

Discussion on integrating a gender perspective into the work of the Council

The President began the day's discussion by stating that the long list of speakers on the topic of integration of a gender perspective into the work of the Council was an indication of the high level of interest in the topic and the success of the Council's efforts to address the issue. He handed over the discussion to H.E. Ambassador Maria Nzomo of Kenya to moderate the proceedings. All the panellists from yesterday, that is the Deputy High Commissioner for Human Rights, Ms Kyung-wan Kang, Mr Miloon Kothari, the Special Rapporteur on adequate housing and Ms Radhika Coomaraswamy, the Special Representative of the Secretary-General on children and armed conflict, were present, with the exception of Ms Charlotte Bunch, executive director of the Centre for Women's Global Leadership. Ambassador Nzomo opened the floor for the continuation of the general debate that had begun the previous day¹.

General debate

Many delegations warmly welcomed the presentations by the panellists, which were deemed 'informative and insightful'², 'comprehensive and valuable'³ and thought provoking⁴, among other things. States continued to call for practical solutions to gender integration and a targeted focus on implementation⁵. Several States continued to draw particular attention to their endorsement of the joint statement by Argentina on behalf of 57 States presented at the 4th session of the Council.⁶

Recognition of an **intersectional approach**⁷ to gender issues was emphasised by many speakers, stressing the importance of viewing gender oppression through the lens of multiple and intersecting forms of discrimination including racial discrimination and economic disempowerment. Ms Radhika Coomaraswamy affirmed the need for this approach to be central to the follow-up to the Durban conference. Mr Miloon Kothari also highlighted the need for looking at the implications of an intersectional approach in policy-making and legislative frameworks, and asked the Council to consider convening an expert seminar on this issue, which he said would greatly complement the work of special procedures.

The general debate that ensued centred around several thematic issues: integration of a gender perspective in the work of the Council, both in terms of a substantive focus as well as procedurally, through the special procedures, universal periodic review and the complaint procedure; issues affecting women and girls and reasons for inequality and discrimination; regional and national initiatives undertaken by States; gender mainstreaming throughout the UN system and the need for system-wide coherence and finally, proposals for methods to implement gender integration.

Integration of a gender perspective into the work of the Human Rights Council

The discussion of integrating a gender-perspective into the work of the Council comprised a combination of comments on proposals for how to do so within the substantive work of the Council, as well as procedurally,

¹ For more detailed information about the presentations of the panellists and the beginning of the general debate, please refer to the *Daily Update* of 20 September 2007, available at www.ishr.ch/hrm/council.

² Republic of Korea.

³ Thailand.

⁴ Bangladesh.

⁵ Thailand, Australia, Venezuela, India, Switzerland, Commission to Study the Organisation of Peace.

⁶ Venezuela, Switzerland.

⁷ Republic of Korea, South Africa, Nicaragua, Action Canada for Population and Development.

through its inherited and new mechanisms. It was argued that if the Council was an improvement on the former Commission on Human Rights (the Commission) then it should be able to play a meaningful role in including a gender perspective in its human rights work.⁸

Proposals relating to the universal periodic review (UPR)

Many States generally called for integration of a gender perspective through the UPR process⁹. Several States also put forward specific proposals such as:

- Integration of a gender perspective could be placed as a standing item on the list of issues that would be presented by the UPR rapporteurs to the UPR Working Group to structure the interactive dialogue with the concerned country.¹⁰
- The outcome document of the UPR process could have a separate item on proposals and follow-up to gender integration and other gender-specific issues.¹¹
- Advancement in gender issues through national policy could be assessed through the UPR.¹²
- States and other stakeholders could submit gender-specific information and information related to women in their report under the UPR.
- Switzerland suggested that the State under review could identify best practices and lessons learned in the implementation of national policies through a gender perspective.
- Ethiopia suggested that the general guidelines for submission of information to the UPR should provide the modalities on how information regarding gender could be submitted.

Proposals relating to the Special Procedures

Many speakers remarked on the importance of special procedures mandate holders in facilitating gender integration both substantively as well as procedurally. Some of the proposals put forward included:

- Given the intersectional and crosscutting nature of gender issues, coordination between existing special procedures could be improved and it was suggested that they could also work towards a thematic clustering of gender-related concerns.¹³
- All special procedures should consider gender-related issues,¹⁴ and this should not be the exclusive responsibility of gender-specific mandates such as the Special Rapporteur on violence against women.¹⁵
- The creation of new special procedures mandates to address the issue of gender integration could add ‘fresh impetus’ to such efforts.¹⁶
- Switzerland suggested that mandate holders should systematically take into account gender concerns during country visits and highlight this information in their reports. It also observed that the best way of doing this was to insist on meeting with the specific persons who could best provide this information.

Other proposals

The Office of the High Commissioner for Human Rights (OHCHR) could play a critical role by integrating a gender perspective throughout the work of all its field offices.¹⁷ Thailand asked the Deputy High

⁸ Republic of Korea.

⁹ Australia.

¹⁰ Republic of Korea.

¹¹ Republic of Korea.

¹² South Africa.

¹³ Republic of Korea.

¹⁴ Russian Federation, Action Canada for Population and Development, Ethiopia, India.

¹⁵ The Netherlands, Thailand.

¹⁶ Republic of Korea.

Commissioner if OHCHR had developed the means to gather information and statistics on how a gender-perspective had been integrated into the current work of special procedures mandate holders, and what challenges mandate holders faced in attempting to do so, as this would be useful in identifying existing gaps. It suggested that this could be done in the review and rationalisation of mandates.

Several States also mentioned the importance of gender remaining an issue on the agenda and programme of work of the Council to continue discussions on the issue.¹⁸ Brazil emphasised that gender should remain on the agenda of the Council and should be integrated into its working methods. It also specifically called for the integration of the issue of violence against women in all the human rights work of the Council.

National and regional initiatives

In order to facilitate the sharing of best practices, States and non-governmental organisations (NGOs) described existing initiatives for incorporating a gender perspective at the national and regional levels. States gave various examples of the encouragement of women's participation in policy-making at the national level,¹⁹ through the use of a quota system or affirmative action measures.²⁰ Other States described laws and national institutions that had been established to deal with gender equality and mainstreaming.²¹ Several States highlighted the role of education in promoting women's rights in their countries.²² Malaysia and India pointed out the importance of involving women in development. Australia mentioned that it had integrated gender considerations into all its policies and programs, with special mention of how it had integrated gender issues into all its foreign aid activities.

Several African States described initiatives at the regional level,²³ including the adoption of the Solemn Declaration on Gender Equality in Africa²⁴ examining gender integration in peace, security, health and education and the adoption and ratification of the Protocol to the African Charter on Rights of Women in Africa. These achievements were presented as a visible result of the commitment shown by African Heads of State and a mobilisation of African women's networks. In May 2005, the Non-Aligned Movement (NAM) also convened a conference on women's rights, which led to the establishment of the NAM institute for advancement of women in Kuala Lumpur.²⁵

Issues affecting women and girls globally

Speakers mentioned a variety of gender-related concerns, such as inequality and discrimination against women and girls. Attention was also drawn to the legitimisation of violence against women and gender-based violence²⁶, including domestic violence²⁷, torture²⁸, and rape of women as a tool of war²⁹. Women persecuted because of their sexual orientation³⁰ were also mentioned.

¹⁷ The Netherlands.

¹⁸ India, Egypt (on behalf of the African Group), Sri Lanka (on behalf of the Asian Group), Nicaragua.

¹⁹ Colombia, South Africa, Panama, India, Bangladesh.

²⁰ Bangladesh, South Africa, Panama.

²¹ Brazil, Venezuela, Malaysia.

²² Panama, Bangladesh.

²³ Senegal, Ethiopia, Femme Africa Solidarite.

²⁴ Adopted by member States of the African Union, July 2004.

²⁵ Statements were made on these initiatives by Senegal, Malaysia, Femme Africa Solidarité (NGO).

²⁶ Brazil, UNFPA.

²⁷ International Institute for Non-Aligned Studies, OMCT.

²⁸ OMCT.

²⁹ International Institute for Non-Aligned Studies.

³⁰ Action Canada for Population and Development.

Ms Coomaraswamy highlighted that women emphasised the adverse effects of violations of their economic, social and cultural rights. Several delegations also raised the feminisation of poverty, including unequal access to resources by women, economic disempowerment and marginalisation of women, and the differential impact of poverty on women and girls.³¹ Brazil mentioned, for example, the importance of recognising the economic value of unpaid domestic work of women. Several speakers mentioned access to education and using education as a tool to sensitise people to gender concerns.³² Healthcare³³ was noted as a key concern for many speakers, and the United Nations Population Fund (UNFPA) highlighted that reproductive health, maternal mortality, deaths from childbirth and gender-based violence were important issues affecting women.

The role of women in promoting and protecting human rights³⁴, and the violations, often unidentified, faced by women human rights defenders³⁵ were brought up as yet another thematic issue of concern. Women defending women's rights, sexual rights, and human rights in general, face gender specific forms of violence and it was reported that many were often killed in carrying out their work.³⁶

Gender mainstreaming in the UN system

Regarding the proposal made by the high-level panel of the Secretary General on improving the gender architecture of the United Nations (UN), the Russian Federation was of the view that, given the 'fragmented' and ineffective structures to address gender concerns at the UN, the Council should wait until the process in New York was completed. This was to avoid duplication, dispersal of resources and the confusion of priorities, according to the Russian Federation. It also endorsed the proposal for a single body to deal with gender issues and said that this was deserving of support from States, which was also mentioned by Australia, stating that gender mainstreaming was the responsibility of the entire UN system. Bangladesh, on the other hand, expressed scepticism about whether 'system-wide coherence' was more of a slogan than a plan of action with concrete results, as it felt that gender had been adequately integrated into many mechanisms in the UN with no palpable effect. Ms Coomaraswamy responded by saying that gender integration was a well-recognised and accepted concept, and that the Council should consider the issue in consultation with the processes currently underway in New York.

Panellists' remarks

Panellists provided their comments, answers to questions posed to them by speakers, and put forward proposals for the road ahead. Mr Kothari highlighted the gap between recognition of gender-related concerns and implementation of concrete measures to address them, and called for an 'honest assessment' by the Council to identify and address these institutional gaps. He suggested that using the UPR, States should identify the challenges that they face in implementing measures to address gender discrimination, inequality and other related concerns. In terms of concrete measures, Mr Kothari stated that the request by the former Commission on Human Rights for a separate report on women and housing helped him pay particularly close attention to the issues in his work, and suggested that the Council could make specific requests from the special procedures. Additionally, he stated that all States should be encouraged to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and emphasised that coordination and cross-fertilisation of work between special procedures and treaty bodies

³¹ Organisation Internationale de La Francophonie (OIF), Nicaragua.

³² Brazil (on behalf of GRULAC), International Institute for Non-Aligned Studies, Bangladesh, Commission to Study the Organisation of Peace, Colombia.

³³ Brazil (on behalf of GRULAC), Femme Africa Solidarite Network.

³⁴ Nicaragua.

³⁵ International Service for Human Rights (ISHR), Commission to study the Organisation of Peace.

³⁶ ISHR.

needed to be systematised. He went on to suggest that the Council should ask all special procedures mandate holders to carry out a self-assessment on the integration of a gender perspective in their annual and country mission reports. Regarding the role of the Coordinating Committee of Special Procedures, Mr Kothari stated that while it had not as yet closely examined the integration of a gender perspective into the work of the special procedures, this would be given due consideration at the Annual Meeting of Special Procedures in 2008. In particular, he said that the special procedures would welcome any opportunities to have a dialogue with the Council on how to follow-up on the recommendations resulting from the discussion. Mr Kothari also emphasised that the new Human Rights Council Advisory Committee that the special procedures were unable to carry out themselves. He welcomed the opening of the gender unit within OHCHR, on behalf of the special procedures. He finally highlighted that the biggest challenge he faced in his work in terms of addressing gender concerns, was how to close the gap between recognition of equal rights and implementation of concrete measures. He observed that the Council needed to move beyond rhetoric and towards practical measures.

The Deputy High Commissioner suggested that States could integrate a gender perspective into their reports under the UPR through close consultations with national institutions working on gender issues from the very beginning of the information gathering process. She also added, somewhat bewilderingly, that the UPR was a 'peer review' process and that implementation of gender integration came down to the political will of States to effectively review a member of the Council.

Ambassador Nzomo took the floor after the exhaustion of the speakers' list and briefly summaries the issues addressed during the general debate. She said that the debate had clarified what a 'gender perspective' was, and how gender mainstreaming should be understood. She stated that action should be taken to integrate a gender perspective into the work of the Council as it would have a significant impact on the lives of women and girls, and men and boys. She highlighted that it was only through a gender specific analysis that this could be achieved. The Vienna Declaration and Programme of Action had great significance for the full and equal enjoyment of rights and should be a priority for States and the United Nations. Special procedures should attach importance to the gender perspective. She highlighted that the work already done by various mechanisms had been discussed, including by several of the special procedures. She went on to state that the discussion had seen agreement that a two-track approach should be used, namely the integration of gender into the whole UN system, but also targeted action that focussed on women in particular. The mechanisms of the Council, namely the UPR, should be used as a follow-up mechanism, and the Council should monitor national level implementation through the review process. An annual discussion on gender and human rights should be organised by the Council. The Council should also devise strategies to ensure that equal rights are addressed by all mechanisms. The integration of a gender perspective and a gender balance should be ensured in all the Council's structures and mechanisms, including the Working Groups on communications and situations.

Special Representative of the Secretary-
General for children and armed conflict

Ms Radhika Coomaraswamy, Special Representative of the Secretary-General for children and armed conflict, presented her report, which was originally scheduled to be presented at the 4th session of the Council in March 2007.³⁷ In her oral statement, Ms Coomaraswamy urged the Council to join the General Assembly

³⁷ A/HRC/4/45, 9 February 2007. ISHR has produced unofficial summaries of special procedures reports, *Reports in Short*, which are available on our website www.ishr.ch/hrm/council/reports_in_short.