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Overview

The Human Rights Council (the Council) held its annual debate on gender integration with a focus on the work of the special procedures. The debate identified some achievements and challenges and, most importantly, gave some momentum to specific proposals to advance these issues within the Council. These included the possible creation of a gender focal point or group within the Council, the potential establishment of a special procedures mandate on laws that discriminate against women, and the recording of conclusions and recommendations to be used in future discussions, which would allow for more focused follow-up.

The Council also continued interactive dialogues on international solidarity, contemporary forms of slavery, and the sale of children, child prostitution and child pornography. There was also a discussion on the review of the mandate on toxic waste and an update from the Working Group on the right to development. Furthermore, the Government of Sudan hosted informal consultations on the situation in Darfur.

Panel discussion on integration of a gender perspective in the work of the Council

The Council held its annual debate on gender integration with a focus on the work of the special procedures. The objective was an assessment of progress since last year's discussion¹ and challenges faced in fulfilling the Council's responsibilities in this regard. The discussion seemed to draw somewhat less interest than last year, although it took place with the presence of both the High Commissioner for Human Rights and her Deputy, and not all delegations wishing to take the floor were able to do so. Overall, the discussion was useful for identifying some achievements and challenges and, most importantly, in giving some momentum to specific proposals to advance these issues within the Council.

The panel was moderated by Ambassador of Colombia, Ms Clemencia Forero Ucros, and was composed of Mr James Anaya, Special Rapporteur on the situations of human rights and fundamental freedoms of indigenous people, Ms Najat M'jid Maala, Special Rapporteur on the sale of children, child prostitution and child pornography, Mr Sandeep Prasad, Action Canada for Population and Development and the Sexual Rights Initiative, and Ms Gulnara Shaninian, Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

The High Commissioner for Human Rights, Ms Navanethem Pillay, opened the panel by commenting that there have been few tangible results in this area and recommended that States repeal laws which have a discriminatory effect on women. Ms Ucros emphasised the necessity of separating women's human rights issues from that of gender mainstreaming, as the former deals with substantive issues while the latter deals with methodology. Ms Shaninian's recommendations for integrating a gender perspective into her mandate included awareness-raising via the publication of fact sheets, the sharing of best practices, and cooperation with the gender unit of the Office of the High Commissioner for Human Rights (OHCHR) to develop a set of standards. Mr Anaya focused on the need to promote the participation of indigenous women in decision-making. He also suggested that the universal periodic review (UPR) mechanism be used to examine laws and policies regarding women. Ms Maala suggested the creation of a reference framework based on key international human rights instruments regarding the integration of a gender perspective. She also asserted the importance of including the participation of children in her own and other special procedures mandates. Mr Prasad highlighted the importance of including civil society in the promotion of human rights. He also supported the inclusion of a set of guidelines on gender mainstreaming in the *Manual of the United Nations Human Rights Special Procedures*.

States generally recognised that the Council has made significant progress in incorporating a gender perspective into its work. In this regard, States highlighted that many resolutions now contain references to integrating a gender perspective,² several special procedures have successfully applied a gender perspective in their work,³ and a better gender balance has been achieved in the selection of mandate holders.⁴ In relation to the latter point, Pakistan, on behalf of the Organisation of the Islamic Conference (OIC), Nigeria, and Algeria argued that more women from developing countries should be candidates for special procedures mandates.

¹ For more information see ISHR's *Daily Update* reports of 21 and 22 September 2007. See also the summary of that the discussion by the moderator available on the OHCHR extranet. The OHCHR extranet can be accessed (fill out the form on the page to receive the user name and password) at www.ohchr.org/english/bodies/hrcouncil/form.htm.

² France, on behalf of the European Union (EU), Mexico, Finland, New Zealand.

³ Philippines.

⁴ Mexico.

Several speakers identified the need for more systematic gender integration in the work of the Council.⁵ One NGO noted that the special procedures mandates on economic and financial trends tend to not adopt a gender perspective.⁶

It was rather disappointing that Chile, which has been leading this issue at the Council, merely recommended that the **special procedures** incorporate a gender perspective into all aspects of their work. New Zealand was more specific in recommending that all special procedures' reports should contain sex-disaggregated data, information on gender implications related to the topic, and detail on consultations held with women's groups in drafting the report. The Philippines also echoed suggestions made by Ms Maala that the special procedures should collect sex-disaggregated data and make more specific recommendations.

States also queried how the Council could play a role in ensuring implementation of special procedures recommendations,⁷ and whether there would be different approaches to gender integration between country mandates and thematic mandates.⁸ Thailand asked about the role of the Coordination Committee of special procedures in relation to systematic integration of a gender perspective. In this regard, Mr Prasad reiterated the suggestion that the *Manual of the United Nations Human Rights Special Procedures* be updated to include guidelines on this topic. Several States asked how the special procedures are coordinating this aspect of their work, how they are sharing strategies,⁹ and what the main challenges are in integrating a gender perspective.¹⁰ In response to the latter question, Ms Maala replied that it is critical that women are seen as full stakeholders. She also pointed out that performance indicators are needed for assessing equal rights.

Interestingly, a previous proposal to establish a new special procedures mandate on laws that discriminate against women¹¹ was taken up again. France asked the High Commissioner to make proposals on how the Council could contribute to addressing this issue. She responded rather cautiously that her predecessor, Ms Louise Arbour, had supported the creation of a new special procedures mandate, but that she herself merely urges the consideration of a 'special mechanism of whatever nature'. She also underlined that any such initiative must be driven by member States. Human Rights Watch and Amnesty International supported the creation of such a new special procedures mandate and identified this area as a critical protection gap within the system of special procedures. Mr Prasad argued that this is just one among a number of protection gaps that also have significant gender dimensions, and urged the Council to close these gaps. The Council has only established one new special procedures mandate since its creation, and it will be interesting to see if States will follow through on this sensitive but clearly important issue.

Slovenia and Algeria asked for an evaluation of the integration of a gender perspective into the **UPR**. The High Commissioner simply stated that the UPR is 'an ongoing process' in its early stages of assessment. Ms Maala suggested that the UPR should look more systematically at gender issues and how recommendations from special procedures could be implemented. Mr Prasad noted that there are challenges on two levels in relation to the UPR. One relates to the sources of information on gender and women's human rights, including whether the sources possess the necessary expertise on these topics and whether women were consulted in the preparation of the submission to the UPR. Secondly, he identified a need for more systematic attention to these issues in the interactive dialogues, and for more specific recommendations. In this regard,

⁵ Mexico, Finland, China, Development Alternatives with Women for a New Era (DAWN), United Nations Population Fund (UNFPA).

⁶ DAWN.

⁷ France (on behalf of the EU).

⁸ Switzerland.

⁹ France (on behalf of the EU).

¹⁰ Slovenia.

¹¹ For more information, see 'Project on a mechanism to address laws that discriminate against women', by Farena Banda for the Office of the High Commissioner for Human Rights (OHCHR). Available at www.ohchr.org/Documents/Publications/laws_that_discriminate_against_women.pdf

Mr Prasad suggested that the creation of a gender focal point or group of States could overcome the latter challenge. Notably, Japan also proposed that the inclusion of a gender perspective be made explicit in the UPR guidelines.

Some States commented on the relationship between the Council's work on gender integration and the efforts throughout the **United Nations (UN) system** towards a strengthened 'gender architecture'.¹² Slovenia and Brazil highlighted the need for close coordination with the system in New York, while the Republic of Korea supported a strengthening of the architecture by creating a new position of Under Secretary-General on gender. The High Commissioner observed that there is momentum behind the creation of a new women's entity in the UN system.

Other suggestions included that the Council consider developing guidelines on women in armed conflict,¹³ that the High Commissioner consider remedying the under-representation of women in decision-making positions in OHCHR, and that the Durban Review Conference incorporate a gender perspective.¹⁴

Algeria and Azerbaijan supported the continuation of the annual discussion on gender integration, with Algeria proposing that this should result in the formulation of targeted recommendations for the Council's work. Notably, Morocco, supported by New Zealand, suggested that for the next debate, a brief summary of conclusions and recommendations from previous sessions should be made available. Morocco also suggested that OHCHR compile good practices as input to future discussions.

Report of the Working Group on the right to development¹⁵

The Chairperson-Rapporteur of the Working Group on the right to development, Mr Arjun Sengupta, took the floor to provide an update on the work of the Working Group. He urged the Council to extend the mandate of the High-Level Task Force on the implementation of the right to development until the 11th session of the Working Group in 2010. In particular, Mr Sengupta stressed the importance of continuing the efforts of these bodies to complete the mandate handed to them in Council *Resolution 4/4*. This text called for the development of a set of criteria for the periodic evaluation of global partnerships as identified in Millennium Development Goal 8, and for the use of such criteria to elaborate a comprehensive and coherent set of standards for the implementation of the right to development.

Two key areas of attention were access to essential medicines and the transfer of relevant technology. The next phase of work is likely to stretch into 2010, and Mr Sengupta suggested the expansion of the membership of the Task Force to allow for more specialised expertise. He stressed that the work of the Working Group and that of the Task Force is complex and requires adequate resources, political commitment, and substantive input from States and relevant institutions.

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¹² Slovenia, Republic of. Korea, Iran, Russian Federation.

¹³ Pakistan (on behalf of the OIC) and Azerbaijan.

¹⁴ Algeria.

¹⁵ A/HRC/9/17, available at www2.ohchr.org/english/bodies/hrcouncil/9session/reports.htm.

Interaction with special procedures

International solidarity (continued)

The Council had an interactive dialogue with the Independent Expert on human rights and international solidarity, who had presented his report the previous day.¹⁶ Several States encouraged the Independent Expert to continue his efforts in drafting a declaration on international solidarity.¹⁷ Malaysia urged the Independent Expert to use the responses to his questionnaire on this subject to formulate action-oriented recommendations which, in turn, could integrate the various viewpoints into a ‘global partnership for development’.

Cuba stressed the close link between international solidarity and international cooperation,¹⁸ and argued that the latter principle is entrenched in international human rights instruments. According to Cuba, international solidarity should be based on the principles of humanism, equity, and social justice. Bangladesh considered international solidarity to be a ‘central pillar’ of international relations, as reflected in the *Millennium Declaration*. In this context, Bangladesh believed that international cooperation could unite the global community in the struggle against HIV/AIDS, climate change, and poverty. It stressed that the realisation of the right to development could enhance global solidarity, and expressed its support for the elaboration of general guidelines on this issue.

Algeria asserted that the principle of international solidarity requires States and international institutions to show consistency – they should refrain from advocating international cooperation while at the same time adopting positions in multilateral organisations (particularly financial institutions) which hinders such cooperation.¹⁹

Tunisia referred to the World Solidarity Fund as both a timely tool of the UN for tackling poverty eradication, and a powerful channel for partnership and joint development efforts. Meanwhile, Sri Lanka stressed that combating terrorism (particularly funding for terrorist activity) calls for international solidarity, which should not be dependant on race, religion, or geography.

Contemporary forms of slavery (continued)

Following the previous day’s presentation of the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences,²⁰ the Council continued its interactive dialogue with the mandate holder, Ms Gulnara Shahinian. Turkey stated that child labour exists due to the hidden nature of economic exploitation. It suggested that, in order to effectively combat child labour, the Special Rapporteur work closely with the Special Rapporteur on the right to education. France requested more information on the activities that the Special Rapporteur intends to undertake in order to promote awareness of contemporary forms of slavery.²¹ The Netherlands raised the issue of children working in sweatshops, and enquired whether any trade measures could be contemplated to prevent this trend. Costa Rica suggested an in-depth analysis of the economic, political, and social factors that make contemporary slavery possible. The Commission of the African Union suggested that there is a clear link between the issues of racism and contemporary slavery, and

¹⁶ A/HRC/9/10, available at www2.ohchr.org/english/bodies/hrcouncil/9session/reports.htm. For an account of the initial part of the interactive dialogue on this issue, see ISHR’s *Daily Update* of 10 September 2008, available at www.ishr.ch.

¹⁷ Cuba, Bangladesh, Malaysia.

¹⁸ Echoed by Burkina Faso.

¹⁹ Echoed by the Islamic Republic of Iran.

²⁰ A/HRC/9/20, available at www2.ohchr.org/english/bodies/hrcouncil/9session/reports.htm. For an account of the initial part of the interactive dialogue on this issue, see ISHR’s *Daily Update* of 10 September 2008, available at www.ishr.ch.

²¹ Echoed by the United Kingdom.

recommended that the struggle against slavery be considered at the Durban Review Conference on Racism. Franciscans International proposed that forced marriage be included in the mandate on contemporary forms of slavery.

In reply, the Special Rapporteur stressed that she will conduct consultations with other mandate holders to prevent duplication with their work. She agreed with the view expressed by the Commission of the African Union that racism is one of the main issues at the heart of slavery, and informed the Council that she has made a submission to the Durban Review Conference. Furthermore, the Special Rapporteur reported on her intention to work closely with schools to distribute information and raise awareness, and to cooperate with transnational corporations to address the issue of child labour. She also plans to publish a book on best practices to promote the eradication of slavery. She mentioned that forced prostitution and forced marriage are also 'priority areas' and may be taken up in her work at a later date.

Sale of children (continued)

Following the previous day's presentation of the report of Ms Najat M'jid Maala, Special Rapporteur on the sale of children, child prostitution and child pornography,²² the interactive dialogue continued. Several States commended the Special Rapporteur on her initial report and the strategic direction she has set out for her mandate. Others also welcomed the intended thematic focus she had identified for her upcoming reports.²³

Brazil urged the Special Rapporteur to conduct an analysis of the root causes of the issues that her mandate covers.²⁴ Belarus stressed the importance of addressing the increasing demand for child pornography, and of devising concrete steps to combat it, including through monitoring of the media and the internet. It also called for improved international measures to combat trafficking in children's organs.

France (on behalf of the EU) stressed the need to raise awareness of the issues covered by the mandate, and thereby improve the global understanding of these phenomena. Sweden urged the Special Rapporteur to coordinate with other relevant mandate holders on her issues (for example, those dealing with violence against women and children, and children and armed conflict).

Thailand urged the Special Rapporteur not to rely solely on secondary sources to establish violations of children's rights as a basis for requesting country visits. Brazil expressed the hope that the draft UN guidelines on the protection of children without parental care would be approved by the Council at its current session. Sweden encouraged governments and UN special procedures to participate in the upcoming 3rd World Congress against Commercial Sexual Exploitation of Children, to be hosted by Brazil.

The Islamic Republic of Iran argued that the promotion of suitable cultural and religious values, including through strengthening the foundations of the family, could contribute to eradicating the sexual exploitation of children.

The Special Rapporteur thanked States for their strategic proposals, and recognised the importance of conducting a causal analysis of the issues covered by her mandate to create a better understanding of the supply and demand dimensions of the sale of children, child prostitution and child pornography. The Special Rapporteur also urged improved coordination and cooperation between relevant actors (States, civil society,

²² A/HRC/9/20, available at www2.ohchr.org/english/bodies/hrcouncil/9session/reports.htm. For an account of the initial part of the interactive dialogue on this issue, see ISHR's *Daily Update* of 10 September 2008, available at www.ishr.ch.

²³ France (on behalf of the EU), Sweden, Nigeria, Uruguay. The Special Rapporteur intends to undertake three thematic studies: on child pornography, the sale of children's organs, and the sale of children for the purpose of adoption.

²⁴ Similarly, Malaysia expressed support for the efforts of the Special Rapporteur to undertake an analysis of the socioeconomic, cultural, economic, and other factors which underpin this issue.

the private sector, donors, and UN agencies). She asserted that follow-up to her work will be key to improving the situation on the ground – visits and reports cannot be an end in themselves, and require further action, for example through the UPR mechanism.

Review, rationalisation and improvement of
special procedures mandates

Toxic waste

The Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr Okechukwu Ibeanu, introduced his mandate and stressed the need for its renewal. He reported that, from the 1980s onwards, there has been an increase of movement of toxic waste across the globe. He emphasised that illicit dumping of toxic and dangerous products and wastes pose a serious threat to the environment, as well as to the enjoyment of internationally protected human rights, including the right to life, the right to the enjoyment of the highest attainable standard of physical and mental health, and the right to clean water, food, and adequate housing.

Cote d'Ivoire, the original sponsor of this mandate, spoke about the need to continue the mandate and expand its scope.²⁵ It stressed that developed countries must not view developing countries as a 'dumping ground' for toxic waste. Cote d'Ivoire claimed that country visits and dialogues with governments are essential to the full implementation of the scope of this mandate. It welcomed the existence of environmental and sanitary centres and expressed its hope that developed countries would transmit their knowledge and experience to developing countries.

France (on behalf of the EU) noted the importance of the issue of dumping toxic waste and its adverse effects on the environment. Nevertheless, it expressed its concern that the proposal to expand the mandate to cover the licit movement and dumping of toxic waste goes beyond the mandate of the Council. Nigeria, Ghana, and Zambia all expressed their support for the renewal and extension of this mandate. At the same time, they called for more resources to be made available to this mandate. The UN Environment Programme (UNEP) stated the clear link between human rights and the environment, and stressed the need for international and regional cooperation.

Cote d'Ivoire concluded by emphasising that the Council is the appropriate forum in which to deal with the issue of toxic waste and its impact on human rights. It restated that the objective of the Council is to make the exercise of human rights more effective and to avoid 'political manipulation'.

Informal consultations

Situation in Darfur

The Permanent Mission of Sudan hosted an informal presentation on the current situation in Darfur.²⁶ The meeting painted a very positive picture of the current situation in the Sudan, including positive legislative

²⁵ For more information and an account of the interactive dialogue on this issue, see ISHR's *Daily Update* reports of 9 and 10 September 2008, available at www.ishr.ch.

²⁶ The panellists were Mr Osman M. Kobor, Governor of Darfur, Dr Abdel Daiem Zumrawi, Under-Secretary of the Ministry of Justice and Head of the Sudan Delegation to the Expert Group Meetings, Mr Hassabo M. Abdelrahim, Commissioner, Humanitarian Aid Commission, and Mr John Ukec Lueth Ukec, Ambassador of Sudan to the UN Office at Geneva.

developments, parliamentary representation, elections, and the protection of children. The Sudan expressed a 'vigilant' commitment to improving the human rights situation.

Questions raised by the audience shifted the tone of the meeting and prompted bold statements by the representatives of the Sudan, including the assertion that until such time as a peace agreement is signed and binding, the Government's right to self-defence will prevail and will be exercised 'at any cost'. The representatives of the Sudan also suggested that the media coverage of the situation in the Sudan is biased, and assured that the situation is 'stable'. Rebels and their failure to sign the Comprehensive Peace Agreement were considered as responsible for the persisting problems, and the representatives of the Sudan urged the international community to shift its pressure onto the rebels and away from the Government. In response to questions from the audience on internally displaced persons (IDP), the representatives of the Sudan reported that there are 720,000 IDP in designated camps. It insisted that any Government-led attacks are not directed at civilians, but rather at 'hijackers' and 'looters'.

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