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Overview

Under agenda Item 63: Advancement of women (a) and (b),¹ the Third Committee covered similar ground to previous years in its consideration of six resolutions and one decision on the following themes:

- The *Convention on the Elimination of All Forms of Discrimination against Women*;
- Intensification of efforts to eliminate all forms of violence against women;
- Violence against women migrant workers
- The improvement of the situation of women in rural areas;
- Follow-up to the Fourth World Conference on Women and full implementation of the *Beijing Declaration and Platform for Action* and the outcome of the 23rd special session of the General Assembly;

¹ Item 63 (a) Advancement of women and (b) Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly.

- United Nations Development Fund for Women;
- Decision on the term of office of the members of the Consultative Committee on the United Nations Development Fund for Women.

The Committee also considered seven reports on the same topics, plus one on the future operations of the International Research and Training Institute for the Advancement of Women, for which there was no correlating decision or resolution. Under the related agenda Item on the 'Promotion and Protection of Human Rights', the Third Committee also heard an oral report from Ms Yakin Erturk, the Special Rapporteur on violence against women, its causes and consequences.²

The Committee also adopted a new resolution on 'eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations.' The text on the *Convention on the Elimination of All Forms of Discrimination against Women* had a number of sticking points, and was the only resolution under this agenda item to be voted upon. In general, there were no notable substantive developments in the resolutions. In fact, in regard to language on reproductive and sexual rights, the challenge was rather to try to make sure that the clock was not turned back on commitments agreed to over a decade ago at the Fourth World Conference on Women in Beijing. In particular, the references to the *Convention on the Rights of the Child*, the *Convention on the Elimination of All Forms of Discrimination against Women*, and commitments from the *Beijing Declaration and Platform for Action* in the text on eliminating rape in conflict situations could have been stronger. As it has done in previous years, the United States of America (USA) continued to be the lone voice to comment (after adoption of multiple resolutions) that references to the *Beijing Declaration and Platform for Action* and its follow-up did not create, support, or endorse any right to abortion.

During the general discussion on this agenda item the Committee heard from the Director of the Division for the Advancement of Women (DAW)³, the Ad-Interim Executive Director of the United Nations Development Fund for Women (UNIFEM)⁴, and the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women (OSAGI).⁵ Some of the themes emphasized in these statements, as well as among those presented by the Member States and United Nations (UN) affiliated agencies, included:

- Specific actions undertaken by governments at the national and regional levels to promote the advancement and the prioritization of women's issues with respect to the importance of achieving Millennium Goal 3 (MDG 3);⁶
- The status of coordination between UN entities as it relates to the elimination of violence against women at both the international and national levels;⁷
- The importance of the plight of women in rural areas as well as the integral relationship between poverty and violence against women.⁸

² Ms Yakin Ertürk presented her fourth report, as well as country reports from her missions to Turkey, the Netherlands, and Sweden to the Human Rights Council during its fourth session in March 2007 (A/HRC/4/34, A/HRC/4/34/Add.2, A/HRC/4/34/Add.3 and A/HRC/4/34/Add.4).

³ www.un.org/womenwatch/daw/documents/ga62/2007%20Third%20Committee%20CH.pdf.

⁴ www.unifem.org/news_events/story_detail.php?StoryID=636.

⁵ www.un.org/womenwatch/osagi/statements/2007/RM%20GA%20Third%20Ctee.15oct07.pdf.

⁶ Statements made by the Federal Democratic Republic of Ethiopia, Eritrea, Kingdom of Tonga, India, Japan, Egypt, Republic of Guyana (on behalf of the Caribbean Community). Millennium Goal 3 (MDG 3) is to "Promote gender equality and empower women". Information on MDG 3 is available at www.un.org/millenniumgoals.

⁷ Statements made by Jamaica, United Republic of Tanzania (on behalf of the Southern Africa Development Community), Republic of Guyana (on behalf of the Caribbean Community), Dominican Republic (on behalf of the Rio Group), Israel, Indonesia, Egypt, India, Japan, and Iceland.

⁸ Statements made by the Food and Agriculture Organization (FAO), the International Fund for Agricultural Development (IFAD), South Africa, Bangladesh, Columbia, Republic of Namibia, Ghana, United Republic of Tanzania, Dominican Republic (on behalf of the Rio Group), Indonesia, Pakistan, the Republic of Kenya, Mongolia, Azerbaijan, and Thailand.

These themes further underscored core statements outlined in the Secretary General's report entitled *Ending Violence against Women: From words to action*, published in 2006.⁹

A few States debated the impact of political actions believed to violate the rights of women in their respective countries. These included statements and rights of responses between:

- Israel and the Palestinian Territories with regards to the Israeli occupation and its impact on women's human rights in the region;
- Japan and the Democratic People's Republic of Korea with regards to the alleged Japanese abductions of North Korean female citizens for use as 'comfort women' during the second world war;
- The United States of America (USA) and Sudan with regards to the USA's recent efforts to put forth a draft resolution banning the use of rape as a tool of war, as well as its 'naming and shaming' of ongoing crimes against humanity in Darfur.

A pressing issue not adequately addressed by the General Assembly during the 62nd session was the issue of the reform of the UN's gender equality architecture. The call for reform arose as a result of one of the recommendations of the Secretary-General's High Level Panel on System-wide Coherence.¹⁰ The Panel analysed the deficiencies of the current gender equality architecture, which it found to be fragmented, incoherent and under-resourced. During the general debate in the Third Committee on the agenda Item on the advancement of women, several countries referred to the need for gender equality architecture reform¹¹ and highlighted the need for broader inter-governmental negotiations on the issue. However concrete developments on when and in what forum negotiations would move forward remained unknown at the end of the 62nd session.¹² A consortium of national and international NGOs closely following the issue urged States to use the March 2008 session of the Commission on the Status of Women (CSW) to jumpstart the process.¹³ Although the majority of States view reform of the UN gender entities as necessary, a major obstacle is that it has become caught in the political fight over the larger question of UN reform. It is also just one of many recommendations competing for attention and resources from the Panel's final report

Information before the Committee

The Committee considered eight reports under agenda items 63 (a) and (b).

- Report of the Secretary-General on violence against women migrant workers.¹⁴
- Report of the Secretary-General on improvement of the situation of women in rural areas.¹⁵
- Report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women.¹⁶

⁹ *Ending Violence against Women: From words to action*; Study of the Secretary General, 2006.

www.un.org/womenwatch/daw/vaw/index.htm.

¹⁰ Secretary-General Kofi Annan established the High Level Panel on System-wide Coherence, after it was requested by the 2005 World Summit. In its final report in November 2006, the Panel examined how the UN could achieve better coherence through changing its structures and systems, and in particular recommended the strengthening of the UN architecture for women's equality. In April 2007, the Secretary-General presented his report on these recommendations (A/61/836) to the General Assembly, in which he supported the Panel's recommendation to consolidate and strengthen the current structures into a single women's agency. For more information on the Panel and related documents see www.un-ngls.org/site/article.php3?id_article=263.

¹¹ Russian Federation, Philippines, Mexico, Iceland, Norway.

¹² On January 11 2008, the President of the General Assembly appointed two new Co-Chairs for ongoing consultations, requiring them to report back to the President in early June 2008.

¹³ In particular, the campaign for Gender Equality Architecture Reform (GEAR) which now comprises 82 organisations in over 35 countries. More information regarding advocacy on and the status of GEAR is available at www.cwgl.rutgers.edu/globalcenter/policy/unadvocacy/gea.html.

¹⁴ A/62/177: Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N07/447/20/PDF/N0744720.pdf?OpenElement>

¹⁵ A/62/202: Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N07/450/29/PDF/N0745029.pdf?OpenElement>;

¹⁶ A/62/290 Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N07/487/68/PDF/N0748768.pdf?OpenElement>;

- Report of the Secretary-General on the future operations of the International Research and Training Institute for the Advancement of Women.¹⁷
- Note by the Secretary-General transmitting the report on the activities of the United Nations Development Fund for Women.¹⁸
- Report of the Secretary-General on intensification of efforts to eliminate all forms of violence against women.¹⁹
- Report of the Secretary-General on 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 of the General Assembly.²⁰
- Report of the Committee on the Elimination of Discrimination against Women on its thirty-seventh, thirty eighth and thirty-ninth sessions (*Supplement No. 38*) A/62/38

Oral Report of the Special Rapporteur on violence against women, its causes and consequences

In addition to considering the reports noted above, the Committee heard the oral report of **Ms. Yakin Ertürk**,²¹ the Special Rapporteur on violence against women, its causes and consequences, on October 25 2007 under agenda item 70, 'Promotion and Protection of Human Rights'.

The Special Rapporteur highlighted key findings of her mission reports on Turkey, the Netherlands, and Sweden, which were presented to the Human Rights Council in March 2007. Ms Ertürk also discussed the preparatory work she had undertaken for her next thematic written report, which was presented at the sixth session of the Council. The report will include a focus on the development and implementation of indicators on violence against women as well as on the State's role and response to it. Her research included findings from different country visits, noting that it was clear that the commitment to ending violence against women spanned different geographies, governments, histories, and cultures. Mission reports from her recent site visits to Algeria, the Democratic Republic of the Congo (DRC), and Ghana will also presented to the Council

She confirmed that domestic violence took place in all the countries she visited and that interpersonal dynamics continued to point to specific conditions present for the violence to occur (e.g., alcoholism, unemployment). She noted that structural aspects of the problem should never be overlooked, and both need to be tackled together. She underscored the need to focus on changing attitudes in order to raise awareness and action. The Special Rapporteur further elaborated upon "the intersections between culture and violence against women", which often resulted in categorizing the problem in a purely cultural realm, diverting attention from the larger systems of inequality also present.

Interactive Dialogue

Following the Special Rapporteur's statement, several Member States took part in a dialogue. Portugal asked about best practices that States and the international community could take in order to combat violence committed by the State and non-state actors alike. Canada asked what could be achieved by establishing common indicators of violence against women; what the factors were in measuring such violence; and what further actions the UN system needed to take in order to facilitate the development and implementation of such indicators. Mexico asked whether any obstacles were encountered during the Special Rapporteur's

¹⁷ A/62/173: Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N07/446/18/PDF/N0744618.pdf?OpenElement>;

¹⁸ A/62/188: Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N07/450/05/PDF/N0745005.pdf?OpenElement>;

¹⁹ A/62/201: Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N07/450/23/PDF/N0745023.pdf?OpenElement>;

²⁰ A/62/178: Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N07/447/26/PDF/N0744726.pdf?OpenElement>;

²¹ Ms Yakin Ertürk presented her fourth report, as well as country reports from her missions to Turkey, the Netherlands and Sweden to the Human Rights Council during the Council's fourth session in March 2007 (A/HRC/4/34, A/HRC/4/34/Add.2, A/HRC/4/34/Add.3 and A/HRC/4/34/Add.4). A report on the interactive dialogue of the Council with Ms Ertürk is available at http://www.ishr.ch/hrm/council/dailyupdates/session_004/20_march_2007.pdf.

investigations to support her forthcoming report to the Council as well as for further comments regarding the prevalence and/or existing indicators with respect to the murder of women (femicide). Turkey commented that legal measures taken by the State combined with local education were essential in combating violence against women and asked for further elaboration. Nigeria asked what measures the Special Rapporteur could take to ensure that local education efforts (with respect to women's human rights concerns and their impact on women's safety and health in their local communities) in Africa were given the appropriate attention by the Council. Algeria expressed disappointment that the Special Rapporteur's preliminary findings on her visit to Algeria were not submitted to their delegation prior to mentioning them during her oral report to the Third Committee.

The Special Rapporteur told Member States that the goal of ending violence against women was a part of the international community's collective agenda and that it reassured her to hear the goal mentioned so frequently and by so many different government delegations.

In response to a number of States, the Special Rapporteur highlighted the importance of enforcing punishment to prevent impunity. With respect to the role that non-state actors play, the Special Rapporteur said that the human rights system was still very state-centric across the globe. She called upon States to look at non-state actors with more vigilance and to take more responsibility especially with respect to organized non-state actors (such as banks and corporations). She said that armed or individual non-state actors were harder to deal with especially in terms of their accountability, and urged the international community to provide better preventative and enforcement mechanisms.

With respect to questions regarding statistical indicators of violence against women, the Special Rapporteur stated these were difficult to measure because controversies over the definition of this kind of violence still existed. She explained that creating global indicators to track violence against women were complex because these indicators must take into account factors such as location and cultural practices as well as the violence's severity and recurrence. She acknowledged that, from her point of view, there was little consensus amongst the UN, academia, and various regional commissions regarding how to create universal indicators of violence against women, and that she was trying to synthesize these varied perspectives in her next report in order to highlight some of associated problems. The Special Rapporteur said that she would also include some general suggestions for comparative indicators based on common statistical techniques at the international level, while stressing both the important need for global indicators and recognition of the local context when creating national solutions. The Special Rapporteur added that the development of State-led response indicators was not as problematic, and that the General Assembly had already mandated the UN Statistical Commission to address this particular issue in the coming year.²²

With respect to the question regarding femicide, the Special Rapporteur explained that while death statistics are highly reliable there is no consistency in the way murders are categorized (e.g., random acts vs. femicide as the primary motive).

She called upon States to engage in a cultural negotiation with their communities and populations and to challenge cultural norms and values that have been used to commit human rights violations. She highlighted the many positive forms of culture that States should focus on instead of continuing to promote those which denied women their human rights.

Resolutions and Outcomes

²² Per General Assembly *Resolution A/61/43*.

**Convention on the Elimination of All Forms of
Discrimination against Women²³**

The resolution:

- Reiterates the need to intensify efforts to eliminate all forms of discrimination against women throughout the world.
- Reaffirms the *Beijing Declaration and Platform for Action* and the outcome documents of the 23rd special session of the General Assembly.
- Welcomes the report of the Secretary-General on the status of *Convention on the Elimination of Discrimination against Women (CEDAW)*.
- Notes that a backlog of reports of thirty-four States parties to be considered by the Committee on the Elimination of Discrimination against Women (the Committee) persists.
- Strongly urges States parties to *CEDAW* to take appropriate measures so that acceptance of the amendment to article 20, paragraph 1²⁴ by a two-thirds majority can be reached as soon as possible and the amendment can enter into force.
- Decides to authorize the Committee to hold three annual sessions of three weeks each, with a one-week pre-session working group for each session, for an interim period effective from January 2010, pending the entry into force of the amendment to article 20, paragraph 1, and to authorize three annual sessions of the Working Group on Communications under the Optional Protocol to *CEDAW*.
- Also decides to authorize the Committee to meet on an exceptional and temporary basis in the biennium 2008-2009 in a total of five sessions, of which three would occur in parallel chambers, taking due account of equitable geographical distribution, for the purpose of considering reports; and further decides that two of the five sessions will take place at UN Headquarters in New York.
- Urges the Committee to evaluate progress, and decides to assess the situation with regard to the location of the Committee's sessions after two years.
- Invites the Chairperson of the Committee to address the General Assembly at its 63rd and 64th sessions.
- Requests the Secretary-General to submit to the General Assembly at its 64th session a report on the status of *CEDAW* and the implementation of the present resolution

This biennial resolution builds upon General Assembly resolution 60/230²⁵ and was sponsored by Denmark. The resolution urges States parties to abide by their obligations to *CEDAW* and its Optional Protocol to which 185 countries are already parties. It urges States to reconcile their reservations in a manner that does not conflict with *CEDAW*'s object and purpose, and to take into consideration the concluding comments as well as the general recommendations of *CEDAW*. With the exceptions of operative paragraphs 14 and 15, there have been minimal revisions made to the resolution's text. Pre-ambular paragraph 7 now includes a reference to the *Beijing Declaration and Platform for Action*, pre-ambular paragraph 8 cites the *2005 World Summit Outcome*.

The text also sets the working procedures of the Committee between 2008 and 2010.²⁶ Debate during the informal consultations focused on three important procedural details: the number of sessions the Committee shall meet per year; whether to use a single chamber or dual chamber meeting structure to address the backlog of reports; and whether to host the location of the meetings in Geneva and New York or exclusively in Geneva, the Committee's new operational home base. The resolution calls for a total five sessions in 2008-2009, three of which will take place in parallel chambers. Two of these meetings will take place in New York and the remaining three in Geneva. From 2010 onwards, the resolution allows for three annual sessions (with each session lasting three weeks).

²³ See [A/C.3/62/L.20/Rev.1](http://www.un.org/ga/third/62/propolist.shtml). Available at <http://www.un.org/ga/third/62/propolist.shtml>

²⁴ This amendment calls for the Committee to meet "as necessary".

²⁵ See A/Res/60/230. Available at: <http://www.un.org/Depts/dhl/resguide/r60.htm>. Also see ISHR's recap of the General Assembly's 60th session. Available at <http://www.ishr.ch/hrm/archive/GA/GA%2060/GA60-FullReport.pdf>

²⁶ See the *Convention for the Elimination of Discrimination against Women (CEDAW)*. Available at: <http://www.un.org/womenwatch/daw/cedaw/committee.htm>

The vote

The Third Committee considered the draft resolution over the course of three separate votes requested by the USA – one vote each on operative paragraphs 14 and 15 because of serious budgetary implications and one vote on the overall document.²⁷ In its introductory statement, Denmark noted the dissension amongst Member States with respect to the number and locations of the Committee’s meetings as well as the ways in which to address the backlog.²⁸ Denmark also introduced an oral revision to the text in operative paragraph 14 which states one of the annual sessions taking place from 2010 onward “will take place at the UN Headquarters in New York”.

Operative paragraph 14 controversially gives the General Assembly temporary authority to spend close to \$11 million to help the Committee reduce the number of unaddressed reports by calling for an increase in the number of sessions between 2008 and 2009 as well as three sessions from 2010 onward. The resulting action showed 158 votes in favour, one vote against (USA), and nine abstentions.²⁹ Following the vote, Lichtenstein said it did not consider three annual sessions as the best way to clear the backlog and instead hoped for parallel chambers on a permanent basis.

The concern with operative paragraph 15 centred on whether to split the single chamber discussions into two separate sets of proceedings, which could, as Egypt noted, affect the Committee’s objectivity, neutrality, and balance of participants (in terms of legal expertise and cultural diversity). The paragraph was passed nonetheless with a vote of 143 States in favour, 3 against (USA, Syria, and Egypt), and 22 in abstention.³⁰ Following the vote, a variety of States commented on why they voted against or abstained from the vote. Japan supports parallel chambers with two annual sessions in 2008 and 2009, however, the representative expressed concern about the short-term possible budgetary implications (PBIs)³¹ and encouraged the budget requests for 2010 and 2011 to take this into account.³²

The third and final vote focused on the entire text and was passed with 173 States in favour, a sole State in opposition (USA), and no abstentions. In its statement made before the vote, the USA said that it voted no on operative paragraphs 14 and 15 because of the serious PBIs associated with an increased number of meetings. It also clarified that references to the *Beijing Declaration and Platform for Action* and its follow-up (in pre-ambular paragraphs 7 and 8) do not create, support, or endorse any rights to abortion. The USA delegation also said that with respect to operative paragraph 2, it believes that each State has the right to decide for itself whether or not to ratify a treaty. Following the vote, Singapore commented that while it voted in favour of this resolution it has concerns with operative paragraph 6 because it runs counter to the distinction between permissible and impermissible reservations as expressed in article 19.2 of the *Vienna Convention*.³³

²⁷ See GA/SCH/3911, 27 November 2007. Available at <http://www.un.org/News/Press/docs/2007/gashc3911.doc.htm>

²⁸ Australia also expressed its support for the resolution on the understanding that the budget to extend the meeting times would be provided from existing UN funding sources.

²⁹ The nine States abstaining from the vote on operative paragraph 14 include Brunei, Cambodia, China, Indonesia, Japan, Lichtenstein, Malaysia, Mali, and Singapore.

³⁰ The 22 States abstaining from the vote on operative paragraph 15 include Bahrain, Brunei Darussalam, Cambodia, Gambia, Indonesia, Japan, Kuwait, Malaysia, Mali, Mexico, Nicaragua, Niger, Oman, Pakistan, Poland, Qatar, Saudi Arabia, Singapore, United Arab Emirates (UAE), United Kingdom (UK), Venezuela, and Yemen.

³¹ Additional possible budgetary implications (PBIs) associated with operative paragraphs 14 & 15 are noted in the draft resolution A/C.3/62/L.87. Available at <http://www.un.org/ga/third/62/propslist.shtml>

³² **Additional States voting against operative paragraph 15 include:** Mexico: (doesn’t agree with the continued reliance on parallel chambers to address the backlog); United Kingdom (supports the resolution but doesn’t agree with the use of parallel chambers in this context; also believes all meetings should permanently take place in Geneva); and Syria (believes parallel chambers will lead to a lack of objectivity). **States abstaining from the vote on operative paragraph 15 include:** Venezuela (concerned about using parallel chambers on a permanent basis) and Cuba (opposes three annual sessions with parallel chambers but supports New York-based meetings).

³³ See the *Vienna Declaration*. Available at <http://www.ohchr.org/EN/AboutUs/Pages/ViennaWC.aspx>

Eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations³⁴

The resolution:

Urges States to:

- Take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual violation.
- End impunity by ensuring that all rape victims have equal protection under the law and equal access to justice, and by investigating, prosecuting, and punishing any person responsible for rape and other forms of sexual violence.
- Provide victims with access to appropriate health care, and to develop and implement a comprehensive strategy of prevention and prosecution of rape that should include the training of relevant Government and military personnel.
- Promote human rights education, including on all aspects of rape and other forms of sexual violence.
- Increase significantly their voluntary financial support for activities related to preventing and eliminating all forms of violence against women.
- Design programmes to provide assistance to all victims of rape.
- Address the long-term consequences of rape faced by victims of rape and other forms of sexual violence, including legal discrimination and social stigmatization, as well as the effects on children born as a result of rape.
- Undertake campaigns to raise awareness about the causes and consequences of rape and other forms of sexual violence, in cooperation with non-State actors.
- Requests the Secretary-General to report on the implementation of the present resolution to the 63rd session of the General Assembly.

The draft resolution on eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations, was sponsored by the United States of America (USA) and builds upon several international instruments that address discrimination on the basis of sex and race, as well as violence against women and children. Before the introduction of the resolution in the Third Committee, the USA organised a side event, which included speakers from the Darfur region, to discuss how rape is used as tool of oppression and can be state policy in certain countries.

The original text made specific reference to when rape is used by soldiers and militia as a tactic in intimidation and in warfare and proved to be one of the more controversial resolutions, evidenced by its numerous drafts and lengthy informal consultations. From the very first informal, several States expressed their disdain for the original title: Eliminating the use of rape and other forms of sexual violence as instruments to achieve political or military objectives.³⁵ The African Group, led by South Africa and Angola, found the text to be divisive, politicised, and selective due to its muted references to certain countries in that region. Although in principle the African Group was accepting of a resolution condemning rape, they felt that the USA's text created two categories of rape, that is, rape by military and militia groups and rape by civilians. It proposed instead to address rape in a holistic manner, and amendments were proposed throughout the text to delete inclusion of language on organized and state-sanctioned rape, which led to a considerable weakening of the final text in regard to its original intent of condemning and highlighting rape as a political or military tool.

³⁴ A/C.3/62/L.16/Rev.2. Available at <http://www.un.org/ga/third/62/propolist.shtml>

³⁵ A/C.3/62/L.16. Available at <http://www.un.org/ga/third/62/propolist.shtml>

Pakistan (on behalf of the G-77) also voiced its concern about the omission of human rights violations in situations of foreign occupation. Pakistan believed that such an omission gives armed forces and mercenaries free reign outside of their territorial jurisdiction. In the final text, the phrase was included.³⁶

Another issue that surfaced during the informal consultations was the need for an explicit reference to the International Criminal Court (ICC). This proposal was championed by Liechtenstein, as well as the European Union (EU). The representative of Liechtenstein wanted to include such a reference in operative paragraph 1(b), which ‘urges States to end impunity’ and hold all individuals accountable for their actions. There was an expected resistance from the USA on this issue, which did not get resolved in the final version.³⁷

The vote

The representative of the USA introduced A/C.3/62/L.16.Rev.2 by stating that after weeks of negotiations, there was finally an agreement on a final text. He went on to list several changes to A/C.3/62/L.16.Rev.2, including the title: Eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations. The Committee then approved the draft resolution, as further revised, without a vote, prompting several States to make general comments.

The representative of South Africa stated that the original draft proposed by the USA concentrated on condemning rape when perpetrated for political and military purposes. Such a classification would have created two categories of rape: rape by military or militia groups on one hand, and rape by civilians on the other hand. It was for this reason that Angola (on behalf of the African Group) sought to balance the text with the amendments contained in A/C.3/62/L.85. The African Group worked closely with the USA to convey a non-politicised message that rape is a brutal, grave, and violent act, regardless of who it is committed by.

The representative of the USA expressed his happiness that the text was approved by consensus after arduous negotiations and that over eighty countries joined as co-sponsors. In response to South Africa’s comment, the representative of the USA stated that the original draft did not intend to create two categories of rape and that the it focussed primarily on situations whereby a State could condone rape by members of its own forces. He stated that the USA wanted more emphasis on the use of rape for military objectives, but the inclusion of a paragraph on impunity, as well as language referring to help for rape victims, helped the USA put forward this draft instead. The representative of the USA concluded by stating that rape under any circumstances is an atrocious act and States have to step up efforts to address it.

The Syrian representative said that since the text has a legal nature, it should cover all forms of rape, not just rape in a political context. She also stated that her understanding of pre-ambular paragraph 5³⁸ and operative paragraph 1(b)³⁹ is that they should be dealt with through the principles and norms of international law, humanitarian law, and the Geneva Conventions of 1949, which include cases of armed conflict and foreign occupation.

The representative of Angola praised the collaboration between the African Group and the USA, saying it was a model of intergovernmental negotiation that resulted in a resolution that would improve the lives of rape victims.

³⁶ PP17 reads: “Recognizing that rape or any other form of sexual violence is unlawful in all circumstances and in all places, regardless of the sex or age of the victim, including in detention and in jails, whether or not in the course of an international or non-international armed conflict, or in areas under foreign occupation”.

³⁷ As of November 2007, 105 States are members of the International Criminal Court (ICC) and 41 countries have signed but not ratified the *Rome Statute*. The USA is critical of the ICC and has chosen not to ratify the *Statute*.

³⁸ PP 5 recalls previous resolutions on violence against women and children adopted by the General Assembly, the Security Council, the Economic and Social Council, and the Commission on Human Rights.

³⁹ Operative paragraph 1(b) urges States to end impunity.

The representative of Liechtenstein, Canada and New Zealand and the EU expressed concern that a reference to the ICC was not included in the text.

The improvement of the situation of women in rural areas⁴⁰

The resolution:

- Notes the attention paid to the improvement of the situation of indigenous women in rural areas in the *Declaration on the Rights of Indigenous Peoples (DRIP)*.⁴¹
- Recognizes the work of relevant UN agencies, funds, and programmes, especially the United Nations Educational, Scientific and Cultural Organization (UNESCO), in promoting education for all, giving particular attention to girls and women in rural areas.
- Reiterates the call for fair globalization and the need to translate growth into the eradication of poverty, including for all rural women.
- Promotes consultation with and the participation of rural women, including indigenous women, and women with disabilities, in the design, development, and implementation of gender equality and rural development programmes and strategies.
- Urges Member States to address the specific health needs of rural women and take concrete measures to enhance and provide access to the highest attainable standards of health for women in rural areas, including sexual and reproductive health.
- Declares that the 15 October of each year be proclaimed and observed as the International Day of Rural Women.
- Requests the Secretary-General to report to the General Assembly at its 64th session on the implementation of the present resolution.

This biennial draft resolution, sponsored by the delegation of Mongolia, builds on General Assembly Resolutions 60/138,⁴² 58/146,⁴³ and 56/128.⁴⁴ The resolution urges Member States, in collaboration with various UN agencies and civil society, to attach greater importance to the improving the situation of rural women when planning local, national, and global development strategies as well as to ensure follow-up to related UN's conferences and summits. Special emphasis is also placed on ensuring the rights of vulnerable groups, including women with disabilities and indigenous women.

The reference to the *DRIP* was one of the more controversial issues during informal consultations. While several members of the Group of Latin American and Caribbean countries (GRULAC) wanted to 'note with appreciation' the *DRIP*, the countries that voted against the *DRIP* strongly opposed such language.⁴⁵ The final compromise was to "note the attention paid to the improvement of the situation of indigenous women in rural areas in the *DRIP*". Another issue that had been repeatedly debated, namely sexual and reproductive health, was ultimately included in operative paragraph 2 (g) as well. The Third Committee and the General Assembly adopted the draft resolution without a vote, as orally revised.⁴⁶

Intensification of efforts to eliminate all forms of violence against women⁴⁷

⁴⁰ See A/C.3/62/L.19/Rev.1. Available at: <http://www.un.org/ga/third/62/propolist.shtml>

⁴¹ The *United Nations Declaration on the Rights of Indigenous Persons (DRIP)* was first adopted by the Human Rights Council in June 2006, and then adopted by the General Assembly in September 2007. Available at: <http://www.un.org/esa/socdev/unpfii/en/declaration.html>

⁴² See A/Res/60/140. Available at: <http://www.un.org/Depts/dhl/resguide/r60.htm>

⁴³ See A/Res/58/146. Available at: <http://www.un.org/Depts/dhl/resguide/r58.htm>

⁴⁴ See A/Res/59/168. Available at: <http://www.un.org/Depts/dhl/resguide/r58.htm>

⁴⁵ Australia, Canada, New Zealand, and the USA voted against the adoption of the *DRIP*.

⁴⁶ See GA/SCH/3903, 8 November 2007. Available at <http://www.un.org/News/Press/docs/2007/gashc3903.doc.htm>

⁴⁷ See A/62/C.3/L.15 Rev 1. Available at: <http://www.un.org/ga/third/62/propolist.shtml>

The resolution:

- Notes the attention paid to the elimination of all forms of violence against indigenous women in the *DRIP*.
- Expresses deep concern about the pervasiveness of all forms of violence against women and girls worldwide and reiterates the need to intensify efforts to prevent and eliminate it throughout the world.
- Stresses that States have the obligation to promote and protect all human rights and freedoms for all and must exercise due diligence to prevent, investigate, and punish the perpetrators of violence against women and girls.
- Expresses its appreciation for the high number of activities undertaken by the UN bodies, entities, funds, and programmes.
- Welcomes the decision of the Secretary-General to spearhead a multi-year system-wide campaign to eliminate violence against women and girls through 2015.
- Calls upon the Inter-Agency Network on Women and Gender Equality to intensify its consideration of ways and means to enhance the effectiveness of the UN Trust Fund in Support of Actions to Eliminate Violence against Women as a system-wide funding mechanism for preventing and redressing this kind of violence.
- Stresses that within the UN system adequate resources should be assigned to those bodies, specialized agencies, funds and programmes responsible for the promotion of gender equality and women's rights.
- Requests the Secretary-General to intensify his efforts to develop and propose a set of possible indicators on violence against women in order to assist States in assessing the scope, prevalence and incidence of violence against women.
- Also requests the Secretary-General to present an oral report to the 52nd session of the CSW's and to the General Assembly's 63rd session about all related efforts undertaken across the UN bodies, agencies, funds, and programmes.

Building upon current efforts across the UN system, this annual resolution seeks to focus and sustain national and international level attention on the phenomena of violence against women and girls while calling for more adequate indicators to aid in its prevention. This year's text builds upon General Assembly *Resolutions 61/143*⁴⁸ and *60/136*⁴⁹ and was convened by France and the Netherlands.

In 2000, the Netherlands introduced a resolution addressing violence committed against women focused on violations taking place in specific regions of the world, such as honour crimes. To address the criticism that the problem of violence against women affects all countries equally, in 2003⁵⁰ a Netherlands and France initiated resolution called for the Secretary-General to commission a study on violence against women (the Study)⁵¹ to address the root causes, the medium and long-term consequences, and social and economic costs of violence against women, and identify best practices for all relevant UN, civil society, NGO, and government stakeholders to combat it in all its forms.

This year's text emphasizes a more holistic and action-oriented approach than last year's, and is substantially shorter in length.⁵² With respect to the obligations of States, of particular note are: the mention of the *DRIP* in the context of the elimination of violence against indigenous women; and the responsibility to exercise due diligence to prevent, investigate, and punish the perpetrators of violence against women and girls.⁵³ The resolution also calls upon the international community, including the UN system and regional/sub-regional organizations, to focus on the empowerment of women and gender equality in their implementation

⁴⁸ See A/Res/61/143. Available at <http://www.un.org/Depts/dhl/resguide/r61.htm>

⁴⁹ A/Res/60/136 extended the completion date for the Study until 2006. Available at <http://www.un.org/Depts/dhl/resguide/r60.htm>

⁵⁰ See A/Res/58/185. Available at <http://www.un.org/Depts/dhl/resguide/r58.htm>

⁵¹ *Ending Violence against Women: From words to action*; Study of the Secretary-General, 2006. Available at: www.un.org/womenwatch/daw/vaw/index.htm

⁵² The number of pre-ambular paragraphs has been reduced from 12 in 2006 to 8 in 2007. The number of operative paragraphs has been reduced from 21 to eight.

⁵³ See PP4, PP2, and PP7.

programmes and to assign adequate resources to them.⁵⁴ The text also asks the Secretary-General to intensify his efforts to develop a set of indicators on violence against women in order to assist States in assessing the scope, prevalence and incidence of violence against women.

Unlike in 2006 where it was vigorously debated (yet still agreed upon by consensus),⁵⁵ this year's resolution was passed by consensus by the Third Committee with little fanfare, signalling the collaboration and cooperation amongst the States during informal consultations. Only one State commented substantively on the resolution following its adoption by consensus. One of them, the USA, clarified that references to the *Beijing Declaration and Platform for Action* and its follow-up (in pre-ambular paragraph 3) do not create, support, or endorse any right to abortion.

Violence against women migrant workers⁵⁶

The resolution:

- Notes with appreciation the discussions at the 51st session of the CSW⁵⁷ that paid particular attention to the situation of girl migrants, and the contribution of the International Labour Organization (ILO) through the development of a Multilateral Framework on Labour Migration.⁵⁸
- Stresses the shared responsibility of all stakeholders, in particular countries of origin, transit and destination; relevant regional and international organizations; the private sector; and civil society in promoting an environment that prevents and addresses violence against women migrant workers
- Recognizes that the intersection of gender, age, class, and ethnic discrimination and stereotypes can compound the discrimination faced by women migrant workers at all stages of the migration process
- Notes the attention paid in the *DRIP* to the elimination of all forms of violence and discrimination against indigenous women.
- Emphasizes the need for sex- and age-disaggregated data and statistics, and gender-sensitive indicators for research and analysis and a wide exchange of experience and lessons learned by individual Member States and civil society in policy formulation.
- Encourages Member States to consider signing and ratifying or acceding to relevant ILO conventions and to consider signing and ratifying or acceding to relevant international human rights instruments.⁵⁹
- Requests the Secretary-General to report to the General Assembly at its 64th session on the problem of violence against women migrant workers and on the implementation of the present resolution.

The biennial draft resolution, sponsored by the delegation of the Philippines, builds on the previous General Assembly *Resolution 60/139*⁶⁰ and *58/142*⁶¹ and the *Declaration on the Elimination of Violence against Women*.⁶² It also recalls discussions during the High-level Dialogue on International Migration and

⁵⁴ See OP3 and OP6.

⁵⁵ For more information on the General Assembly's 61st session proceedings, see http://www.ishr.ch/hrm/archive/GA/GA61/women_61.pdf

⁵⁶ See A/C.3/62/L.14/Rev.1. Available at <http://www.un.org/ga/third/62/propslist.shtml>

⁵⁷ The 51st session of the CSW took place from 26 February to 9 March 2007. For more information, see <http://www.un.org/womenwatch/daw/csw/51sess.htm>

⁵⁸ Available at <http://www.ilo.org/public/english/protection/migrant/>

⁵⁹ The following international instruments are mentioned in operative paragraph 2: the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*; the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*; the *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*; and all relevant human rights treaties.

⁶⁰ See A/Res/60/139. Available at <http://www.un.org/Depts/dhl/resguide/r60.htm>

⁶¹ See A/Res/58/142. Available at <http://www.un.org/Depts/dhl/resguide/r58.htm>

⁶² Available at <http://www.unhcr.ch/html/menu3/b/21.htm>

Development,⁶³ as well as all resolutions on violence against women adopted by the CSW, the Commission on Human Rights (CHR), and the Commission on Crime Prevention and Criminal Justice. The text takes note of the Secretary-General's report A/62/177.⁶⁴

The resolution urges Governments to enhance bilateral, regional, interregional, and international cooperation to address violence against women migrant workers as well as strengthen efforts to reduce their vulnerability. It also recognizes that the increasing participation of women in international migration, driven in large part by socio-economic factors, requires greater gender sensitivity such as sustainable development alternatives to migration in countries of origin.

During the informal consultations, the representative of the Philippines explained her aim of attempting to unravel the complex phenomenon of migration by addressing both 'push' and 'pull' factors. This resulted in specific references to the obligations of countries of origin, transit, and destination. Such a reference creates a 'shared responsibility'. Furthermore, the resolution includes protection of the most vulnerable groups such as indigenous women and girl migrants.

The Third Committee and the General Assembly adopted the resolution by consensus.

United Nations Development Fund for Women⁶⁵

The resolution:

- Welcomes the note by the Secretary-General on the activities of the United Nations Development Fund for Women (the Fund/UNIFEM), containing the results-focused report of progress in implementing its multi-year funding framework 2004-2007.
- Urges all organizations of the UN system, within their mandates, to mainstream a gender perspective and to pursue gender equality and the empowerment of women in all their programmes, planning instruments, and sector-wide programmes and to articulate specific global, regional, and country-level benchmarks.
- Calls upon the Inter-Agency Network on Women and Gender Equality to intensify its consideration of ways and means to enhance the effectiveness of the UN Trust Fund in Support of Actions to Eliminate Violence against Women as a system-wide funding mechanism for preventing and redressing all forms of violence against women and girls.
- Welcomes the strengthened partnership with the United Nations Development Programme (UNDP) to facilitate the participation of the Fund/UNIFEM in the work of the Joint Programme in order to avail its co-sponsors of the expertise of the Fund/UNIFEM with respect to the gender dimensions of HIV/AIDS.
- Encourages the Fund/UNIFEM, within its mandate, to continue to assist Governments in implementing the rights of indigenous women, in accordance with international human rights obligations and taking into account, as appropriate, the *DRIP*.
- Calls for further clarification of the lines of responsibility, especially between the UNDP and the Fund/UNIFEM, to ensure that the resident coordinator system and the UN country teams provide coherent support to countries on gender equality.

This biennial text was convened by the Estonian delegation and builds upon General Assembly *Resolutions* 39/125 of 1984⁶⁶ and 60/137 of 2005.⁶⁷ It praises the Fund/UNIFEM's focus on programmes related to key thematic areas outlined in its strategic plan 2008-2011, which include enhancing women's economic security

⁶³ The High-Level Dialogue on International Migration and Development took place on 14 and 15 September 2006. For more information, see <http://www.un.org/esa/population/hldmigration/>

⁶⁴ See A/62/177, *Report of the Secretary-General on violence against women migrant workers*. Available at <http://www.un.org/ga/third/62/docslist.shtml>

⁶⁵ See A/C.3/62.L.17. Rev 1. Available at: <http://www.un.org/ga/third/62/propslist.shtml>

⁶⁶ See A/Res/39/125. Available at <http://www.un.org/Depts/dhl/res/resa39.htm>

⁶⁷ See A/Res/60/137. Available at <http://www.un.org/Depts/dhl/resguide/r60.htm>

and rights; eradicating violence against women and reducing the prevalence of HIV/AIDS among them; and achieving gender equality in democratic governance.

Seven new operative paragraphs are included in the resolution this year. These insertions include an indirect reference to the reform of the gender equality architecture, including mentioning the need for the UN System, Member States, and intergovernmental bodies to intensify efforts to strengthen cooperation between and ensure adequate status and resourcing of gender entities.⁶⁸ The text also welcomes the Fund/UNIFEM strengthened partnership with UNDP on HIV/AIDS initiatives;⁶⁹ and encourages cooperation between the Fund/UNIFEM and UN country teams and missions.⁷⁰ Additional revisions were made to operative paragraphs one (mentions the 2008-2011 UNIFEM strategic plan); operative paragraphs seven through 11 (encourages the Fund/UNIFEM's participation in high-level inter-agency coordination mechanisms across the UN system and at the country-level); and operative paragraph 13 (notes the Fund/UNIFEM's initiatives with respect to women in armed conflict, peacemaking, and peace building). Also new to the text is a reference to the *DRIP*.⁷¹

The Third Committee passed the resolution by consensus.⁷² During its introductory statement, Estonia underscored the Fund/UNIFEM's technical strengths in "promoting the empowerment of women" and in "supporting gender equality" and justice within democratic systems of law. Following the resolution's adoption, the USA clarified that references to the *Beijing Declaration and Platform for Action* and its follow-up do not create, support, or endorse any rights to abortion.

Term of office of the members of the Consultative Committee on the United Nations Development Fund for Women⁷³

Convened by Estonia, this straight-forward text is closely related to this year's resolution entitled *United Nations Development Fund for Women*.⁷⁴ Taking into account the recent resignation of two members on its Consultative Committee, the resolution enables the President of the General Assembly to appoint two replacements to the Fund/UNIFEM, in accordance with General Assembly resolutions 31/133⁷⁵ from 1976 and 39/125⁷⁶ from 1984.

The Third Committee and General Assembly approved the resolution by consensus.

Follow-up to the Fourth World Conference on Women and implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the GA⁷⁷

The resolution:

⁶⁸ OP4. A/C.3/62/L.17. Rev 1. Available at: <http://www.un.org/ga/third/62/propolist.shtml>

⁶⁹ OP17, Ibid.

⁷⁰ OP 18 and 19, Ibid.

⁷¹ OP21, Ibid.

⁷² See also GA/SCH/3907, 16 November 2007. Available at: <http://www.un.org/News/Press/docs/2007/gashc3907.doc.htm>

⁷³ See A/C.3/62/L.18 Rev 1. Available at <http://www.un.org/ga/third/62/propolist.shtml>

⁷⁴ See A/C.3/62/L.17 Rev 1. Available at: <http://www.un.org/ga/third/62/propolist.shtml>

⁷⁵ See A/Res/31/133. Available at <http://www.un.org/documents/ga/res/31/ares31.htm>

⁷⁶ See A/Res/39/125. Available at <http://www.un.org/Depts/dhl/res/resa39.htm>

⁷⁷ See A/C.3/62/L.89. Available at <http://www.un.org/ga/third/62/propolist.shtml>

- Urges Governments, all entities of the UN system, and relevant civil society actors to ensure the integration of gender perspectives in the implementation of and follow-up to all UN summits, conferences, and special sessions.⁷⁸
- Underlines the catalytic role played by the CSW, and requests that entities of the UN system systematically incorporate the outcomes of the CSW into their work.
- Encourages the subsidiary bodies of the General Assembly to incorporate gender-equality perspectives systematically in their discussions and outcomes.
- Requests that reports of the Secretary-General submitted to the General Assembly facilitate gender-sensitive policy development by more systematically including qualitative gender analysis, data, and recommendations for further action.
- Requests the Secretary-General to continue to report annually to the General Assembly, the CSW, and the Economic and Social Council on the follow-up to and progress made in the implementation of the *Beijing Declaration and Platform for Action*.

The draft resolution on the Follow-up to the Fourth World Conference on Women and full implementation of the *Beijing Declaration and Platform for Action* and the outcome of the twenty-third special session of the General Assembly, tabled by the Third Committee Chairman, builds on last year's resolution⁷⁹ and calls for action at the national, regional, and international levels for full implementation of the *Beijing Declaration*.⁸⁰

The resolution calls upon the UN system to continue its efforts towards achieving the goal of gender balance. It requests the Secretary-General to provide an oral report to the CSW at its 52nd session,⁸¹ to report to the General Assembly at its 63rd session, and to include within his report human resources management information on the status of women in the UN system.

During the informal consultations, Pakistan (on behalf of the G-77) wanted an explicit breakdown of the percentage of women in the UN system. Such a breakdown would include women's nationalities, allowing for an analysis of the percentage of women from developed and developing countries. The G-77 also stressed the need for providing technical assistance to women and ensuring their active participation in decision-making. Portugal (on behalf of the EU), Canada, and New Zealand sought the inclusion of girls' rights throughout the text.⁸²

The resolution was adopted by consensus by the Third Committee and the General Assembly. After adoption in the Third Committee the USA and Egyptian representatives stated that they understood the resolution does not support a right to abortion. The representative of the USA also expressed reservations about references to *CEDAW* in operative paragraphs 3 and 5, which pertain to the implementation of *CEDAW*.

BACKGROUND

The General Assembly is the main deliberative organ of the UN. It is composed of representatives of all member States and has a general mandate to discuss and make recommendations on any matters within the scope of the *United Nations Charter*. Under Article 13 of the Charter, the General Assembly is specifically

⁷⁸ The following events are explicitly mentioned: the Commemorative High-level Plenary Meeting Devoted to the Follow-up to the Outcome of the Special Session of the General Assembly on Children in 2007; the 15th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change; the 3rd session of the Conference Parties serving as the Meeting of the Parties to the Kyoto Protocol in Bali in 2007; the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus in Doha in 2008; and the Third High-level Forum on Aid Effectiveness in Accra in 2008.

⁷⁹ See A/Res/61/145. Available at <http://www.un.org/Depts/dhl/resguide/r61.htm>

⁸⁰ The Fourth World Conference on Women took place in Beijing, China in September 1995. For more on the *Beijing Declaration and Platform for Action*, see <http://www.un.org/womenwatch/daw/beijing/platform/>

⁸¹ For more information on the 52nd session of the CSW, see <http://www.un.org/womenwatch/daw/csw/52sess.htm>

⁸² OP 7 (f) and (j).

mandated to ‘initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion’. The regular session of the General Assembly runs from the beginning of September to the end of December. Each year the GA addresses over 150 agenda items, which are considered either in the plenary or in one of its six committees.⁸³ The Third Committee (Social, Cultural, and Humanitarian) addresses most agenda items relevant to human rights defenders, including advancement of women, children’s rights, the rights of indigenous peoples, the elimination of racism, and human rights questions. Numerous special procedures also report to the Third Committee on a number of these issues and engage in an interactive dialogue with States. The Fifth Committee (Administrative and Budgetary) is also particularly relevant to human rights defenders since it evaluates and approves the budgetary requirements arising out of the work of the other five committees. After completing their work, the Third and the Fifth Committee, as well as the other three main committees, submit draft resolutions to the General Assembly for final adoption.

⁸³ Information on the main committees of the General Assembly (GA) is available at <http://www.un.org/ga/maincommittees.shtml>

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