



Talking Points on the Millennium Summit Review and Women's Human Rights from the Center for Women's Global Leadership, April 26, 2005

In March of 2005, the Secretary General (SG) of the UN issued "*In Larger Freedom: Towards Development, Security and Human Rights for All*" - a report that lays out a blueprint for linking development, security and human rights within the United Nations system that is the foundation for the fifth-year review of the Millennium Summit to be held in September. The Annex of the SG report will provide the basis for negotiation for the Summit review, which will also focus on discussion of the Millennium Development Goals (MDGs). In addition, in this report, the SG lays out detailed recommendations for reform of the UN itself. The process of UN reform, which may include substantial changes to the UN human rights machineries, is of great interest to the women's human rights, and general human rights communities. It is significant also that these reforms are recommended within a political context of attacks on the human rights framework by conservative actors both within the UN and in national arenas. As evidenced in many recent negotiations, certain states claim limitations to "what human rights mean" and vociferously argue that "no new rights" are implied in interpretations of and evolving standards in human rights. These claims are often made in relation to women's human rights, which are indeed frequently the battleground for criticism of human rights.

Overall, there is danger as well as opportunity in the UN reform process. Collectively, our goal must be to use it to strengthen the human rights system and simultaneously minimize the very real risks of some governments seeking to dismantle those aspects of the system that have been effective in raising human rights issues to greater visibility. Many states will have political agendas in the process, and regional blocs and states in other types of alliances will undoubtedly engage in behind the scenes deal-making that could put the UN human rights system at risk, even in the name of reform.

As a contribution to the discussions leading up to the Millennium Summit review, please find below the Center for Women's Global Leadership's (CWGL) initial comments, suggestions and preliminary recommendations in relation to the SG's *In Larger Freedom* report. Our comments do not touch on all issues of interest to our communities - we have limited our scope primarily to the Commission on Human Rights and the proposed Human Rights Council, gender equality and violence against women, civil society participation and a few other areas. We share these talking points as part of the development of strategies in the lead-up to the 5-year review. We welcome comments and perspectives on these issues at any point. We will continue to post comments and ideas about this reform on our website (www.cwgl.rutgers.edu) throughout and following the Summit review period.

A) CONTENT OF REPORT

➤ COMMISSION ON HUMAN RIGHTS AND PROPOSED HUMAN RIGHTS COUNCIL:

While we welcome efforts to strengthen the UN human rights system, which is the stated purpose of this reform, we suggest that organizations take care in noting their concerns about the current Commission on Human Rights (CHR). *We caution against making un-nuanced criticism of the CHR that too easily echoes right wing (or Bush administration) rhetoric about the Commission, as the CHR has been a target of this administration ever since the US was not elected to membership in 2001.* The CHR has not been the body we all wish it was in various ways, but it is important to note that there have been considerable advances made in expanding the parameters of human rights discussion through the Commission, the Sub-commission and its special procedures, particularly in areas of violence against women, sexual rights, indigenous peoples and minority rights, the right to education, health, access to medicine and other areas of economic, social and cultural rights, and in the recent enhanced focus on non-state actors.

In some instances, more “marginal” human rights issues have been taken on by CHR special procedures, who have made important contributions to the interpretation and development of human rights standards in areas where the rights implications had been previously neglected. It is often in these areas where states attack special procedures for creating what they see as “new rights”. We also note risk that these contributions will be overlooked in criticism of the CHR, and as a result, groundbreaking work in such areas will be allowed to disappear. This runs the danger of inadvertently once again entrenching the discourse of civil and political rights as taking priority over economic, social and cultural rights.

While a stated goal of the reform is to make the human rights bodies less “politicized,” it is not clear to us why a Council would be less political than the Commission. However, we support efforts to strengthen the entire human rights system, and are eager to follow detail about the Council as it emerges.

Special Rapporteurs and other special mechanisms: In his explanatory note on the Human Rights Council in mid-April, the Secretary General recommended that the Council “reconsider, refine or amend” thematic and country-specific procedure mandates according to its own terms of reference. This provides a dangerous opportunity for those who have opposed the creative and innovative work of these independent experts to curtail their work or eliminate them entirely.

- It is vital to ensure the retention and independence of special mechanisms of the Commission, whether under the proposed Human Rights Council or under a reformed Commission.

Composition: If a Human Rights Council is created, care must be taken to ensure that participation is regionally diverse and allows for considerable participation of developing nations in order for it to have legitimacy, and not just be a reflection of the will of the dominant powers, as the Security Council is. It is unclear whether a smaller Council, when measured against the size of the current Commission, will allow for this regional breadth. The Council should also be comprised of state representatives with thematic skill in economic, social and cultural as well as civil and political rights.

Location and schedule: It seems advisable that the human rights system retain a permanent location in Geneva, both for proximity to the Office of the High Commissioner for Human Rights (OHCHR) and for continuing the tradition of active civil society participation in human rights deliberations. Furthermore, it is vital that the Commission or Council maintain a standing annual session of a period of a few weeks. Historically, it has been easier for smaller NGOs to attend the Commission when the primary session can be planned and budgeted for in advance. In the last decade, the Commission has had better representation from women and from Southern NGOs, and this diverse participation needs to continue. Otherwise, only the large, well-funded international NGOs can influence its proceedings. In addition, it is potentially useful to have an “enhanced presence”, as the SG suggests, in New York, through the creation of a sub-body for heightened access to other UN Councils and mechanisms, and/or a flexible approach of meeting at various times as needed (in NY and Geneva) throughout a given year - in addition to the standing annual session.

➤ **OHCHR:** The proposal to strengthen the Office of the HCHR through provision of increased financial and personnel resources, including through the enhancing of its office in New York, is welcome and long overdue. In addition, we urge a commitment to gender balance, regional diversity, and thematic expertise in expanding the staffing of any OHCHR offices. The High Commissioner will release a paper outlining suggested reforms of the OHCHR in mid-May (available at www.unhchr.ch); we anticipate useful recommendations that governments should support.

➤ **TREATY BODY REPORTING:** The SG has recommended that treaty bodies streamline their work in order to make country reporting more efficient. Some states have noted the “burden” of reporting to different bodies, which may be both an accurate assessment and/or a means to limit governments’ accountability to investigate and report on their compliance with treaties. Reporting to specific treaty-based Committees such as CERD, the CRC and CEDAW has both encouraged and forced governments to address topics they might otherwise not have chosen to research and document.

- If there is reform of the treaty body system, it is crucial to ensure retention of the specificity of content in reports that have gone to Committees on race (CERD), children (CRC), women (CEDAW) and other bodies. It is imperative that any “streamlining of reporting” maintain processes through which governments will have to report on these areas in the same level of detail.

➤ **CIVIL SOCIETY:** Continued and enhanced participation of civil society and NGOs in all mechanisms of the UN and in the proposed Human Rights Council is crucial. While the Secretary General makes clear reference to the value of civil society participation in the proposed Council “explanatory note” of April 15, 2005, we are aware that some states may use this proposal to limit NGO participation in whatever mechanisms are maintained or created and seek to use as a model the restricted NGO participation in the Security Council and the General Assembly.

- Governments should support strengthening civil society participation in the human rights mechanisms, as well as throughout the UN system.

➡ **GENDER BALANCE IN THE UN:** The reference in paragraph 190 of the SG's report to creating a "just balance" of men and women in staffing UN positions raises questions: What is a "just balance" and in what positions will that "just balance" be enforced? Women should be represented in high-level positions of the UN with commitment to 50/50 balance, as noted in recent GA resolutions, including A/RES/59/164 - op 6, in which the GA "reaffirms the urgent goal of achieving 50/50 gender distribution in all categories of posts within the UN system, especially at senior and policy-making levels", and A/RES/58/144 - op 2, which notes regret "that the goal of 50/50 gender distribution was not met by the end of 2000, and urges the SG to redouble his efforts to realize significant progress towards this goal in the near future." The vague reference in the current SG report could be taken as a step backwards.

- We recommend advocating for inclusion of the 50/50 language of the GA resolution in the Annex.

➡ **GENDER EQUALITY AND VIOLENCE AGAINST WOMEN:** The overarching vision of the Millennium Summit - to reduce poverty among the world's poorest people, who are primarily women and children - will not and cannot be achieved unless gender equality and women's empowerment are defined broadly to include the commitments of the Beijing Platform for Action and CEDAW, and are fully integrated into all of the specific Millennium Development Goals, as well as into the recommendations that cut across the Secretary General's efforts at UN reform. A reaffirmation of the centrality of gender equality to human rights, security and development is needed now more than ever.

While we are disappointed that gender concerns (including gender equality and violence against women) were not woven more thoroughly throughout the SG's report, we also note that the references included contain useful language that should be retained in government deliberations. Further, we regret that there is no call for systematic gender disaggregated data for analysis of women's experience, which limits the capacity of any government to assess accurately progress toward achieving gender equality and ending violence against women.

- We encourage retention of paragraph 5j (in its entirety) of the Annex and of paragraph 40 (in its entirety) of the report, both of which, taken together, comprise all the text that is focused on gender equality.
- We encourage ensuring the retention of references to violence against women in paragraph 40 in the body of the report and in paragraph 5j of the Annex.
- We recommend that states *add to paragraph 5j of the Annex*:
 1. A reference to "provision of resources" for achieving gender equality and for services and direct interventions related to violence prevention and support for survivors. This phrase could be added to the opening of the text in 5j so that it reads: "Reaffirm gender equality and the need to overcome pervasive gender bias by ['providing resources for'] increasing...."
 2. A reference to the need to work for implementation of plans in the final clause on violence against women by adding to that phrase: supporting ["the implementation of comprehensive national plans and"] direct interventions to protect women from violence.
 3. A reference to the need for systematic collection of gender disaggregated data in order to overcome "pervasive gender bias" that frames the rest of the paragraph.

4. A reference to sexual health in the existing text on “ensuring access to reproductive health.” We note that in the body of the SG report, there is reference in paragraph 40 to “sexual and reproductive health,” but in the Annex, the allusion to ensuring “sexual health” has been dropped. We seek to reinstate its inclusion.

We are surprised and troubled by the **absence of any mention of violence against women in the “Freedom from Fear” sections of the report and of the Annex.** Given that VAW is one of women’s greatest fears and fuels their sense of ‘in’security, we think such text should be added.

➡ **HIV/AIDS:** The retention of references to HIV/AIDS, especially in paragraph 5i of the Annex, is important. We agree with the need to provide resources for expanded and comprehensive responses to HIV/AIDS and to fully fund the Global Fund to fight AIDS, Tuberculosis and Malaria. Overall, we note that references to HIV/AIDS in the report did not address the experience of women and girls and in particular the interlinkage of violence against women, sexual and reproductive rights and HIV/AIDS. We agree that the phrase “work with UNAIDS and its partners” implies addressing gendered dimensions of the pandemic, but the language would be better if it stated this directly. *[We are working with colleagues in sexual and reproductive rights and health communities on specific recommendations for this section].*

B) APRIL “CLUSTER MEETINGS” IN THE UN, AND POTENTIAL CONTROVERSIES AS UN REFORM DISCUSSIONS CONTINUE:

On April 19th and 20th, governments offered prepared statements on their preliminary analysis of the “Freedom to Live in Dignity” section of the SG’s report, which addresses human rights, rule of law and “responsibility to protect,” among other issues. Certain themes appeared in the government statements that reveal controversial points likely to recur as negotiations on the Annex take place. In terms of the Commission on Human Rights and the proposed Human Rights Council, these included:

Economic, Social and Cultural Rights and the Right to Development: A number of developing countries named the importance of enhancing a focus on economic, social and cultural rights and the need to ensure attention to the right to development. While we agree that economic, social and cultural rights should not be marginalized within any human rights body, we also note that this concern has been used at times to undermine support for the human rights framework more generally.

Cultural Diversity: Some states cited the importance that cultural diversity be taken into account in human rights deliberations. Concerns related to various forms of diversity, including gender, regional, and socioeconomic, are critical to deliberations related to human rights. But we note that states have agreed in principle that *cultural diversity and respect for tradition cannot be used as rationales to limit enjoyment of human rights.* While most states articulated the value of respect for human rights, some criticized the SG recommendations for the Council through invoking language on cultural diversity.

National Sovereignty: A few states noted the importance that any human rights mechanisms (and any intervention by states into the internal affairs of other states) respect first and foremost rights to national sovereignty, even in the context of intervention to protect grave abuses of human rights. They cautioned against risks to state autonomy and the possibility of manipulation of political agendas by larger states.

References will be made here to other organizations' gender/women's and human rights analysis of the SG report, which are available at various websites.

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CWGL Critical language text map from SG's *In Larger Freedom* report*

*Note that this list is not exhaustive, and only addresses specific issues in the SG report elaborated on in CWGL's talking points.

Gender:	40*, 5j* of Annex, 27, 28 Box 3 on HIV near 46
Violence:	15*, 40*, 5j*
Human Rights:	Section B 14, 16, 17 87 (terrorism) thru 94 94* – Create Special Rapp on counter terrorism measures and HR 113 Peacekeepers – thru 127 – thru peacebuilding 132 Strengthen UN Machinery (Dignity section) 140 * Human Rights / B 147 * Treaty Body reporting / unified system 181 * HR Council – on... Annex Section I, 5 j gender
HIV:	9, 15, Box 3 near 46 (note gender), 78 (allusion), Annex 5i *
Peacekeeping / Peacebuilding:	113, 114*, thru 129 (esp 114 – 119)
Strengthening UN:	153, GA – 158 – thru 162. Councils – 166* – ECOSOC – 183 190* women / staff
Civil Society:	162*, Annex IV para 8b iii (GA)
Conferences:	28