

COUNCIL MONITOR

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COUNCIL UPDATE – ITEM 8 –INTEGRATION OF A GENDER PERSPECTIVE IN THE COUNCIL’S WORK HUMAN RIGHTS COUNCIL, 12TH SESSION 28 SEPTEMBER 2009

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Overview

On 28 September, the Human Rights Council (the Council), held its annual discussion on the integration of a gender perspective into the work of the Council, with a focus on the universal periodic review (UPR). This discussion followed Council *Resolution 5/1*, which recognises the importance of gender integration and specified that the UPR must ‘fully include a gender perspective’ in all aspects of the review, as well as Council *Resolution 6/30*,¹ in which the Council decided to hold an annual evaluation of progress achieved on integrating a gender perspective into its work and that of its mechanisms.

The discussion was rather broad and covered general technical issues, such as opportunities to improve the cooperation between the treaty monitoring bodies and the UPR, and proposals for introducing new instruments that ensure an inclusion of gender issues into the UPR process. It also touched on more specific gender issues such as women in armed conflict.

Presentations by panellists

In her introductory statement Ms Mona Rishmawi, Officer in Charge of OHCHR's Research and Right to Development Division, speaking on behalf of the High Commissioner for Human Rights, positively noted that since the introduction of the UPR, many countries have made commitments regarding women’s rights. However she highlighted a discrepancy in the inclusion of a gender perspective at different stages of the review. While women’s human rights issues are relatively rarely included in national reports and in the compilations prepared by OHCHR, they often feature prominently in the interactive dialogue with the Working Group. Furthermore, she stressed that the dialogues in the Working Group focused only on a few issues, such as education, equality, domestic violence and have not adequately reflected the interrelatedness of gender issues. She suggested that in the future, the reviews should address interrelated issues such as women’s rights to housing, equal access to land, political representation, right to reproductive choice and family planning, challenges for indigenous women, elderly women, women living in poverty, and women’s right to development. In relation to negotiations taking place during the 12th session, she noted with interest plans to establish a new special procedure on laws that

¹ A/HRC/RES/6/30.

discriminate against women. She concluded her statement by noting that the development of good practices is still ongoing and it was too early to assess the effectiveness of integrating a gender perspective into the work of the Council.

The high-level panel included members and chairpersons of three treaty bodies and the Working Group on enforced disappearances, as well as UPR stakeholder representatives from an NGO and a national human rights institution (NHRI).² All panellists shared the view, that the interrelatedness of gender equality and women's rights issues needed to be addressed. Furthermore a common suggestion was to include a set of gender-related indicators within the questions to the State under review.

Ms Leilani Farah, Executive Director of the Centre of Equality Rights in Accommodation, highlighted the importance of considering NGO reports in all phases of the UPR. She noted that some treaty monitoring bodies are more open to NGO inputs, particularly when it comes to including their concerns in the recommendations. She therefore suggested that the UPR should enhance and deepen its dialogue with NGOs, such as holding briefings before the review or creating other opportunities for NGOs to actively participate. Ms Farah also hoped that the UPR itself would become more responsive to the concerns of women, and she suggested introducing measures to question if States' rejections of recommendations are in line with their human rights obligations.

Ms Cecilia Rachel Quisumbing, Member of the National Human Rights Commission of the Philippines, suggested redefining the requirements for national reports in order to include a gender perspective. This could be achieved by including questions on gender equality into the questionnaire sent to the State under review by the 'troika'. Furthermore she stressed the expertise of NHRIs and recommended that they could be allowed to submit their own report during the UPR. Another suggestion was to create a database on gender issues, through which treaty bodies and special procedures could share and process information.

Mr Jeremy Sarkin, Member of the Working Group on enforced and involuntary disappearances, expressed concern about a lack of gender-relevant data provided by States. Therefore, he urged that States under review should be asked to provide a detailed report on the situation of women in the country, and to introduce a follow-up mechanism to track changes over time. He also suggested that gender issues could be made a standard issue for States when reporting to the UPR. He recommended that more qualified women needed to be involved in the UPR process, for instance through the involvement of gender experts in the compiling of information by OHCHR. He also suggested that the 'troika' and every State under review should have a gender expert in their delegation.

Ms Maria Virginia Bras Gomes read out the statement of **Ms Barbara Evelyn Bailey**, Member of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). Ms Bailey recommended including the gender perspective in State reports in a standardised way such as by defining gender indicators. Moreover a technical UPR Working Group could be introduced to specifically follow-up gender issues. At the national level, she proposed, a leading agency could be in charge for the implementation of recommendations on gender.

Ms Fatimata-Binta Victoire Dah, Chairperson of the Committee on the Elimination of All Forms of Racial Discrimination (CERD), explained the synergy between CERD and the UPR. CERD integrates the conclusions of the UPR and in turn has already influenced the basis of review though the OHCHR compilation of special procedures and treaty bodies information. She noted that it was too early to measure the impact of treaty body recommendations in the UPR.

Ms Maria Virginia Bras Gomes, Member of the Committee on Economic, Social and Cultural Rights (CESCR) highlighted challenges of ensuring gender equality at the national level. She said that many States have difficulties recognising gender inequality as a priority issue. Furthermore some States do not collect sex-disaggregated data.

² Ms Barbara Evelyn Bailey, member of the CEDAW was not present; Ms Fatimata-Binta Victoire Dah, chairperson of CERD; Ms Maria Virginia Bras Gomes, member of the CESCR; Mr Jeremy Sarkin, chairperson Working Group on Enforced or Involuntary Disappearances; Ms Leilani Farha, Executive Director of the Centre for Equality Rights in Accommodation; and Ms Cecilia Rachel Quisumbing, Commissioner of the Commission on Human Rights of the Philippines.

She suggested a common framework of indicators that would allow a systematic evaluation of gender equality at the national level.

Interactive Dialogue

The majority of statements supported the recent General Assembly *Resolution A/63/L.103* adopted on 14 September 2009 entitled ‘System-wide coherence’ to merge the UN’s four separate women’s entities³ into a **single, fully-fledged UN entity**, headed by an Under Secretary-General, the third highest-ranking position within the UN hierarchy.⁴

Many highlighted the important **role of the Council** in promoting gender equality.⁵ Brazil and the Russian Federation asked the Council to contribute to the new unified UN gender agency. More statements addressed the **synergies and complementarities of the UPR and the treaty monitoring bodies** and questions were raised on how cooperation can be optimised, in terms of cross-referencing State obligations.⁶ It was further recommended that the UPR should be used to assess the implementation of gender-related recommendations by other mechanisms, including the treaty bodies at the national, regional and international level.⁷

Many suggestions concerned the **acknowledgement of gender issues by the UPR** and urged a systematic incorporation of gender issues into all stages of the UPR, including the preparation, review in the Working Group and the follow-up.⁸ In this regard, some States and stakeholders suggested including a questionnaire or set of indicators on gender equality in the reports of States under review.⁹ Another suggestion was to ensure the participation of qualified women in all stages of the UPR process.¹⁰ Furthermore Brazil and Indonesia supported enhanced consultation with and inclusion of stakeholders such as NGOs and NHRIs in the process. However, some were more cautious, with Morocco supporting the statement by Ms Rishmawi and Ms Farah that it was too early to evaluate the UPR.

Some States and stakeholders supported the idea of defining **best practice examples** in order to build up gender expertise and share knowledge on how to integrate a gender perspective in State policies.¹¹ Furthermore guidelines were requested for specific issues of concern, such as women in armed conflicts (Azerbaijan and the USA). France requested information on how the Council could contribute to better implement the Security Council’s resolution on women in armed conflict.¹²

Another issue addressed was the recent initiative to **establish a new independent expert** on the elimination of all forms of discrimination against women (draft resolution by Columbia and Mexico). This proposal to address laws that discriminate against women was supported by Sweden (on behalf of the EU) and the International Federation of Human Rights Leagues (FIDH) supported anew mandate. The idea of a new independent expert was opposed by the Russian Federation and Bangladesh, fearing a proliferation of existing mechanisms.

³ The Office of the Special Advisor on Gender Issues and the Advancement of Women, the Division for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Development fund for Women and the United Nations International Research and Training Institute for the Advancement of Women

⁴ For more information look at ISHR website: <http://www.ishr.ch/content/view/548/1/>

⁵ Brazil, Chile, Morocco, Pakistan, Republic of Korea, Sweden on behalf of the EU, Switzerland, Turkey, the Russian Federation and the United Kingdom.

⁶ Finland, France, Ireland, Japan, Mexico, the Netherlands, Sweden (on behalf of the EU) and WILPF.

⁷ The Republic of Korea and Slovenia, WILPF.

⁸ Canada (also on behalf of New Zealand), Cuba, and Norway.

⁹ Brazil, Canada on behalf of CANZ, Switzerland and Human Rights Watch.

¹⁰ China, Finland, Pakistan (on behalf of the OIC), Republic of Korea.

¹¹ Chile, Indonesia, Morocco, Mexico, Switzerland, and Human Rights Watch.

¹² On 30 September 2009 the Security Council decided to introduce a senior coordinator to address how armed conflict affects women around the globe, the mandate will focus on ending sexual violence during and after armed conflict.

Sweden (on behalf of the EU) shared the concern of Ms Rishmawi, that women were mostly addressed as victims, but not as rights holders or in the context of empowerment. Some statements addressed **women's human rights** focusing on a limited number of issues, including access to housing, land ownership and participation in decision-making.¹³ Norway called for a closer look at the structural aspects of gender inequality. The Netherlands asked how women's issues in the UPR could be prioritised. Some also noted that during the UPR States selectively addressed issues.¹⁴ Human Rights Watch regretted that recommendations to States under review were mainly focused on legislative aspects and reservations to CEDAW.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Follow ISHR on Twitter: [@ishr_geneva](https://twitter.com/ishr_geneva).
- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 12th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>.

NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

¹³ Finland and Human Rights Watch

¹⁴ Human Rights Watch, Ms Farah, International Federation of University Women (IFUW)

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ABOUT THE PUBLICATION

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Council Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch.

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