



United Nations

Gender Integration into the Human Rights System

Report of the Workshop

United Nations Office at Geneva

26 to 28 May 1999

Office of the High Commissioner for Human Rights (OHCHR)
United Nations Division for the Advancement of Women (UN DAW)
United Nations Development Fund for Women (UNIFEM)

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working group two was composed of special rapporteurs/independent experts and of representatives of United Nations entities. Both were assisted by resource persons. Discussions covered a wide range of issues, whereby sources of information available to independent experts, particularities of mandates, issues of normative clarity and consistency, as well as cooperation and coordination, were identified as areas where further progress needed to be made to achieve the goals set at United Nations Conferences, such as the World Conference on Human Rights (Vienna,1993) and the Fourth World Conference on Women (Beijing,1995), and reiterated in resolutions of intergovernmental bodies such as the General Assembly, the Commission on Human Rights, and the Commission on the Status of Women. The discussion also pointed to the importance of the political and cultural environment within which women pursue the full enjoyment of their human rights, and the institutional framework and capacity to ensure respect for, and protection, promotion and fulfilment of women's human rights. Accountability of various actors for progress on women's human rights within each actor's particular role and mandate was also highlighted. The recommendations prepared by the two working groups and by the working group of the whole were adopted in plenary session.

12. In its discussion, the workshop was guided by the Agreed Conclusions 1997/2 of the Economic and Social Council on mainstreaming of a gender perspective into all policies and programmes of the United Nations system, and in particular the Council's definition of gender mainstreaming, as follows:

“Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality” (ECOSOC Agreed Conclusions 1997/2, UN document A/52/3, Chapter IV, para 4).

13. The workshop was also guided by the following description of gender :

The term Gender refers to the socially constructed roles of women and men that are ascribed to them on the basis of their sex, in public and in private life. The term Sex refers to the biological and physical characteristics of women and men. Gender roles are contingent on a particular socio-economic, political and cultural context, and are affected by other factors, including age, race, class, or ethnicity. Gender roles are learned, and vary widely within and between cultures. As social constructs, they can

II. RECOMMENDATIONS ADOPTED BY THE WORKSHOP

A. Working group on country-specific and thematic mechanisms

Summary of discussion

14. The working group discussed sources of information, and methods of work to identify opportunities for further integration of women's human rights in the work of country-specific and thematic mechanisms.

15. It was noted that the terms of reference of the mandate guided the sources of information, as well as the type of available and relevant information. Global mandates, such as on sale of children, or racism, required information that was different from country-specific mandates. A number of mandates focused more specifically on individual cases of violations. Information concerning such cases could arise from a variety of sources, most commonly from domestic and from international NGOs. Cases reported in news media were also sometimes monitored for possible follow-up. Information for analytical reports on trends, or

following recommendations with regard to (a) sources of information, and (b) methods of work:

- a. Sources of information
 - that the special rapporteurs, special representatives, independent experts and working groups note in the report of their annual meeting that the special mechanisms welcome the inclusion in relevant resolutions of the Commission on Human Rights of language regarding:
 - the continued need for data disaggregated by sex and analysed for their gender implications to be provided by all sources of information, including governments, intergovernmental bodies, and non-governmental organizations;
 - specific women's human rights themes and/or concerns, including, as appropriate, directions in which the mandate might be developed with regard to women's human rights;
 - that the special mechanisms direct requests for information regarding the human rights of women to specific government ministries with responsibility for, or expertise on, issues related to women and/or to national machineries for the advancement of women, as well as to ministries of justice and other branches within government;
 - that questionnaires to governments include requests for data disaggregated by sex and, as appropriate, detailed information on national law affecting women's human rights;
 - that the OHCHR, in cooperation with the DAW and UNIFEM establish and update regularly an electronic data base:
 - with information from the DAW on contact information for national machinery for the advancement of women, and national action plans for implementing the Beijing Platform for Action;
 - with information on United Nations field presences in all countries, including contact information for United Nations personnel with responsibility for programming related to women;
 - identifying national academic institutions with major programmes on issues relevant to women's human rights and gender studies;
 - with information on NGOs working in areas relevant to women's human rights, including women's human rights groups, organizations that provide support services to women, development organizations, professional groups such as associations of women lawyers and judges or health care professionals, and trade unions, and that the OHCHR identify links to existing data bases with such information;

- that the special mechanisms:
 - include in their reports to the Commission on Human Rights a request to NGOs to provide in their submissions and communications data disaggregated by sex and analysed for their gender implications; and
 - in informal contacts with NGOs, particularly international and national human rights organizations, request data disaggregated by sex and analysed for their gender implications in submissions and communications and, as appropriate, information on specific situations or concerns related to women's human rights;

- that the special mechanisms request academic institutions to prepare, and/or to make available existing studies that will assist their efforts to further develop legal and conceptual frameworks for addressing women's human rights and applying a gender analysis, including comparative law studies;

- that United Nations field offices transmit to the special mechanisms information that is made available to them regarding individual cases and situations of violations of women's human rights, as well as information on thematic aspects of women's human rights;

- that the OHCHR track standard-setting initiatives underway in the United Nations system, in order to ensure that special mechanisms are informed about such initiatives and can offer input on general and gender-specific human rights concerns that should be taken into account in the standard-setting process;

- that the OHCHR, in cooperation with the DAW, provide the following information to the special mechanisms on a regular basis:
 - reports by States Parties submitted under the Convention on the Elimination of All Forms of Discrimination against Women, in connection with on-site visits by special mechanisms and concerns identified by the special mechanisms regarding the situation of women's human rights in specific countries;
 - concluding comments by the Committee on the Elimination of Discrimination against Women, in connection with on-site visits by special mechanisms and concerns identified by the special mechanisms regarding the situation of women's human rights in specific countries;
 - information developed by the DAW, UNIFEM, UNFPA, WHO, UNICEF and other sources in the United Nations system on thematic aspects of women's human rights;

- that special mechanisms provide feedback to the Committee on the Elimination of Discrimination against Women on their activities, as appropriate;
 - that the OHCHR invite officials of the World Bank to establish a process of dialogue involving special mechanisms, representatives of treaty bodies, and the High Commissioner for Human Rights, on a series of thematic issues, including issues related to women's human rights as a matter of priority, and with the aim of extending the dialogue to include country-situations in the future;
- b. Methods of work
- that reports by special mechanisms include, as appropriate, a separate section that addresses the human rights of women, including major trends with regard to violations and the realization of rights, and also integrate information on individual cases and patterns of violations into other sections of reports as appropriate, bearing in mind that the most effective method of presenting information in reports should be continuously re-evaluated and adapted as necessary;
 - that information on gender-specific patterns in the realization of all human rights and the situation of women's human rights be integrated into the conclusions presented in reports to the Commission on Human Rights and the General Assembly;
 - that recommendations on gender-specific dimensions of human rights and on women's human rights issues be identified and integrated into recommendations presented in reports to the Commission on Human Rights and the General Assembly;
 - that where data disaggregated by sex is not available and therefore not presented, reports include an explicit statement to that effect;
 - that references to economic, social and cultural rights in general and specifically in relation to women be framed in rights-based language, in order to draw attention to international legal obligations related to such questions as food, housing, education, and health, including reproductive health;
 - that on-site visits be identified by the OHCHR and the special mechanisms as a priority focus for efforts by the special mechanisms to integrate women's human rights and gender analysis;
 - that an expert seminar be convened to
 - examine existing protocols for documenting violations of women's human rights, including protocols developed by NGO and United Nations sources, and

- assess the need for more standardized approaches, with particular attention to the issues of victim and witness security and confidentiality, and sexual violence;
- that special mechanisms seek opportunities for joint missions by special mechanisms whose mandates have a developed focus on gender analysis and/or women=s human rights, such as the Special Rapporteur on violence against women and the Special Rapporteur on the right to education;
- that the OHCHR, in collaboration with United Nations field agencies, coordinate access by the special mechanisms to women=s groups, relevant national officials, and human rights groups working on women=s human rights in the context of on-site missions;
- that progress toward the realization of women=s human rights be promoted and monitored over time, through:
 - follow-up to relevant recommendations by the special mechanisms;
 - the identification of common benchmarks on women=s human rights in specific country situations to guide all United Nations activities, including those of development programmes and funds (including in the context of the United Nations Development Assistance Framework) and humanitarian assistance programmes; and
 - a report compiling the information and allegations in reports by all special mechanisms regarding violations of women=s human rights be prepared annually for the CHR and transmitted to the CSW; and
- that the OHCHR and the special mechanisms give priority to efforts to integrate women=s human rights and gender analysis in country situations where there is a significant United Nations field presence, including the OHCHR and, for example, UNHCR, OCHA, WFP.

B. Treaty bodies= working group

Summary of discussion

19. The working group consisting of chairpersons of human rights treaty bodies considered the two topics of sources of information and working methods, in order to identify opportunities of integrating a gender perspective into their work. It was emphasized that the work of the treaty bodies generally, and, with regard to integration of a gender perspective in particular, was compromised by financial and human resource constraints.

20. It was noted that treaty bodies take into account similar categories of information in pursuing their mandates. These include the reports of States parties, reports or oral information provided by United Nations specialized agencies, funds and programmes, A country analyses by the Secretariat, information provided by the relevant Committee=s country rapporteur, the concluding observations of other treaty bodies and information provided in written or oral form from non-governmental organizations. This information may be country-specific or relate to themes relevant to the treaty. Members of several of the treaty bodies participate in A on site visits.

21. It was noted, however, that information was not received on a systematized basis and that institutional mechanisms had not been developed, particularly within the United Nations system, to ensure that the treaty bodies received all relevant available information. Information relating to the enjoyment of rights by women and girls was not usually received, although several Committees received this information from NGOs whose work was gender-focussed. Information which Committees received was rarely analysed from a gender perspective. In addition, information was rarely available on implementation of recommendations in concluding observations or with respect to the follow-up to consideration of reports of States parties by Committees. Crucial information for treaty bodies, such as the legal framework of individual States parties was usually not made available to treaty bodies. Unlike in the case of a number of the non-conventional mechanisms, treaty bodies had not developed guidelines for the format of submissions of information from NGOs and entities of the United Nations system.

22. Treaty bodies have also adopted similar working methods. Guidelines for the preparation of States parties= reports have been formulated and the reports are reviewed through a system of constructive dialogue, with a majority of the Committees designating a rapporteur to take the lead in the review of the report. The majority of treaty bodies convene a pre-session working group to prepare lists of issues and questions which are submitted to those States parties whose reports are under review. Several of the treaty bodies convene these meetings in advance so that States parties can submit answers in writing prior to the session at which their reports will be reviewed. All treaty bodies formulate concluding observations/comments, containing concrete recommendations to States parties, based on their review of their reports.

23. Most treaty bodies formulate general comments/recommendations which elaborate the meaning of individual rights or cross-cutting themes in the particul(h)1.m89es

adopted an Aearly warning≡ procedure. One treaty body also designates individual members to prepare studies on aspects of the subject of the treaty. One treaty body has an investigation mechanism (i.e. the Committee against Torture), which empowers it to inquire of its own motion into serious and systematic violations of the treaty.

Recommendations

24. To facilitate the further integration of a gender perspective into the work of the treaty bodies, the working group recommended:

- that, bearing in mind their mandates, treaty bodies should consider the impact of gender on the enjoyment of rights guaranteed in individual treaties; the relevance of gender should be considered in the formulation of list of issues and questions on States parties= reports, during constructive dialogue and in the formulation of concluding observations/comments;
- bearing in mind their mandates, treaty bodies make explicit commitments to integrating a gender perspective in their work;
- the integration of a gender perspective in general recommendations/comments, as well as the formulation of joint general comments/recommendations incorporating a gender perspective;
- regular joint meetings between members of treaty bodies on integrating a gender perspective in cross-cutting or thematic human rights issues and specific treaty rights;
- the integration of a gender perspective in all studies and special procedures of treaty bodies, including Aearly warning≡ mechanisms, investigations and the review of reports on an exceptional basis;
- the integration of a gender perspective in all on-site visits by treaty body members;
- the collection of A good practices≡ and A lessons learned≡ in the implementation of women=s human rights based on the review of States parties reports;
- the designation by each treaty body of a focal point on gender;
- coordination and cooperation between treaty bodies in the formulation of general comments/recommendations, including through the convening of cross-Committee working groups;
- the establishment of joint working groups among members from

different Committees to consider and develop the gender implications of particular rights and issues under the various treaties; Special Rapporteurs/Representatives on thematic issues should also be invited to participate in such working groups;

- the development of measures to ensure consistency in recommendations in concluding observations/comments;
- a biennial review by the meeting of persons chairing the human rights treaty bodies of progress in integrating a gender perspective into treaty body work;
- regular meetings between treaty bodies and United Nations entities to identify gaps in information collection and explore different ways of collecting and sharing gender-sensitive information;
- the development of a centralized data base of country-specific legal frameworks, including the national Constitution, Criminal Code, Family Code, organized by region;
- treaty bodies call on their secretariats to commission studies that would contribute to the clarification of the gender dimensions of

comments/recommendations of treaty bodies amongst treaty body experts and rapporteurs; also seek the expert input from specialized agencies of the United Nations system in areas within their mandate; as well as from academic institutions;

- commission studies on cross-cutting legal issues of relevance to women's enjoyment of human rights and gender factors, such as State responsibility for non-State action; religious extremism; the intersection of discrimination on the basis of sex with other forms of discrimination; and specific issues such as reproductive rights;
- ensure routine and regular dissemination of the recommendations of treaty bodies and Charter-based mechanisms to United Nations country offices;
- ensure, where on-site visits are conducted by special rapporteurs and/or treaty bodies, that information is provided on available resources concerning women's human rights, including contacts with local United Nations representatives especially their gender experts and gender focal points;
- elaborate guidelines specific to each treaty body and Charter-based mechanism on the integration of a gender perspective into their work;
- convene regular meetings for focussed discussion on, and elaboration of the normative content of human rights in the context of gender analysis;
- ensure coordination between the United Nations human rights activities, activities regarding the advancement of women and women's human rights, and other parts of the UN Secretariat, in particular the United Nations Centre for International Crime Prevention;
- that OHCHR, DAW, and UNIFEM compile the recommendations that emanated from the 1995 workshop, the series of United Nations World Conferences and other relevant events, assess their implementation and prepare a report thereon;
- convene a follow-up meeting to assess the implementation of the recommendations of the present workshop.
