to be spread, but a one size fits all approach will not be helpful for the integration of the gender perspective.

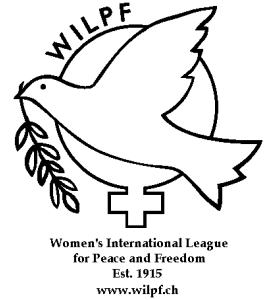
Ms. Cecilia Rachel Quisumbing:

[Member of the National Human Rights Commission of the Philippines]

She expressed the need to look for synergy without redundancy. Ms. Quisumbing introduced the idea to create a website, with accredited users, which would be wikipedia orientated. The work is placed on the secretariats of the Treaty Bodies, specifically of gender issues, to collate all issues. Only UN agencies, bodies and mechanism would have the obligation to provide information for this.

5. ORAL STATEMENT 23 NGOS

ORAL STATEMENT ITEM 8:
ANNUAL DISCUSSION ON GENDER PERSPECTIVE
12TH HUMAN RIGHTS COUNCIL SESSION



On behalf of **22** co-signers:

- ASIA Pacific Forum on Women, Law and Development (APWLD)
- Brahma Kumaris World Spiritual University
- Cordaid Netherlands
- CREA
- Femmes Africa Solidarité
- Interfaith International
- International Alliance of Women
- International Council of Nurses
- International Council of Women
- International Network of Liberal Women
- International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific)
- International Youth and Student Movement United Nations (ISMUN)
- Soko Gakkai International
- Solar Cookers International
- The Tandem Project
- Women's Federation for World Peace
- Women's World Summit Foundation
- World Alliance of Young Men's Christian Association (YMCAs)
- World Alliance of Young Women's Christian Association (YWCA's)
- World Federation for Mental Health
- Worldwide Organisation of Women
- ZONTA International

Thank you Chairperson.

I would like to convey the appreciation of 23 organisations to this annual discussion to integrate a stronger gender perspective in the Council's work and request the Council's attention.

On the 15th of September, just over two weeks ago, all UN Member States unanimously passed a resolution to establish a new UN agency for women. The Council should act and support this major development by strengthening the Women's Rights and Gender Unit within the OHCHR and facilitate information sharing with this new agency. The Council should in addition push for an effective mandate and sufficient funding to ensure the new agency's success and send a message to the General Assembly to this effect.

Secondly, although some efforts have been made by the Council to mainstream gender concerns in the follow-up to the UPR, the Council should reiterate CEDAW's Concluding Observations more strongly and focus on the level of CEDAW compliance by the State. Greater interconnectedness is needed between the Council, Treaty Bodies and the UPR. In

addition, all Member and Observer States should ratify CEDAW and its optional protocols without any reservations.

Lastly, a follow-up is needed on the Annual Day on Women's Rights held in June 2009. The Council should install a Special Procedure to Research and Make Known the Continued Discrimination and Inequality of Women Before the Law, to show its willingness to end impunity of discriminatory actions against women.

In June, the High Commissioner for Human Rights recalled that inequality between men and women in domestic law is one of the root causes for violence against women. Repealing unequal legislation is a commitment States already made in the 1995 Beijing Declaration, which will be reviewed in 2010 during the Beijing +15 Conference.

Another follow-up action for the Council is to push for greater representation of women in the Treaty Bodies.

WILPF and the 22 cosponsors of this statement urge the Human Rights Council to support the new UN agency for women, to improve the incorporation of CEDAW's Concluding Observations in its work, to install a Special Procedure to Research and Make Known the Discrimination and Inequality of Women Before the Law and to strengthen the Women's Rights and Gender Unit within the OHCHR.

Thank you, Chairperson.