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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

Report of the Secretary-General on the implementation of resolution 2005/42, integrating the human rights of women throughout the United Nations system* **

Summary

This report is submitted pursuant to Human Rights Council decision 2/102. It contains a summary of human rights treaty body activities aiming to promote gender equality and women's human rights and traces how various special procedures have addressed gender and women's rights issues in their respective mandates. The report also provides information on the work of the Office of the High Commissioner for Human Rights on gender and women's human rights, at headquarters and in the field, and brief conclusions and recommendations pertaining to greater protection and promotion of women's human rights.

* This document was submitted beyond the deadline in order to incorporate the latest information on gender mainstreaming activities in the United Nations.

** In order to respect the limitations on pages submitted for translation imposed by the General Assembly, the notes to the report are being circulated in the language of submission only.

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I. INTRODUCTION

1. The present report is submitted to the Human Rights Council pursuant to Council decision 2/102. Section II of this report contains a summary of human rights treaty body activities aiming to promote gender equality and women's human rights. The information is extracted from the concluding observations on States parties' reports over the last two years, along with general comments issued in that time period, and other activities to which the committees contributed. Section III traces how various special procedures have addressed gender and women's rights issues in their respective mandates. Section IV provides information on the work of the Office of the High Commissioner for Human Rights (OHCHR) on gender and women's human rights. The last section of this report, section V, contains brief conclusions and recommendations.

II. MONITORING IMPLEMENTATION OF EQUALITY AND WOMEN'S RIGHTS PROVISIONS OF HUMAN RIGHTS TREATIES

A. International Covenant on Civil and Political Rights

2. The Human Rights Committee has included one or more recommendations pertaining to gender equality and women's human rights in almost all of its concluding observations adopted during its eighty-second (2004) to eighty-eighth sessions (2006).

3. Under article 6 of the Covenant, the Committee expressed concern that overly restrictive abortion laws can lead women to seek illegal and unsafe abortions, thus endangering their lives and health. The Committee has noted cases where even when the law permits abortions, they are unavailable in practice.¹ It has also dealt with issues relating to contraception, family planning services and sexual education in school curricula² and commented more generally on high infant and maternal mortality rates.

4. Regretting the prevalence of domestic violence in a number of States parties, the Committee has adopted several recommendations under articles 3 and 7 of the Covenant. These pertain, inter alia, to the adoption and implementation of policies and laws to prevent and combat domestic violence; inclusion of specific provisions on domestic violence, including marital rape, in penal legislation; programmes to assist victims and raise public awareness; proper training of law enforcement officers; availability of restraining orders as required; and criminal prosecution

¹ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 60 (A/60/40)*, vol. I, Albania, para. 82 (14); Morocco, para. 84 (29); Poland, para. 85 (8); Kenya, para. 86 (14); Mauritius, para. 88 (9). *Ibid.*, *Sixty-first Session, Supplement No. 40 (A/61/40)*, vol. I, Paraguay, para. 77 (10).

² A/60/40, vol. I, Poland, para. 85 (9).

of perpetrators of such violence.³ It has suggested that States parties establish crisis-centre hotlines and victim support centres equipped with medical, psychological and legal facilities, including shelters for battered spouses and children.⁴ They should address obstacles such as economic dependence on partners that prevent women from reporting such violence. As regards “honour killings”, the Committee has recommended that States parties abolish legislation providing for lower sentences.⁵

5. Under articles 3 and 8, the Committee has addressed the issue of trafficking of women and recommended that States parties reinforce international cooperation and practical measures to combat trafficking and trafficking-related corruption, and prosecute and punish perpetrators. Protection should be provided to all victims and witnesses so that they may have a place of refuge and an opportunity to give evidence against those held responsible. Rehabilitation programmes for victims should be established and residence permits granted where appropriate on the basis of humanitarian considerations.⁶

6. In relation to article 10, the Committee has expressed concern that the number of women in the prison population was significant,⁷ and recommended that States parties end the practice of employing male staff to work directly with women in women’s institutions.⁸ Women and men inmates should be separated.⁹ The Committee also recommended that a State party prohibit the shackling of detained women during childbirth.¹⁰

³ For example, A/60/40, vol. I, Slovenia, para. 93 (7); Morocco, para. 84 (28); Albania, para. 82 (11); Uzbekistan, para. 89 (23); Tajikistan, para. 92 (6). A/61/40, vol. I, Brazil, para. 78 (11); Democratic Republic of the Congo, para. 80 (12); Benin, para. 83 (9); Kenya, para. 86 (11); Paraguay, para. 77 (9); Greece, para. 90 (7); Thailand, para. 95 (12). Republic of Korea (CCPR/C/KOR/CO/3/CRP.1), para. 11.

⁴ A/60/40, vol. I, Albania, para. 82 (11); Uzbekistan, para. 89 (23); Tajikistan, para. 92 (6); Poland, para. 85 (11); Iceland, para. 87 (12).

⁵ A/60/40, vol. I, Yemen, para. 91 (12); Syrian Arab Republic, para. 94 (16).

⁶ See for example A/60/40, vol. I, Albania, para. 82 (15); Greece, para. 90 (10); Yemen, para. 91 (17); Tajikistan, para. 92 (24); Slovenia, para. 93 (11). A/61/40, vol. I, Paraguay, para. 77 (13); Brazil, para. 78 (15); Norway, para. 81 (12); Serbia (Kosovo), para. 85 (16). Bosnia and Herzegovina (CCPR/C/BIH/CO/1), para. 16.

⁷ A/60/40, vol. I, Thailand, para. 95 (16).

⁸ A/61/40, vol. I, Canada, para. 76 (18). See also United States of America, para. 84 (33).

⁹ A/61/40, vol. I, Paraguay, para. 77 (16).

¹⁰ A/61/40, vol. I, United States of America, para. 84 (33).

7. Under articles 3 and 26, the Committee has recommended that States parties ensure equal treatment of men and women in the area of employment.¹¹ It has suggested that women's participation in political and economic life be enhanced through effectively applied positive measures.¹² In some cases, it has recommended that States parties appoint more women to the judiciary, and that special measures be adopted to increase their representation in all legislative and executive bodies.¹³ Women's access to education has also been considered under articles 3 and 26.¹⁴

8. The Committee notes that women continue to face discrimination under customary law and traditional codes.¹⁵ Stereotypical attitudes which are detrimental to women's human rights need to be changed.¹⁶ The Committee remained concerned at the persistence of female genital mutilation in some countries.¹⁷ In relation to articles 3, 23 and 26, it urged States parties to eliminate inequalities between spouses with regard to marriage, divorce, inheritance, exercise of parental authority, choice of residence and devolution of property.¹⁸ It has adopted views relating to the practice of polygamy and urged States to combat the practice of forced marriages

¹¹ A/60/40, vol. I, Poland, para. 85 (10); see also A/60/40, vol. I, Finland, para. 81 (9); Mauritius, para. 88 (8). A/61/40, vol. I, Paraguay, para. 77 (8); United States of America, para. 84 (28). Ukraine (CCPR/C/UKR/6), para. 18. Republic of Korea (CCPR/C/KOR/CO/3/CRP.1), para. 10.

¹² A/60/40, vol. I, Mauritius, para. 88 (8).

¹³ A/60/40, vol. I, Yemen, para. 91 (10). See also A/60/40, vol. I, Tajikistan, para. 92 (7); Syrian Arab Republic, para. 94 (17); Albania, para. 82 (10); Slovenia, para. 93 (8). Bosnia and Herzegovina (CCPR/C/BIH/CO/1), para. 11. Republic of Korea (CCPR/C/KOR/CO/3/CRP.1), para. 10.

¹⁴ For example, A/60/40, vol. I, Morocco, para. 84 (26); Yemen, para. 91 (8). A/61/40, vol. I, Central African Republic, para. 83 (9).

¹⁵ A/60/40, vol. I, Albania, para. 82 (10); Kenya, para. 86 (10).

¹⁶ A/60/40, vol. I, Yemen, para. 91 (8).

¹⁷ A/60/40, vol. I, Yemen, para. 91 (11); Benin, para. 83 (11); Kenya, para. 86 (12). A/61/40, vol. I, Norway, para. 81 (12); Central African Republic, para. 83 (11).

¹⁸ A/60/40, vol. I, Kenya, para. 86 (10); Morocco, para. 84 (33); Yemen, para. 91 (9); Syrian Arab Republic, para. 94 (16); Thailand, para. 95 (11). A/61/40, vol. I, Democratic Republic of the Congo, para. 80 (11); Central African Republic, para. 83 (9).

of kidnapped women.¹⁹ It has also recommended that a State party end discrimination against women in the transmission of their nationality to their children when the father is a foreigner.²⁰

B. International Covenant on Economic, Social and Cultural Rights

9. The Committee on Economic, Social and Cultural Rights achieved a major advance in its work during its thirty-fourth session (2005) when it adopted general comment No. 16 on article 3 of the Covenant on the equal right of men and women to the enjoyment of all economic, social and cultural rights. The general comment notes the distinct forms of discrimination experienced by women due to the intersection of sex with many other factors, which result in “compounded disadvantage(s)” or double discrimination.²¹ Two features of the general comment are particularly noteworthy. First, the Committee explicitly sets forth the equal right of men and women to the enjoyment of economic, social and cultural rights as “a mandatory and immediate obligation of States parties” that is non-derogable.²² Secondly, it specifies that articles 2 and 3 of the Covenant, which deal with non-discrimination and gender equality, “are not stand-alone provisions, but should be read in conjunction with each specific right guaranteed under part III of the Covenant”.²³

10. Accordingly, during its thirty-fourth to thirty-seventh sessions (2005), the Committee has systematically raised questions and concerns about the enjoyment by women of their economic, social and cultural rights in its dialogue with States parties on implementation of the Covenant. It routinely asks States parties about the existence and scope of any anti-discrimination or gender equality legislation, for gender disaggregated data relating to all articles of the Covenant, and gender-specific measures being taken to overcome any disparities that are found.

11. Under article 9, the Committee has inquired about the kinds of social protection afforded by States parties to female heads of household and victims of trafficking. Under article 10, it has explored issues relating to trafficking of women and children for purposes of sexual and commercial exploitation, and domestic violence. Under articles 9 and 10, the Committee also consistently inquired about the assistance provided by States parties to families, mothers and fathers alike, to enable them to better share the responsibilities of raising a family. Under article 12, the Committee has examined the level of legal protection and practical enjoyment of reproductive health rights.

¹⁹ A/60/40, vol. I, Benin, para. 83 (10); Morocco, para. 84 (30); Kenya, para. 86 (10); Uzbekistan, para. 89 (24); Yemen, para. 91 (9). A/61/40, vol. I, Central African Republic, para. 83 (10).

²⁰ A/60/40, vol. I, Morocco, para. 84 (32).

²¹ General comment No. 16 (2005) of the Committee on Economic, Social and Cultural Rights, para. 5.

²² *Ibid.*, paras. 16-17.

²³ *Ibid.*, para. 2.

12. The Committee has consistently welcomed the establishment of national human rights institutions that monitor the rights of women, and recognized the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol as positive measures to protect and promote women's rights.

C. International Convention on the Elimination of All Forms of Racial Discrimination

13. The Committee on the Elimination of Racial Discrimination has referred to double discrimination affecting women and gender-related racial discrimination issues in more than half of the concluding observations it adopted on States parties' reports during its sixty-eighth and sixty-ninth sessions (2006). The Committee expressed concern over the lack of assessment of discrimination against women belonging to ethnic minorities.²⁴ It regretted the lack of statistical information, disaggregated also by gender, on the economic situation of indigenous peoples and their communities and their enjoyment of the rights protected under article 5 of the Convention.²⁵ In particular, the Committee noted the lack of adequate statistical data on indigenous women's participation in public life. When information was provided, it noted the low number of minority and indigenous women occupying positions of responsibility within the State party's administrative, political or private sector.²⁶ The Committee also noted high illiteracy rates among women and low primary school attendance of girls among the indigenous population of some States parties.²⁷ Furthermore, it raised the issue of the nationality law of a State party which did not grant citizenship to children of women nationals married to non-nationals, as it does in the case of a father married to a foreigner. The Committee warned that this may lead to a situation of statelessness and urged the State party to review its legislation on the acquisition of nationality in order to ensure that both parents can transmit their citizenship to their children.²⁸ The Committee also addressed various forms of violence against women including trafficking of women and girls belonging to particular national or ethnic groups or non-citizens for the purpose of sexual exploitation;²⁹ the particular vulnerability of foreign and indigenous women to domestic violence and the lack of appropriate strategies to eradicate such violence; cases of forced sterilization of indigenous women without their knowledge or full and

²⁴ See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18* (A/61/18), para. 173.

²⁵ *Ibid.*, para. 136.

²⁶ *Ibid.*, paras. 116, 141 and 224.

²⁷ *Ibid.*, para. 120.

²⁸ *Ibid.*, para. 366.

²⁹ *Ibid.*, paras. 393 and 181.

informed consent;³⁰ and violence against migrant women who suffer such abuses as long working days, lack of health insurance, physical and verbal ill-treatment, sexual harassment and threats, when they are undocumented, that they will be turned over to migration authorities.³¹

D. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

14. The Committee against Torture has paid increasing attention to the human rights of women in its consideration of States parties' reports. At its thirty-seventh session (2006), the Committee found that rape constituted torture and that by deporting the complainants, who were both women, back to their country of origin where they had been raped by State agents, the State party would be in violation of article 3 of the Convention.³²

15. The Committee has expressed concern regarding allegations of increased violent killings of women and has stressed that failure to investigate these cases exacerbates the suffering of relatives seeking justice. It is also concerned about allegations of the widespread practice of torture, enforced disappearances, arbitrary arrests and secret detentions, as well as frequent rape of women by military personnel and armed groups, and the apparent impunity enjoyed by the perpetrators of such acts (arts. 2, 12 and 14). It has recommended that States parties promptly and impartially investigate and try all perpetrators of such acts. When found guilty, sentences should be commensurate with the gravity of the offences. Victims should be compensated, if necessary through a compensation fund for the victims of torture.

16. Under articles 6, 11 and 16, the Committee has expressed concern about inadequate protection and widespread ill-treatment of women in places of detention in some States parties. Under articles 2 and 7, the Committee has expressed concern at reports that detained women have been subjected to the excessive and unlawful use of force, including psychological and sexual torture, by criminal justice officials and the police. In many instances, States parties have failed to provide information regarding violence against women in detention, lack procedures for lodging complaints and an effective witness protection programme, and have not undertaken prompt and impartial investigations of allegations as required by article 12. Where complaints procedures do exist, there is generally an extremely low rate of convictions and numerous reports have been received detailing intimidation and threats against victims of sexual violence. The Committee has recommended that States parties ensure the protection of women in places of detention in conformity with international standards.

³⁰ Ibid., para. 204.

³¹ Ibid., para. 203.

³² Communication No. 262/2005, *V.L. v. Switzerland* (CAT/C/37/D/262/2005), adopted on 20 November 2006, and communication No. 279/2005, *C.T. v. Sweden* (CAT/C/37/D/279/2005), adopted on 17 November 2006.

17. The Committee is concerned at the reported widespread prevalence of domestic violence and other forms of gender-based violence in many States parties. It has made numerous recommendations to States parties to prevent and punish violence against women.

18. The Committee has addressed the issue of trafficking in women and children and allegations of official involvement for purposes of sexual and other exploitation. It regrets instances when little or no information is made available to it on assistance for victims, specific measures to combat trafficking, including criminal legislation, and training for law enforcement personnel and other relevant groups are required by articles 2, 10 and 16, and sentences handed down to State agents under national criminal codes. It has recommended that States parties take appropriate measures to combat trafficking and provide protection and redress to all victims.

19. The Committee has expressed concern about the absence of measures to protect migrant workers at risk, particularly female domestic workers who allege that they have been subjected to sexual violence and are confined and/or prevented from lodging complaints. The Committee has also expressed concerns about allegations of torture and ill-treatment of members of vulnerable groups, including indigenous peoples and sexual minorities, and recommended that States parties ensure that such allegations are thoroughly investigated and prosecuted. The Committee notes the limited guarantees available to women asylum-seekers to be interrogated by female officers and has recommended that States parties ensure that women asylum-seekers are interviewed by women officers in all instances. With respect to reparations, the Committee has requested States parties to pay attention to gender discrimination and the most vulnerable groups of women.

20. The Committee recommends that gender issues be included in training courses for all persons who may be involved in the custody, interrogation or treatment of detained individuals. It regularly requests States to provide statistical information, disaggregated by, inter alia, gender, in relation to complaints of torture and ill-treatment allegedly committed by law enforcement officials and related investigations, prosecution and penal and disciplinary measures. It has recommended that States parties establish effective and independent oversight mechanisms to ensure prompt, impartial and effective investigations into all reported allegations, and the legal prosecution or punishment of those found guilty.

E. Convention on the Rights of the Child

21. The Committee on the Rights of the Child has highlighted concerns relating to the girl child in its concluding observations on States parties reports. Issues of concern relating to the rights of the girl child include improving the health needs of girls; the situation of girls in armed conflict; combating trafficking and eliminating child labour - including prostitution and sexual exploitation; and harmful traditional practices such as female genital mutilation, early marriages and early pregnancy, among others. In addition, the Committee has prioritized concerns relating to the education of the girl child, urging States parties to amend or withdraw discriminatory laws and renounce practices which prevent pregnant girls from continuing with their education. The Committee regularly notes that the situation of the girl child is of particular concern in rural and remote areas where girls live under the influence of community and religious leaders and face persistent harmful traditions and practices, and suggests that customary, religious and

community leaders should work to overcome the negative influences of harmful traditions and customs on girls.³³ It has also focused on the gaps in the protection accorded to boys, expressing concern about the lack of provisions relating to protection against sexual abuse³⁴ and the growing number of boys dropping out of schools.³⁵

22. At its forty-third session (2006), the Committee adopted general comment No. 9 on the rights of children with disabilities, stressing that girls with disabilities are more vulnerable to discrimination. The general comment urges States parties to take all measures to ensure their protection, access to services and inclusion in society.

23. At its day of general discussion in September 2006 on the right of the child to be heard, the Committee urged States parties to pay special attention to the rights of the girl child in order to combat sexist stereotypes and patriarchal values which undermine and place severe limitations on the enjoyment of the rights set forth in article 12. In 2005, in the context of discussions on children without parental care, the Committee noted that girls without parental care are more vulnerable to violations of their rights, including sexual exploitation, child marriage and lack of access to education. It was also emphasized that there is often a gender imbalance in care institutions and that both girls and boys need role models of both sexes. The Committee recommended that States parties and other stakeholders ensure that a gender perspective is included in all approaches to care.³⁶

24. The Committee was represented by one of its members in an expert group meeting on “The elimination of all forms of discrimination and violence against the girl child” organized by the Division for the Advancement of Women and UNICEF in Florence in 2006. Committee members also actively participated in the consultation process of the United Nations Study on Violence against Children.

F. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

25. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, at its fourth and fifth sessions (2006), adopted concluding observations on two States parties’ reports. On the first report, it, inter alia, regretted the lack of information on measures taken by the State party to combat trafficking in women and recommended that it take

³³ Recommendations from the day of general discussion on “The girl child” (1995). See CRC/C/18.

³⁴ Uganda (CRC/C/UGA/CO/2) (2006), Mauritius (CRC/C/15/Add.64) (1996), Greece (CRC/C/15/Add.170) (2002).

³⁵ Saint Lucia (CRC/C/15/Add.258) (2005).

³⁶ See CRC/C/153, para. 672.

effective measures in this respect.³⁷ In the second case, it expressed concern about discrimination against migrant women and the vulnerability of domestic migrant workers, and recommended that the State party continue to take appropriate measures to protect women domestic workers, including through access to regular migration status, greater involvement of the labour authorities in monitoring their working conditions, and access to effective complaint mechanisms. The Committee also expressed concern about trafficking of persons, and recommended that efforts be intensified to combat smuggling and trafficking, especially in women and children.³⁸

26. In its contribution to the General Assembly's High-level Dialogue on International Migration and Development (14-15 September 2006), the Committee recommended that special attention be given to protect the rights of migrant women, in particular domestic workers.³⁹

G. International Convention on the Rights of Persons with Disabilities

27. On 13 December 2006, the General Assembly adopted the International Convention on the Rights of Persons with Disabilities. The Convention seeks to protect, promote and guarantee the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, and to ensure respect for their inherent dignity. The Convention sets out the obligations on States parties towards persons with disabilities in relation to civil, cultural, economic, political and social rights and includes provisions on international cooperation as well as national and international monitoring. In recognition of the fact that women can suffer multiple discrimination, article 6 of the Convention obliges States parties to take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of their human rights. The Convention also encourages States parties to include a gender perspective in all efforts to promote the rights of persons with disabilities and specifically requires them to take appropriate measures to protect freedom from exploitation, violence and abuse, including their gender-based aspects, and to provide gender-sensitive assistance. In relation to the right to health, States parties shall take appropriate measures to ensure access of persons with disabilities to health services which are gender sensitive. Finally, the Convention establishes a new treaty body - the Committee on the Rights of Persons with Disabilities - whose members shall be elected with a view to ensuring gender balance in the Committee.

III. SPECIAL PROCEDURES MANDATE HOLDERS' CONSIDERATION AND ADVOCACY OF GENDER EQUALITY AND WOMEN'S HUMAN RIGHTS ISSUES

28. The special procedures of the Commission on Human Rights/Human Rights Council have integrated a gender perspective and focused on women's human rights in their reports,

³⁷ See CMW/C/MALI/CO/1, para. 23.

³⁸ See CMW/C/MEXICO/CO/1, paras. 23, 33-34, 40.

³⁹ See A/61/120, para. 15 (c).

country visits and communications with Governments regarding allegations of human rights violations. This section highlights some of their main activities in this regard. In respect of communications with Governments from November 2005 to November 2006, in cases where communications from special procedures to Governments addressed individuals rather than groups of persons, the total number of cases concerning individual women was 465, constituting 16.6 per cent of all communications concerning individuals.

29. The Special Rapporteur on the right to education has actively raised awareness about obstacles to equal access to education and called for implementation of measures to ensure equality in education. In 2005, he contributed to discussions on progress in girls' enjoyment of the right to education on the occasion of the target date for attainment of the first phase of Millennium Development Goal (MDG) 3, which seeks to eliminate gender disparity in primary education and is an important milestone towards MDG 2, which sets the objective of universal primary education by 2015. The Special Rapporteur's report to the sixty-second session of the Commission on Human Rights (E/CN.4/2006/45) on girls' right to education addresses, *inter alia*, the sociocultural context of gender discrimination by defining the concept of patriarchy, which underpins discriminatory behaviours. He denounces the negative impact on education, and especially on girls' education, of the persistent consideration of education as being a service rather than a human right and insists on the importance of ensuring not only girls' access to school but also their completion of the education cycle. The report identifies obstacles to education for girls, such as early marriages and pregnancies, child labour (especially domestic work) and armed conflicts. The Special Rapporteur draws attention to aggravating factors and highlights the key role of human rights education and its concrete implementation at the classroom level to combat gender discrimination and stereotypes. The report also reviews the replies to a questionnaire sent to different stakeholders to solicit information on the realization of the right to education for girls, extracting major trends from the replies. Finally, it provides recommendations based on the four elements identified as components of the right to education, namely, availability, accessibility, acceptability and adaptability.

30. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in his report to the sixty-first session of the General Assembly (see A/61/338) examines, *inter alia*, the relationship between the right to health and one of the Millennium Development Goals, the reduction of maternal mortality. Properly integrated, the right to health can help ensure that the relevant policies are more equitable, sustainable and robust. The report sets out the norms and obligations relevant to maternal mortality, highlights the positive contribution of the right to health to reducing maternal mortality, and proposes a human rights campaign against maternal mortality. In July 2006, the Special Rapporteur participated in informal consultations organized by UNFPA on current and future work on sexual and reproductive health rights. He noted that two interrelated challenges that he focuses on - discrimination and stigma, and poverty - permit him to examine many sexual and reproductive health rights issues, including maternal mortality, access to sexual and reproductive health-related information and services, and violence against women. Systematic discrimination based on gender impedes women's access to health and hampers their ability to respond to the consequences of ill-health for themselves and their family. Eliminating discrimination against women in the field of health also means empowering women to make decisions in relation to their sexual and reproductive health, free of coercion, violence and discrimination.

31. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has produced a series of reports on women and adequate housing (E/CN.4/2003/55, E/CN.4/2005/43, E/CN.4/2006/118). In 2005 and 2006, in accordance with Commission resolution 2003/22, the Special Rapporteur, supported by OHCHR, United Nations entities and non-governmental organizations, held a North American Regional Consultation on Women and the Right to Adequate Housing (Washington, DC, October, 2005); a Central Asia/Eastern Europe Regional Consultation on Women's Right to Adequate Housing - the interlinkages between multiple discrimination and women's right to adequate housing (Budapest, November 2005) and a Euro-Mediterranean Regional Consultation on Women and Housing (Barcelona, Spain, March 2006). The Special Rapporteur's work on women and adequate housing has resulted in a wealth of information that is being prepared for publication by OHCHR. The publication will include a comparative analysis of the status of women's right to adequate housing at the regional level and selected testimonies and case studies stemming from the regional consultations. In 2005, the Special Rapporteur made contributions to the drafting by the Committee on Economic, Social and Cultural Rights of general comment No. 16 on article 3 of the Covenant concerning "The equal right of men and women to the enjoyment of all economic, social and cultural rights". In February 2006, the Special Rapporteur continued his dialogue with the Committee on the Elimination of Discrimination against Women (CEDAW) on women and adequate housing and the need for further work in this area, including the development of model questions that could be used by the Committee in its dialogue with States parties. Further, as requested by resolution 2005/25, the Special Rapporteur and the Special Rapporteur on violence against women have initiated work on the drafting of model provisions to protect women's rights in domestic violence legislation.

32. The Special Rapporteur on violence against women, its causes and consequences considers violence against women to be a specific form of gender discrimination that is both a cause and consequence of other forms of gender discrimination. The Special Rapporteur's report to the sixty-first session of the Commission (E/CN.4/2005/72) examined the intersections of violence against women and HIV/AIDS. Her report to the sixty-second session (E/CN.4/2006/61) examined the due diligence standard as a tool for eliminating violence against women. The Special Rapporteur highlighted the need to re-examine and expand the standard, namely through the full implementation of generalized obligations of prevention and compensation, the effective realization of existing obligations to protect and punish, and the inclusion of relevant non-State actors as duty bearers in relation to responding to violence against women. The Special Rapporteur conducted fact-finding missions to the Islamic Republic of Iran, Afghanistan and Mexico in 2005 and to Turkey, the Netherlands and Sweden in 2006. In her address at the sixty-first session of the General Assembly, she emphasized that the current challenge in combating violence against women pertains to ensuring that the root causes and consequences of the problem are tackled at all levels, from the home to the transnational arena. She also highlighted the value of applying a human rights perspective to the problem. The Special Rapporteur has stressed the relevance of her work to the Commission on the Status of Women and the need to report to that body also.

33. The Special Rapporteur on trafficking in persons, especially women and children, in her report to the sixty-first session of the Commission (E/CN.4/2005/71) expressed concern at reports of marketing of women and children via the Internet or under the guise of marriage-brokering services and pen-pal clubs. She noted that the majority of victims of trafficking are women and girls trafficked for commercial sexual exploitation and expressed

concern that they are further penalized on charges of prostitution instead of receiving assistance. The Special Rapporteur reiterated this concern in her report to the sixty-second session of the Commission (E/CN.4/2006/62) and stressed that domestic laws and policies that penalize prostituted women and children contribute to their vulnerability and make women and children more susceptible to being victimized by sex trafficking. She further underlined that socio-economic, political and cultural conditions in many parts of the world make women and children particularly susceptible to being trafficked. The Special Rapporteur undertook country visits to Bosnia and Herzegovina and Lebanon in 2005. She has attended and contributed to various discussions globally addressing the particular human rights concerns of trafficked women and girls, including before the Commission on the Status of Women on the occasion of the Review and Appraisal of the Beijing Declaration and Platform for Action in 2005.

34. In his report to the sixty-first session of the Commission (E/CN.4/2005/78 and Corr.1 and 2), the Special Rapporteur on the sale of children, child pornography and child prostitution focuses on child pornography on the Internet. The Special Rapporteur's report to the sixty-second session (E/CN.4/2006/67) dealt with the question of the demand factor in the commercial sexual exploitation of children. He noted that demand for sexual exploitation comes overwhelmingly from men. Girls remain in the vast caseload of the sexually exploited. Therefore, any intervention should address fundamental and systemic values and beliefs that accommodate and sustain sexual violence and exploitation of children: patriarchy, beliefs surrounding sexual dominance and machismo, male power and control, the view of children (especially girl children) as objects of possession, and perverted cultural beliefs. It is only through the empowerment of women that the demand for child sexual exploitation can be reduced. The Special Rapporteur noted that current prevention strategies typically address women and children as victims or potential victims and focus on how women and girls can avoid sexual abuse. So far, men have not been sufficiently offered the opportunity to join prevention efforts and it is now necessary to develop strategies involving men.

35. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance undertook country missions to Japan and Brazil in 2005. In his report of his mission to Japan (E/CN.4/2006/16/Add.2 and Corr.1), the Special Rapporteur recommended the creation of a national commission for equality and human rights whose mandate would include addressing discrimination on the basis of gender. He further recommended that all communities, and specifically the Buraku and Ainu communities, ensure that women can exercise their rights in equality as guaranteed by human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women. In his report of his mission to Brazil (E/CN.4/2006/16/Add.3), the Special Rapporteur paid attention to the situation of black women, indigenous women, and women from *quilombos* who suffer the most from inequalities deriving from racial discrimination. In his recommendations, he called for the establishment of a national commission for equality and human rights, and proposed that domestic workers, 90 per cent of whom are black women, benefit from legal recognition and protection, including by labour legislation. In November 2006, the Special Rapporteur participated in the International Conference on the Human Rights of Dalit Women in The Hague. He stressed the importance of taking account of the gender dimensions of caste discrimination and the need to take gender-sensitive legislative, judicial, information and education measures, along with securing clear political will and determination to abolish caste-based discrimination.

36. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples conducted country visits to New Zealand and South Africa in 2005. In the context of these visits, the Special Rapporteur has held specific meetings with indigenous women to gain a concrete view of their specific concerns and issues. In his report of his mission to New Zealand (E/CN.4/2006/78/Add.3), the Special Rapporteur noted that across a range of indicators, Maori women still experience poorer economic, health and social outcomes than other New Zealand women. For example, the rates of employment and participation in paid work for Maori women are still lower than those for Maori men and non-Maori; Maori women are still twice as likely to be diagnosed with cervical cancer as non-Maori women and they continue to have a higher infant mortality rate compared to the total population. Further, approximately 45-50 per cent of battered women using Women's Refuge Services are Maori. Where women are at risk, their children may also be at risk. Maori youth have higher rates of suicide than similar non-Maori age groups, a situation that may reflect higher family dysfunctions and social disorganization associated with a history of discrimination. In his report of his mission to South Africa (E/CN.4/2006/78/Add.2), the Special Rapporteur noted that special mention must be made of the specific grievances of indigenous children, youth and women, who reported discrimination, violence, drug abuse, high suicide rates, prostitution, alcoholism and other syndromes associated with marginalization and poverty. Of major concern to San and Khoe women is the unacceptably high level of domestic violence. Violence in some communities is so extreme that it includes murders and assaults with weapons and is often associated with alcohol abuse and low self-esteem by men and women. Indigenous women in South Africa, in particular indigenous rural women, are systematically excluded on matters of land reform policy and on discussions regarding solutions to their problems. In September 2006, the Special Rapporteur participated in an open forum on the implementation of the recommendations of his visit to Canada. In October 2006, the Special Rapporteur participated in a parallel event in the General Assembly concerning the launching of a report on violence against indigenous women by an international non-governmental organization (NGO).

37. The independent expert on minority issues notes that new and urgent attention must be given to the rights of women facing multiple forms of discrimination, exclusion and violence. Amongst the most disadvantaged and vulnerable are women from minority communities who face problems both because they belong to certain minority communities and because they are women. On the occasion of International Women's Day 2006, she called for all actors at the community, national and international levels to rise to the challenge of improving the security, opportunities and life chances of such women. She also called for action to protect and promote the rights of those women whose lives have become defined by discrimination, exploitation and violence, and whose voices have been silenced by patriarchal ideologies and the fear of speaking out. She noted that women from minority groups "often fight the patriarchy within their communities along with the patriarchy and racism of the larger community". Harmful cultural, religious or traditional practices which affect minority women need to be addressed. Further, poverty and conflict deeply impact on minorities and create conditions in which minority women are further disempowered. Pointing to Roma women, Afro-descendants and women affected by caste discrimination, she noted that the "hidden victims" of discrimination "are often the most disadvantaged from birth until death". She stressed the need for research and analysis to expose the reality of situations facing minority women and action which reaches into communities themselves as well as addressing discrimination manifested in larger society. The independent expert has noted that education is key to improving the situation of minority women.

38. The Special Rapporteur on the human rights of migrants, in his report to the sixty-second session of the Commission (E/CN.4/2006/73), raised concerns about domestic migrant workers, who are mostly women, and highlighted particular human rights abuses suffered by women in the context of migration. The Special Rapporteur attended a seminar on strengthening synergies amongst stakeholders in the protection and promotion of the rights of Indonesian women migrant workers in July 2006 in Jakarta.

39. The Special Representative of the Secretary-General on the situation of human rights defenders has reiterated that women defenders are more at risk of certain forms of violence and restrictions and become vulnerable to prejudice, exclusion and public repudiation by State forces and social actors, especially when engaged in the defence of women's rights. In her report to the sixty-first session of the Commission (E/CN.4/2005/101), she noted that defenders working on women's rights and lesbian, gay, bisexual and transgender (LGBT) issues continue to face human rights violations. In her report to the sixty-second session of the Commission (E/CN.4/2006/95), the Special Representative emphasized that there is no better protection for women human rights defenders than the strength and support of their own movements. Additional protection measures are therefore needed by States and the human rights community at large to provide women's rights defenders with a secure environment for their work. In her report to the sixty-first session of the General Assembly (see A/61/312), which focused on the right to freedom of assembly in relation to the activities of human rights defenders, she reiterated that those defending LGBT rights and women defenders face particular challenges. In 2005, the Special Representative attended the World Conference on Women Human Rights Defenders held in Sri Lanka, which brought together leading gender experts and women human rights defenders from over 70 countries. This conference was the culmination of a three-year international Internet campaign that had been spearheaded by the Special Representative.⁴⁰ It focused on identifying and developing new strategies for protecting women defenders against a range of sources and types of abuse by States, non-State actors, families and communities, and sexual and sexuality-based attacks. The website www.defendingwomen-defendingrights.org continues to be a resource tool for women's rights defenders. Following the conference, 29 November was designated as International Women Human Rights Defenders Day. On 29 November 2006, the Special Representative commemorated the Day in Bangkok in solidarity with a gathering of women human rights defenders from Africa, Latin America, the Middle East and Asia. The Special Representative delivered a keynote address at the first International Conference on LGBT Human Rights, held in Canada from 26 to 29 July 2006. In her keynote address to the Council of Europe to discuss the establishment of a regional European mechanism to protect human rights defenders, she highlighted the challenges for women human rights defenders and defenders of LGBT rights (Strasbourg, 13-14 November 2006). The Special Representative co-signed a joint letter on 10 December 2006 to coincide with the Global Day for Darfur calling on the international community to deploy a robust peacekeeping force to protect women in Darfur from rape and sexual violence.

⁴⁰ The Special Representative of the Secretary-General called for an international campaign following her 2002 report to the Commission on Human Rights which focused on women human rights defenders and the specific violations they face in the course of their work because of their sex and gender (see E/CN.4/2002/106, paras. 80-94).

40. The Special Rapporteur on the independence of judges and lawyers focuses on adequate representation of women within the judiciary and the legal profession and advocates that offences against women, particularly violence against women including rape, domestic violence and trafficking, as well as discrimination against women, are duly investigated, prosecuted and sanctioned within the judicial system. In his visits to Ecuador, Kyrgyzstan and Tajikistan in the second half of 2005, he met with women's judges and lawyers associations and raised these issues with the governmental and judicial authorities that he met. In the report of his mission to Ecuador (E/CN.4/2006/52/Add.2), the Special Rapporteur regrets that, in the end, it was not possible to give effect to affirmative action to promote gender equality by setting a quota of 20 per cent of members of the court who should be women judges, in accordance with the principles contained in the Ecuadorian Constitution and in international treaties, and he recommends that this point should be borne in mind when applying the mechanism to co-opt members to fill vacant posts in the Supreme Court and in other processes to select judges for high courts in Ecuador. The Special Rapporteur also recommends the adoption of affirmative action to promote the participation of Afro-Ecuadorians or persons from indigenous groups in the above-mentioned institutions. In his report of his mission to Kyrgyzstan (E/CN.4/2006/52/Add.3), the Special Rapporteur considers that until a better balance is achieved it may be relevant to introduce affirmative action measures, with a view to enhancing the participation of women and ethnic minorities in the judiciary at all levels.

41. The Working Group on Enforced or Involuntary Disappearances took note in its report to the sixty-second session of the Commission (E/CN.4/2006/56 and Corr.1) of disappearances of women. It noted that even when subjects of enforced disappearance are men, women are victims because they are the wives, sisters and mothers who are left behind, agonizing over the fate or whereabouts of their disappeared relatives. The Working Group has also dealt with cases of abductions of women and girls in several conflict situations.

IV. GENDER MAINSTREAMING IN THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

A. Policy and programme activities at headquarters level

42. OHCHR, through its Petitions Unit, participated in two training courses at the Women's Human Rights Training Institute in Bulgaria in February 2005 and March 2006, organized by the Bulgarian Gender Research Foundation, the Centre for Reproductive Rights and the Network for East-West Women. The purpose was to train women lawyers from Eastern Europe to use complaints procedures under international human rights treaties, in particular the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women, in their efforts to promote women's rights. The Unit also participated in a project on the strengthening of the implementation of human rights treaty bodies' recommendations by improving national protection mechanisms⁴¹ in June 2006 in Morocco. The Convention and its Optional Protocol, along with the presentation of shadow reports on women's rights to treaty bodies, were broadly discussed.

⁴¹ *“Renforcement de la mise en oeuvre des recommandations des organes conventionnels des droits de l'homme par le perfectionnement des mécanismes nationaux de protection”.*

43. In accordance with the High Commissioner's Plan of Action and Strategic Management Plans, OHCHR is expanding its work to promote gender equality and protect and empower women. It is taking action to implement the decision of the Secretary-General to transfer responsibility for supporting CEDAW to OHCHR. A dedicated Unit on Women's Human Rights and Gender has been established in the Office. In addition to the Unit's ongoing specific cooperation with individual United Nations entities and participation in a range of inter-agency activities in the fields of peace and security, humanitarian affairs and development, it is working, inter alia, to develop legal analyses and commentaries to be made available to Governments, civil society, treaty bodies and field offices on a wide variety of women's rights issues. The analyses and commentaries aim to ensure greater coherence in approaches to the issues. The Unit will pilot gender-sensitive country-engagement strategies and will work to combat impunity for violations of women's human rights. It will place particular emphasis on the protection and promotion of women's economic, social and cultural rights. It will engage a wide range of partners to implement its work programme, taking note of the recommendation of the United Nations High-level Panel on System-wide Coherence to establish one United Nations entity focused on gender equality and women's empowerment.

B. Field operations

44. The OHCHR Office in Angola is supporting the Government in its treaty reporting obligations and opening possibilities for civil society to elaborate shadow reports, including on women's rights. UNDP, UNFPA and UNIFEM, with the participation of OHCHR, are designing a joint United Nations programme on gender, with focus on political participation of women. In partnership with Norwegian People's Aid, OHCHR is supporting a project that aims to strengthen women's participation in political life. The Office's work in Angola is guided by a human rights-based approach with principles of non-discrimination and a focus on vulnerable populations (including women) at the heart of all activities. Follow-up to the recommendations of CEDAW on Angola's periodic reports in 2004 is being supported by OHCHR.

45. The OHCHR Office in Cambodia has worked closely with UNIFEM to support the process of elaborating Cambodia's fourth periodic report to CEDAW and ensuring effective follow-up of recommendations issued in January 2006. They include a number of broadly framed concerns, including the effectiveness of the justice system and the pervasive culture of impunity, which touch the mainstream of Government activity. While responsibility for CEDAW implementation lies with the Cambodian National Council for Women, working with the Ministry of Women's Affairs, other Government ministries have yet to fully mainstream gender in their activities. OHCHR is working to raise awareness that equality between men and women is enshrined in all of the core human rights treaties and to encourage others, including United Nations entities, to follow up on the recommendations put forward by CEDAW in their activities. It also raises awareness that the reporting processes under other human rights treaties provides opportunities to consolidate and highlight the issues raised by CEDAW.

46. The OHCHR Field Office in Colombia works to register and analyse violations of women's human rights and breaches of international humanitarian law pertaining to women. Workshops have been held to promote gender-sensitive human rights monitoring and registration of cases in the database. The Office undertakes various actions, including communications with victims and/or authorities in follow-up to cases. It has facilitated modules on gender and discrimination and international instruments on women's rights. Participants at training courses

in the last 1½ years have included prosecutors, staff of the Colombian Institute of Family Welfare, adolescents participating in a programme to prevent violence against women, and United Nations staff in Colombia. Following a recommendation of the Special Rapporteur on violence against women after her visit to Colombia in 2001, the Office has worked to help the Attorney-General's Office to develop an instrument to identify relevant cases for prosecutors. The Office has conducted an analysis of the impact of the legislation related to demobilization of members of illegal armed groups. As a result, it included a recommendation in relation to the need to take into account the special needs of women and girls when the "Justice and Peace Law" was being debated in Congress. This recommendation was accepted in the final draft of the law. The Office has worked with the National Commission for Reparation and Reconciliation on ways to include a gender perspective in the development of criteria for reparation. It has prepared documents relating to the recommendations by the Human Rights Committee, CEDAW and the Committee on the Rights of the Child regarding the need to revise the legislation on abortion in connection with a process before the Constitutional Court. The Office has given advice to parliamentarians and NGOs on the scope of the State's responsibilities regarding domestic and other forms of gender-based violence. Its participation in United Nations system activities includes participation in an inter-agency group which is supporting the process of drafting and debating a law on gender-based violence.

47. During the past 1½ years, the promotion and protection of the human rights of women has been integrated into the work of the Human Rights Division of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the OHCHR Office in that country, mainly through strengthening the fight against impunity relating to rape and other forms of sexual violence; identifying efficient and effective mechanisms and strategies to better monitor the occurrence of sexual violence and strengthen the fight against sexual violence; supporting initiatives and infrastructures in place to address sexual violence by providing medical, psychosocial and judicial assistance to the victims; sensitizing local authorities, armed groups, relevant partners and the international community on the widespread phenomenon of sexual violence in the country and on the international law applicable to the commission of the acts concerned; supporting prosecutions by Congolese justice of perpetrators of sexual violence; promoting gender balance within the Human Rights Division of MONUC by recruiting more women candidates (40 women/53 men); sensitizing and empowering women candidates for the 2006 elections with a view to making them more competitive; supporting the establishment of joint commissions (policy-army-human rights NGOs) on gender, women's rights and judicial assistance to victims of sexual violence; advocating for the adoption and promulgation of the law on sexual violence; and advocating for greater protection of the rights of women in the Constitution of 18 February 2006.

48. Gender-based violence in Nepal has been an issue of grave concern for many years and has been exacerbated by the conflict. While some aspects such as domestic violence and trafficking have been addressed by organizations, the level of violence against women, girls and specific minorities has still to be thoroughly documented. Sexual violence in particular remains a taboo subject and awareness-raising, prevention, support to victims and accountability for perpetrators are still areas requiring extensive coordinated efforts of a range of partners. OHCHR has focused on tackling impunity for gender-based violence, working especially on monitoring and reporting and capacity-building and legal reform. OHCHR is collaborating with lawyers and NGOs to amend laws with special focus on sexual violence, including rape. It has been investigating allegations of sexual violence committed by members of the security forces

and cadres of the Communist Party of Nepal (Maoist) and has been intervening in cases where victims or human rights defenders have been threatened. It has been working with local NGOs to develop a network of response mechanisms for victims. OHCHR has advocated for increased representation of women at all levels, including in the peace process. It has commented on the draft interim constitution and has raised the issue of gender representation in a range of meetings with various stakeholders. OHCHR participates in various workshops with women's organizations and is working closely with the Blue Diamond Society on the rights of sexual minorities. Gender perspectives are also integrated in training given by OHCHR; participants include the National Human Rights Commission, NGOs, government agencies, security agencies, as well as the National Monitoring Committee on a Code of Conduct for Ceasefire. OHCHR liaises with other United Nations agencies working on trafficking and is paying attention to the issue of female migrant workers, who are particularly vulnerable to human rights abuses. It participated in two conferences in Indonesia in July 2006 on the human rights of women migrant workers.

49. In Sudan, the Human Rights Office of the United Nations Mission in the Sudan (UNMIS HR) is working closely with government officials and civil society organizations to promote women's rights. Besides creating awareness through training activities, UNMIS HR is also fostering the debate on reforming legal provisions concerning rape and other crimes of sexual violence within Sudanese laws, in particular the Criminal and Evidence Acts. Additionally, sexual and gender-based violence are among the main monitoring areas of the Office. In Darfur, UNMIS HR has been supporting and actively participating in the efforts of the State Committees on Combating Gender-based Violence. The South Darfur State Committee has been the most active among the three committees established and has received a grant from UNMIS HR to strengthen the Committee and enable it to more effectively implement activities identified in its six-month work plan.

V. CONCLUSIONS AND RECOMMENDATIONS

50. **Gender equality and women's human rights issues have been addressed by all treaty bodies and a great majority of the special procedures of the Commission on Human Rights. These mechanisms have provided States with numerous recommendations aiming to ensure equality and non-discrimination, and to protect and promote women's civil, cultural, economic, political and social human rights. These recommendations should be implemented expeditiously with a view to improving the status of women worldwide. States should further undertake to reach the goal of universal ratification of human rights treaties, should make efforts to remove reservations to treaties, and should reinforce actions to implement treaty commitments. At the national level, policies, laws, institutions and procedures to protect and promote women's human rights need to be instituted, or strengthened, to protect and empower women. The scourge of discrimination and gender-based violence both in times of peace and during conflict must be eradicated without delay, and women and girls provided with opportunities to live their lives in dignity and security, and to enjoy all of their human rights and fundamental freedoms.**
