

INTEGRATION OF GENDER INTO THE HUMAN RIGHTS COUNCIL

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Ambassador Nzomo, Mr. President, Distinguished Delegates, and NGO colleagues,

It is a pleasure to be invited today to share with you a civil society view of the importance of gender integration into the work of the Human Rights Council. Civil society and women's rights advocates from all over the world welcome the opportunity to work in partnership with the HRC in moving this agenda forward.

It is appropriate that we address this topic today under item 8 ("follow-up and implementation of the Vienna Declaration and Programme of Action" as Vienna was a milestone in the recognition of women's rights as human rights and the need for gender integration. The Vienna World Conference on Human Rights urged that the full and equal enjoyment by women of all their human rights be a priority for Governments and for the United Nations noting that: "The equal status of women and the human rights of women should be integrated into the mainstream of United Nations system-wide activity. These issues should be regularly and systematically addressed throughout relevant United Nations bodies and mechanisms." (para 37)

I want to speak to the methodology of gender integration into the work of the HRC, but first let me speak to why it matters. This is not an academic exercise. Gender integration into human rights work can have a significant impact on the life and death of women and girls everyday in every part of the world. Nothing could be more urgent than improving women's access to human rights at the local level, as we can see from the reports of atrocities that women still suffer in conflicts and in daily life in all too many places.

At the time of Vienna, a Global Campaign for Women's Human Rights – a worldwide mobilization of women activists from all parts of the world – South and North, East and West sought to advance a greater understanding of the specific ways in which women suffered human rights abuses. This was sparked by the recognition that major violations against women in all parts of the world -- including violence against women – were invisible, or missing on the human rights agenda because generic descriptions of human rights did not take adequate account of the ways in which women often experience such abuse. Only by examining the specificity of gender can a more accurate picture of rights conditions in a particular country or regarding a particular theme be understood, and only through attention

to differences in how women and men experience human rights abuses can effective remedies to redress such violations be shaped.

The effort to achieve universal access to the enjoyment of human rights by all requires a consideration of the diversity of experiences that make up our lives. It means in the words of the Special Rapporteur on VAW, Yakin Erturk, “recording, documenting, and disseminating women’s agency and common struggles in diverse settings.” (A/HRC/4/34, para 72). Gender affects how both women and men experience human rights questions and a gender perspective will also illuminate aspects of abuse suffered by men as well. But it is women’s experience that has traditionally been left out of the human rights equation and therefore we focus particularly on that at this time.

Gender, however, is not the only factor that affects women, and not all women, or all men, have the same experience. Thus the diversity of women’s lives must also be considered in terms of how gender intersects with race, age, class, culture, sexuality, physical abilities, religion, rural-urban location, etc. Gender integration has been called “looking at the world thru the eyes of women” but it also requires attention to diversity of women’s eyes and lives.

Methodology

After the Vienna conference, the Commission on Human Rights initiated an annual resolution on gender integration and a number of expert group meetings and sessions with special mechanisms and treaty bodies have taken up the issue of how to do this work. As the Deputy High Commissioner has noted, gender mainstreaming has also been mandated throughout the UN system over the last decade, including in the Fourth World Conference on Women Beijing Platform for Action (1995) and the World Conference Against Racism Program of Action from Durban in 2001.

There can be no doubt that violations of the human rights of women have gained more attention since Vienna as a result of this work, and in particular of the growing efforts by special procedures as illustrated by the Special Rapporteurs’ statements here. But the persistence of gross violations of women’s rights is shockingly visible in the world today, and the lack of remedies for most of the women and girls facing them poses a challenge to all of us. We also note that women human rights defenders experience violations precisely because they are women, and because of universal gender inequality. It is a reminder that the work of gender integration has only just begun and requires vigilance, leadership and ongoing persistent attention. The Human Rights Council as the UN’s premier human rights body is in an unparalleled position to address this both by building on the previous successes of addressing gender and women’s experience within the CHR, and by continuing to rectify a history of shortcomings regarding gender as well.

Noting the distinction made by the DHC between gender integration into all the work of the HRC and substantive work on the human rights of women, I would like to focus now on methodology. I would like to suggest the usefulness of HRC attention to a methodology for Gender Specific Human Rights Research, Analysis and Reporting that was first presented in a

paper by UNIFEM as part of its work with the Office of the High Commissioner for Human Rights. This approach remains entirely relevant and involves the examination of the effects of gender in four areas:

1. The *form* which a human rights violation takes can be gender specific; for example, girls are subject to sexual slavery and forced marriage, or are adversely affected by son preference, which demands expanding the scope of abuses addressed.
2. The *circumstances* in which violations occur can be gender specific; for example, the home is often the site of violations of women which requires an examination of public/private distinctions in human rights practice.
3. The *consequences* of violations may be gender specific as for example with pregnancy as a result of rape or women becoming social outcasts, which calls for gender specific remedies.
4. There are gender specific *barriers to access to remedies*, such as women's lack of access to legal action or lack of economic resources, which requires attention to providing access to human rights to all.

In our experience, this methodology has led to more effective reporting and policies regarding gender in relation to almost any area of human rights and can be used by special procedures as well as in the Universal Periodic Review.

Other useful methodological tools were suggested by an OHCHR workshop with UNIFEM and DAW that focused attention on the need for better data and information for gender integration, proposing that all human rights mechanisms and their processes make use of the following:

1. *Sex-disaggregated data*: information on human rights abuses according to sex and analyzed for their gender impact is crucial and needs to be a national priority; wherever appropriate, data also should be disaggregated by other factors like race, age, etc.
2. *Sources of Information*: requests for information, as well as site visits should be directed to women's ministries, women's NGOS, and community based organizations as well as other human rights sources; information that reflects women's voices and concerns is crucial to gender sensitive policies in all areas.

This workshop also discussed conceptual issues that are critical to successful gender integration in human rights: State responsibility and non-state actor accountability; the relationship of culture and human rights; and the intersection of discrimination against women and other forms of discrimination. I commend this report to the HRC for its work. Many good materials exist on how to do gender integration but the real challenge is to devote the time and resources to making this a priority in human rights work. The Council has an opportunity to set a precedent in how this issue is approached and today's panel is a good step in that direction.

Mechanisms of the Human Rights Council

I would like to offer some more detailed suggestions for applying the principles and methodology of gender integration to the work of the Human Rights Council. I focus here primarily on the UPR as a critical new forum, but in the context of understanding that gender integration is an important aspect of all the Council's procedures including membership criteria and agenda setting, and that it is aimed at improving the human rights situation on the ground of all, women, men, and children.

I. Universal Periodic Review

The objectives of UPR process include: "*Improvement of the human rights situation on the ground*". This objective can only truly be met through addressing the immediate impact of human rights conditions on women's lives. When a gender perspective is used, women "in country" benefit immediately: it's that simple.

States must ensure that within the UPR mechanism, a gender perspective is fully integrated at all stages of the review, including in a) the preparatory information-seeking processes for all reporting, b) the working group process during the interactive dialogue, and c) by the system of 3 rapporteurs engaged in facilitating each review and preparing the outcome report.

A) Process

States are mandated to consult at national level for UPR. In engaging in these consultations, critical – and simple - questions must be asked:

- Who is providing the information for research and do they have expertise in gender and accessing diverse experiences of women?
- Who are researchers seeking information from, and are these the proper people to provide that information?
- Are a diverse set of organizations, including women's organizations, proactively solicited for their data and opinions regarding women's experience?

In addition to ensuring that suitable human, technical and financial resources are provided for proper gender-related research and investigation, States must ensure that there are experts on gender issues at the national level providing information through the research and reporting process, and that these skilled researchers seek information from **a range of stakeholders and organizations that can accurately reflect women's diverse experience, and provide the** credible and reliable information needed for an effective review.

B) Content

Examples of gender related issues to be researched and addressed in the UPR could include:

- States' commitments to and identifiable examples of legal and substantive equality for women, including combatting discrimination in areas such as education, property ownership, health, etc.
- Examples of due diligence to respect, protect and fulfill human rights in relation to gender and women's experience;
- States efforts to meet obligations to prevent and punish acts of violence against women.

- Practices, policies and programmes reflecting adequate attention to women's experience.
- Human and financial resources dedicated by the State to addressing the human rights of women.
- Challenges experienced by the State in respect to any of these issues, including in integrating a gender perspective into laws, policies and programmes.

A basis of review for the UPR should include the status of ratifications of international treaties, including but not limited to CEDAW, and whether states have made voluntary pledges and commitments in their presentation of candidacy for the Council. In addition, the OHCHR compilation of UN material on each country should utilize gender-related information on countries under review from special procedures, UN Commissions, treaty bodies (including relevant concluding comments and general recommendations), and any entities focused on gender within the UN system. The same applies for the OHCHR compilation of other stakeholder information. The Office must ensure that individuals with gender expertise are involved in the preparation of these two summary compilations for each state.

The “troika” country rapporteur system and OHCHR's support of each troika must have gender expertise or the capacity to ensure that a gender perspective is properly integrated into reporting.

When reports are discussed at the Council, delegations must have expertise on gender and women's experience and civil society representatives including women's organizations should be included in all state delegations.

In terms of UPR follow-up, it is clear that the first review of each state lays a critical foundation, as subsequent reviews will likely focus on implementation of preceding outcomes. Therefore, it is **imperative for proper gender expertise, gender-related information, and an overall gender perspective to be integrated from the outset**. The *first* review must make these commitments. If we wait, women around the world – and the Council itself- will lose an extraordinary opportunity.

In terms of outcomes, References to human rights of women must be included in recommendations for actions and cannot be relegated only to summaries of proceedings of the review process. This is true for the UPR and for all other mechanisms of the Council.

Follow-up to the UPR process rests primarily with States, which will be tasked to implement recommendations. In the end, the devil is in the details. States must **integrate a gender perspective, develop gender expertise and seek participation from civil society and women's organizations in national level follow-up**. They cannot be selective in follow-up of recommendations: gender and women's lives are not to be secondary to other concerns.

II. Research and reporting of special procedures

A gender perspective in the work of the procedures has included creation of women-specific mandates such as the Special rapporteur on violence against women, its causes and consequences, but also the integration of women's experience in relation to country and thematic reporting of procedures. Rapporteurs should integrate work on gender by exploring how the particular theme of their work affects women specifically, and should engage in research and investigation that facilitates this goal, including visits with a range of women's organizations.

Any guidelines such as the Manual of Special Procedures should have detailed information on systematic integration of a gender perspective into the work of the mandates, including the noted forms, circumstances, and consequences of violations and barriers to access to remedies.

Reviews, rationalizations and improvement of mandates should encourage discussion of the human rights of women, and should identify areas of gaps and overlaps in order to strengthen protections against gender-related violations. The mandate by mandate review as it now stands allows examination of current mandates, but creates minimal space for an analysis of what is missing from this system.

Resolutions developed at the HRC based on reports of the special procedures should also integrate a gender perspective and address experiences of women in relation to the topic or country under discussion.

III. Other work of the Council, including Working Groups and programming at Council Sessions

The UPR process and the work of the Special Procedures are not the only areas where gender must be integrated into the Council's work. Gender and women's experience do not rest in one domain of the Council's activities - they cut across mechanisms, bodies and programming.

In terms of other HR Council structures and committees, *gender balance*, which has to do with representation is also absolutely necessary. It is not however a substitute for *gender expertise*. These are different commitments that can be but are not always related.

Other areas which must address gender and develop appropriate expertise include the HR Council Advisory Committee, which should ensure not only women's participation but gender expertise in its group of experts, and the Working Groups on Situations and Communications, both of which play critical guiding roles in the Council's activities.

This panel, for instance, is a good example of integrating gender into the programme of work of the Council. Gender integration into the work of the HRC will require ongoing attention and resources to complete this work. We encourage continued integration of this topic into future programming.

Thank you

Reference:

Gender Integration into the Human Rights System

<http://www.un.org/womenwatch/daw/csw/genderint.htm>

Report of the Workshop

United Nations Office at Geneva

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Office of the High Commissioner for Human Rights (OHCHR)

United Nations Division for the Advancement of Women (UN DAW)

United Nations Development Fund for Women (UNIFEM)