



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2003/72
21 January 2003

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Item 12 of the provisional agenda

**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN
AND A GENDER PERSPECTIVE**

**Integrating the human rights of women throughout
the United Nations system**

Report of the Secretary-General

Executive summary

The present report examines steps taken by the human rights treaty bodies, the Commission on Human Rights and its human rights mechanisms and the Office of the High Commissioner for Human Rights (OHCHR) to integrate gender perspectives and human rights of women into human rights activities.

The report notes the continuing progress being made in improving the integration of gender and women's rights issues into the United Nations human rights system. It also reveals that progress is uneven, with some treaty bodies, some Commission resolutions, and some special procedures integrating gender and women's rights issues to a greater extent than other bodies, resolutions and mechanisms.

The report reviews efforts being made by OHCHR to improve its capacity to support and facilitate the integration of gender and human rights of women. Integration of gender and women's rights issues in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance continues to provide a useful example.

The report notes that the mandate of each human rights mechanism can influence the extent to which it integrates gender and women's rights. Participation of women in the work of human rights mechanisms is also important in ensuring sufficient attention to women's rights and gender issues. The report suggests that the Commission may wish to propose steps to encourage greater gender balance in the nomination, designation and election of experts and to give greater attention to the proportion of women participating in human rights meetings and benefiting from human rights activities.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 3	4
II. STEPS TAKEN BY THE COMMISSION ON HUMAN RIGHTS AND ITS MECHANISMS AND PROCEDURES	4 - 29	4
III. STEPS TAKEN BY HUMAN RIGHTS TREATY MONITORING BODIES	30 - 37	11
IV. STEPS TAKEN BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)	38 - 49	13
V. CONCLUSIONS AND RECOMMENDATIONS	50 - 55	17

I. INTRODUCTION

1. The present report updates the reports submitted since 1997 (most recently E/CN.4/2002/81) and is submitted to the Commission on Human Rights in accordance with its resolution 2002/50, in which the Secretary-General was requested to submit to the Commission, at its fifty-ninth session, a report “analysing the degree to which the human rights of women are being integrated into the United Nations system ... identifying obstacles and challenges ... and [making] concrete, comprehensive recommendations for action by States and/or by the United Nations system”. The report considers the steps and initiatives taken by the human rights treaty monitoring bodies, the Commission on Human Rights and its human rights mechanisms and the Office of the High Commissioner for Human Rights (OHCHR). It should be read together with the report on the joint work plan of the Division for the Advancement of Women and OHCHR (E/CN.4/2003/73-E/CN.6/2003/5).

2. Relevant information is also contained in the reports of the Secretary-General entitled “Strengthening the coordination of emergency humanitarian assistance of the United Nations” (most recently A/57/77-E/2002/63 and A/56/95-E/2001/85), which reflect the impact of the 1999 Inter-Agency Standing Committee (IASC) policy statement for the integration of a gender perspective in humanitarian assistance, referred to in Commission resolution 2002/50. The IASC Reference Group on Gender and Humanitarian Assistance supports and reviews the implementation of the IASC policy. Information on integration of gender perspectives and the human rights of women can also be found in the reports of the Secretary-General submitted to other intergovernmental bodies, including that submitted to the Security Council (S/2002/1154) on the findings of the study on women, peace and security, and those submitted to the Commission on the Status of Women, the Economic and Social Council and the General Assembly on the follow-up to, and progress in, the implementation of the Beijing Declaration and the Platform of Action adopted at the Fourth World Conference on Women, and the outcomes of the twenty-third special session of the General Assembly (E/CN.6/2003/2, E/2002/66 and A/57/286, respectively).

3. The 1993 World Conference on Human Rights and the 1995 Fourth World Conference on Women reaffirmed that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights. The 2000 twenty-third special session of the General Assembly on the implementation of the Beijing Conference and recent global conferences, including the 2000 Millennium Summit and the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, have endorsed the objective of gender equality.

II. STEPS TAKEN BY THE COMMISSION ON HUMAN RIGHTS AND ITS MECHANISMS AND PROCEDURES

4. This section focuses in particular on the integration of gender and women’s rights into the thematic special procedures of the Commission, reviewing the relevant Commission resolutions, mandates and reports.

5. At its fifty-eighth session, the Commission adopted resolutions on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing (2002/49), on traffic in women and girls (2002/51), on the elimination of violence against women (2002/52), and on integrating the human rights of women throughout the United Nations system (2002/50). These resolutions requested the special procedures and other human rights mechanisms to take a gender perspective into account in the implementation of their mandates, to include in their reports information on, and qualitative analysis of, the human rights of women and girls, and to address within their mandates the problems of trafficking in women and girls and of violence against women.

6. The Commission continued to make specific references to gender mainstreaming and/or violations of the human rights of women in other thematic and country-specific resolutions. Due to time limitations, the Commission addressed agenda items 12, on gender and women's rights, and 13, on child rights, together during its fifty-eighth session, consequently reducing the focus of the debate on women's rights. The debate singled out in particular violence against women and traffic in women and girls. Women's rights received less attention during the debate under other agenda items, with the situation of human rights in Afghanistan being an exception.

7. The Special Rapporteur on violence against women presented four reports (E/CN.4/2002/83 and Add.1, Add.2 and Add.3) to the Commission at its fifty-eighth session. The main report documented a number of cultural practices which, in addition to violating women's human rights to physical integrity and to expression, undermine essential values of equality and dignity. The Special Rapporteur argues that such practices and many others constitute a form of domestic violence but have avoided national and international scrutiny because they are seen as cultural practices that deserve tolerance and respect. The Special Rapporteur also presented reports on fact-finding missions to Sierra Leone and Colombia (E/CN.4/2002/83/Add.2 and 3) documenting the impact of conflict on the human rights of women and formulating recommendations to ensure that policies and programmes of assistance address the gender dimensions of conflict.

8. In its resolution 2002/40 entitled "[e]limination of all forms of religious intolerance", the Commission urged States "[i]n conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to devote particular attention to practices which violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief" (para. 4 (c)). As in the past, the reports of the Special Rapporteur on freedom of religion or belief submitted to the Commission and the General Assembly devoted one section to women, drawing attention to the persistence of discrimination and acts of intolerance attributed to religion affecting women, fostered by both State and non-State organizations. The Special Rapporteur recommended the elaboration and adoption, by all the relevant mechanisms of the United Nations, of a plan of action against discrimination and intolerance against women allegedly prescribed by religion or tradition and recalled the recommendations made in the study on freedom of religion or belief and the status of women in the light of religion and traditions (see E/CN.4/2002/73/Add.2).

9. Commission resolution 2002/68 called on all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance focused his efforts on the follow-up to the implementation of the Durban Declaration and Programme of Action. Resolution 2002/68 also established the Working Group of Experts on People of African Descent, without specific reference to gender or women's rights in its mandate. At its first session, held in Geneva in November 2002, the Working Group recognized that racial as well as gender discrimination faced by women of African descent can be reflected in illiteracy, unemployment, lack of access to land, lack of drinking water and sanitation, and violence. The Working Group encouraged Afro-descendant women's groups to take part in the Working Group process and intends to ensure that a gender analysis is systematically maintained in its work.

10. Although gender is not addressed in resolution 2002/62, the Commission requests the Special Rapporteur on the human rights of migrants to take into account the recommendations on migrants contained in the Durban Programme of Action, in which the World Conference, *inter alia*, urged "States, in the light of the increased proportion of women migrants, to place special focus on gender issues, including gender discrimination, particularly when the multiple barriers faced by migrant women intersect; detailed research should be undertaken not only in respect of human rights violations perpetrated against women migrants, but also on the contribution they make to the economies of their countries of origin and their host countries, and the findings should be included in reports to treaty bodies;" (A/CONF.189/12, para. 31). The Special Rapporteur has paid particular attention to violations of the rights of migrant women, especially those working in the informal sector and in particular domestic workers. She often addresses the vulnerability of migrant women in irregular situations to trafficking, smuggling and related risks and violations. The Special Rapporteur participated in a meeting held in Colombo, Sri Lanka, in September 2002 on migrant women domestic workers and spoke at a meeting held in Santo Domingo about migrant women's health. In 2002, the Special Rapporteur focused on migrants deprived of their liberty, and considered the detention of women, particularly pregnant women, who are victims of trafficking. Her report to the General Assembly (A/57/292) contains a section on the situation of women migrant workers and violence against them.

11. In its resolution 2002/70, the Commission expresses concern about the "serious nature of the risks faced by human rights defenders and the particular consequences for women human rights defenders", though it does not call for the Special Representative of the Secretary-General on human rights defenders to integrate a gender perspective in her mandate. In her report to the Commission (E/CN.4/2002/106), the Special Representative of the Secretary-General devoted a section to the specific situation of women human rights defenders. She analysed statistics concerning cases documented by the special procedures of the Commission affecting women human rights defenders and identified trends regarding the rights of women and how women play a role in defending human rights. Her report to the General Assembly (A/57/182) included information on the plight of women human rights defenders in Western Africa and the widespread social discrimination and gender-specific risks to which they are exposed. The

report also addressed the situation of women human rights defenders in Asia, the Middle East and Euro-Mediterranean region. The Special Representative of the Secretary-General concluded that “special attention should be paid to women’s protection needs and discussions on the progress and development of issues affecting their security should be promoted”.

12. Commission resolution 2002/38 refers to resolution 2001/62, in paragraph 31 of which the Commission “[i]nvites the Special Rapporteur [on the question of torture] to continue to consider questions concerning torture and other cruel, inhuman or degrading treatment or punishment directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women with a view to enhancing further their mutual cooperation”. The Special Rapporteur addressed the gender aspect of his mandate in his reports to the Commission twice, most recently in 2000. His reports routinely include statistical information such as the number of women on whose behalf he intervened through urgent appeals or allegation letters. During fact-finding missions, the Special Rapporteur visited places of detention in which women were detained and included information on them in his reports. The Special Rapporteur may wish to give additional attention to the special needs of women in detention.

13. The Commission resolution setting out the mandate of the Working Group on Arbitrary Detention does not call for a gender analysis. However, the Working Group has incorporated a gender perspective in its reports, in accordance with resolutions on integrating the human rights of women throughout the United Nations system. In its report to the Commission at its fifty-eighth session (E/CN.4/2002/77), the Working Group reported on the questions of recourse to detention as a means of protecting women and of keeping women in detention after the completion of their sentences. The Working Group recommended that “[r]ecourse to deprivation of liberty in order to protect victims must be reconsidered and, in any event, must be supervised by a judicial authority. This measure must be used only as a last resort and when the victims themselves desire it” (ibid., para. 61).

14. In his report to the Commission at its fifty-eighth session (E/CN.4/2002/72), the Special Rapporteur on the independence of judges and lawyers stated that several resolutions adopted by the Commission at its fifty-seventh session (2001/34, 2001/48, 2001/49 and 2001/50) were also pertinent to his mandate. United Nations basic principles on the independence of the judiciary, lawyers and prosecutors prohibit discrimination based on sex in the selection for judicial office or prosecutors and in entry into, and continued practice within, the legal profession. They also require Governments to ensure equal access to lawyers without discrimination based on sex and for prosecutors to avoid sexual discrimination in carrying out their functions.¹

15. Commission resolutions on the rights of the child do not specifically call on the Special Rapporteur on the sale of children, child prostitution and child pornography to incorporate a gender analysis in his work. He has noted that it is still extremely difficult to get information about the situation of boys, who will very rarely seek help or speak out about rape or sexual abuse. He has reported that in some jurisdictions, male rape is not legally recognized (E/CN.4/2003/79), giving boys no avenue for redress and therefore no incentive to report abuse.

16. In its resolution 2002/56, the Commission noted the specific attention paid by the Representative of the Secretary-General on internally displaced persons to the special assistance, protection and development needs of internally displaced women, and welcomed his commitment to pay more systematic and in-depth attention to women and children as well as other groups with specific needs. The Guiding Principles on Internal Displacement make specific reference to the prohibition of gender-specific violence and slavery and to the right of women to personal identification and other documentation, and call for the full participation of displaced women in the planning and distribution of humanitarian assistance and the management of their relocation. Attention to the specific problems that internally displaced women face has been a component of the work of the mandate for several years, partly because the majority of internally displaced persons are women and children. The Representative of the Secretary-General, as a member of IASC, has participated in its Reference Group on Gender and Humanitarian Assistance and advocated for the application of the IASC policy statement for the integration of a gender perspective in humanitarian assistance. He has called on Governments to take into account and consider the specific needs of women and gender issues in all policies and programmes, and stressed the need for disaggregated data and gender analysis.

17. Commission resolutions have consistently requested the Special Rapporteur on extrajudicial, summary or arbitrary executions to apply a gender perspective in her work. Commission resolution 2001/45 also requests her to “investigate promptly and thoroughly cases of killings committed in the name of passion or in the name of honour”. Specific sections on violations of the right to life of women are consistently included in her reports. In her report to the Commission at its fifty-eighth session (E/CN.4/2002/74), the Special Rapporteur called attention to increasing reports of women being deliberately targeted and exposed to extrajudicial killings, expressed deep concern about reports of the involvement of women in violence and about gender-based crimes and mentioned the considerable amount of information received regarding traditional practices, particularly the so-called “honour killings”, targeting women in many countries. She noted that a comprehensive policy has to be drawn up to abolish practices that impinge upon the life of any person purely because of sexual distinction. She also acknowledged the efforts made by some Governments and judges in bringing the perpetrators of such violations to justice.

18. Commission resolution 2002/48 noted the gap between men and women in the enjoyment of the right to freedom of expression and to information and how that gap contributed to “inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities” and reaffirmed the importance of the role of women and their equal participation in all efforts to maintain and promote peace and security, recognizing that these efforts are constrained by the lack of full and effective enjoyment of their right to freedom of expression. The resolution also invited the Special Rapporteur on the right to freedom of opinion and expression, “in cooperation with the Special Rapporteur on violence against women, its causes and consequences, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, to

consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live and to consider joint reports with the Special Rapporteur on violence against women”.

19. The 2001 report of the Special Rapporteur on the right to freedom of opinion and expression (E/CN.4/2001/64) addressed the issue of women and freedom of expression, and in particular “women, peace and security”. However, the mandate has not otherwise examined women’s right to freedom of expression, and very few communications received address the situation of women. Lack of data and information has been an obstacle to the identification of trends with respect to women’s right to freedom of expression. The decision of the Commission on the Status of Women to examine at its forty-seventh session in March 2003 the participation in and access of women to the media as well as women’s human rights could be of help in that regard.

20. Commission resolutions do not refer to gender with regard to the mandate of the independent expert on the Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Research conducted for the independent expert on the justiciability of economic, social and cultural rights include cases alleging violations with regard to discrimination on the basis of sex.

21. Commission resolutions on the mandate of the Special Rapporteur on adequate housing invite him to “apply a gender perspective” and refer specifically to gender discrimination. Commission resolution 2002/49 requested the Special Rapporteur to submit to the Commission a study on women and adequate housing; a regional civil society consultation was organized in Nairobi in October 2002 by the United Nations Human Settlements Programme (UN-Habitat) and OHCHR to assist him in its preparation. The Special Rapporteur has devoted extensive attention to gender and women’s rights issues within his mandate, on which he had a dialogue in August 2002 with the Committee on the Elimination of Discrimination against Women. His reports have included an analysis of the jurisprudence of the Committee, and specific sections focusing on women and gender.

22. Commission resolution 1998/33 and subsequent ones on the mandate of the Special Rapporteur on the right to education called on her “to take into account gender considerations, in particular the situation and needs of the girl child, and to promote the elimination of all forms of discrimination in education”. Commission resolutions on the right to education refer to gender discrimination. Resolution 2001/29 noted the goals set by the United Nations Millennium Declaration and called upon States “to take all appropriate measures to eliminate obstacles limiting access to education, notably by girls, including pregnant girls ...” and “to support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials”. The Special Rapporteur has focused systematically on gender issues both in her annual and mission reports, including by addressing the effects of early marriage and teenage pregnancy on school enrolment and drop-out levels, or gender stereotypes in school curricula. She has also noted data on school performance when it highlighted boys’ under-achievement and weak literacy skills.

23. Commission resolution 2001/25 encouraged the Special Rapporteur on the right to food to “mainstream a gender perspective in the activities relating to his mandate”. The Special Rapporteur has addressed issues relating to women in his mission reports, including gender disparity and discrimination, traditional practices affecting access to food, the role of women in food production, and violence against women. He has not presented a comprehensive conceptual framework examining in detail the gender dimensions of the right to food.

24. Commission resolutions on the mandate of the independent expert on the right to development do not refer explicitly to gender, but article 8 of the Declaration on the Right to Development requires States to undertake “[e]ffective measures ... to ensure that women have an active role in the development process”. The five reports submitted by the independent expert have addressed gender and women’s rights, in particular the second and third reports (A/55/306 and E/CN.4/2001/WG.18/2). He drew attention to issues such as gender equality, participation of women’s organizations, and women’s health. He noted also the need for gender-sensitive and gender-specific indicators and for disaggregated data, whose lack remains an obstacle to adequate integration of gender perspectives into the promotion and protection of the right to development.

25. Commission resolution 1998/25 establishing the mandate of the independent expert on human rights and extreme poverty requested her to take into account “in particular the obstacles encountered and progress made by women living in extreme poverty as regards the enjoyment of their fundamental rights”, a request not repeated in subsequent resolutions. Sub-Commission on the Promotion and Protection of Human Rights resolutions on the Declaration on Human Rights and Extreme Poverty do not refer to gender or women’s rights. The independent expert has paid particular attention to women’s rights with regard to education, inheritance and birth registration. Women’s rights issues that may require further attention include domestic and other forms of violence against women, often mentioned by poor women as being among the human rights violations of the greatest concern.

26. Commission resolutions on the mandate of the Special Rapporteur on toxic waste do not refer to gender. The Special Rapporteur has focused on the analysis of existing legal frameworks relevant to the transfer of toxic waste and dangerous products and has not conducted a detailed analysis of the relevant human rights, leaving little scope for a gender analysis. Specific references to gender issues are not usually found in the summaries of the allegations received. Gender issues that could be of relevance to the mandate would include the possibility of different impact on the health of women and men or the right of women to participate in decision-making at the community, national and international levels.

27. At its fifty-fourth session, pursuant to Commission resolution 2002/50, the Sub-Commission agreed on the integration of a gender perspective into all of its agenda items (E/CN.4/2002/3-E/CN.4/Sub.2/2002/46, annex I). For example, Sub-Commission resolution 2001/24 asked the Social Forum to address the impact of international trade, finance and economic policies on women. The substantive discussions at the first session of the Social Forum, in July 2002, repeatedly addressed the situation of poor women in rural areas.

28. Notwithstanding those Commission resolutions that strongly encourage Member States to promote gender balance by nominating more women candidates for appointment to United Nations bodies, gender parity has not been achieved among persons mandated to carry out the thematic and country-specific procedures of the Commission. As of 7 November 2002 (with one more expert to be nominated to the Working Group on People of African Descent), 25 per cent of the 48 experts of the special procedures of the Commission were women. The only regional group to have nominated more women than men is the Eastern European Group (three out of five experts). The African, Asian and Latin American and Caribbean Groups included 25 per cent women nominees (3 out of 12 both for the African and Asian Groups and 6 out of 8 for the Latin American and Caribbean Group). Less than 10 per cent of nominees of the Group of Western European and Other States were women (1 out of 11). Gender balance is greater among participants in the fifty-seventh and fifty-eighth sessions of the Commission, where, overall, women represented approximately 40 per cent of participants (E/CN.4/2003/12). Women accounted for 40 to 50 per cent of the delegates representing international organizations and non-governmental organizations and slightly over 30 per cent of delegates representing States members of the Commission and Observer States.

29. Twenty-seven per cent of the 26 members of the Sub-Commission were women in 2002 (though women accounted for 53 per cent of the 15 alternates). Women represented a similar proportion of the Sub-Commission experts preparing working papers (approximately one quarter) and a higher one of those entrusted with preparing studies and reports approved by the Commission (more than one third). Five of the eight panellists at the first session of the Social Forum were women.

III. STEPS TAKEN BY HUMAN RIGHTS TREATY MONITORING BODIES

30. More detailed information was included in the reports submitted to the Commission at its fifty-third to fifty-fifth sessions (E/CN.4/1997/40, E/CN.4/1998/49 and Add.1, and E/CN.4/1999/67 and Add.1), and the study carried out by the Division for the Advancement of Women (HRI/MC/1998/6).

31. The Committee on the Elimination of Discrimination against Women (CEDAW) continues to support the integration of the human rights of women and gender perspectives in the work of all United Nations human rights treaty bodies by providing relevant expertise to the work of other treaty bodies as well as to joint meetings and initiatives. The Committee against Torture (CAT) increasingly raises issues specific to the human rights of women, most frequently with regard to allegations of rape and other forms of sexual abuse and ill-treatment of women in detention and in prisons, violence against women, particularly internally displaced women, and measures taken by States to combat trafficking. The Committee on the Rights of the Child (CRC) continued in 2002 to raise systematically the issue of discrimination against girls in its concluding observations. More detailed information on its activities was included in the report of the Secretary-General submitted to the Commission at its fifty-eighth session (E/CN.4/2002/81). The Committee continues to give special attention to the impact of traditional and cultural practices upon girls and women (particularly female genital mutilation

and forced marriage), discriminatory ages of marriage, and access to education for girls (including pregnant girls), as well as to polygamy and its impact on the upbringing and development of the child. The Committee noted that boys are also victims of trafficking for exploitation as child-jockeys in camel races.

32. The Committee on Economic, Social and Cultural Rights (CESCR) continues to deal with the human rights of women and girls and to adopt a gender perspective, particularly with regard to the right to work, the right to education, the right to health, trafficking, and protection of the family, including from domestic violence. At its twenty-ninth session, in November 2002, the Committee adopted General Comment No. 15 on the right to water (E/C.12/2002/11), which, inter alia, addresses the need for water facilities and services to be sensitive to gender requirements, for example with regard to ensuring that physical security is not threatened in accessing water services. It also refers to: article 14, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women; the applicability of article 2 (prohibiting discrimination on the basis of sex) and article 3 (on equality between men and women) of the Covenant; the need to ensure access by women farmers to water and water management systems; the special needs of women regarding sanitation and its potential impact on the availability of clean water; and the need to pay particular attention to the alleviation of the disproportionate burden that women bear in the collection of water and to the involvement of women in decision-making concerning water resources and entitlements.

33. The Committee on the Elimination of Racial Discrimination (CERD) committed itself, in its General Recommendation XXV (adopted in 2000) to “take into account gender issue or factors which may be interlinked with racial discrimination”. The Committee continues its efforts to clarify the relevance of gender discrimination and women’s rights issues to the monitoring of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee will need to receive additional information and data that would allow it to address thoroughly and systematically the gender discrimination and women’s rights relevant to racial discrimination. During its sixtieth and sixty-first sessions, held in 2002, the Committee made reference to gender-related aspects of racial discrimination in three concluding observations (A/57/18, paras. 70, 404, 405, 439 and 443). General Recommendation XXIX on descent-based discrimination (adopted at the sixty-first session in August 2002) includes a section on multiple discrimination suffered by women from descent-based communities, with the Committee recommending that States parties “take all measures necessary in order to eliminate multiple discrimination, including descent-based discrimination against women, particularly in the areas of personal security, employment and education”. The Committee also recommended that States parties “take into account ... the situation of women members of the communities, as victims of multiple discrimination, sexual exploitation and forced prostitution”. Three members of the Committee participated in a training session, organized for the staff of OHCHR on follow-up to the Durban Declaration and Programme of Action, that included a discussion of the intersection between gender and racial discrimination. During its sixtieth session, in March 2002, the Committee met representatives of the United Nations Population Fund (UNFPA) to discuss the relevance of reproductive rights to the work of the Committee. UNFPA provided information on issues related to racial discrimination in connection with sexual and reproductive health concerning periodic reports considered by the Committee during its sixty-first session in August 2002.

34. The Human Rights Committee (HRC) continued to make progress in including gender-related and women's rights issues in its work. The lists of issues prepared by the Committee's country report task forces routinely include references to the failure to criminalize domestic violence, to female genital mutilation, to criminalization of abortion, to inadmissibly low and discriminatory minimum age for marriage, and to discrimination against men or women due to their sexual orientation. However, these issues receive less attention during the examination of the report and are not always reflected in the Committee's concluding observations.

35. In June 2002, a Treaty Body Recommendations Unit was established in the Support Services Branch of OHCHR and will assist in drawing attention to the recommendations of treaty bodies in the area of women's human rights. Amongst its first activities was a pilot workshop for dialogue on the concluding observations of HRC, in collaboration with the Government of Ecuador, which was held in Quito, in August 2002. One of the themes emerging from the concluding observations of HRC discussed during the workshop was the situation of women, including with respect to lack of equal rights and domestic violence.

36. The Petitions Unit of OHCHR reviewed communications submitted under the First Optional Protocol to the International Covenant on Civil and Political Rights, identifying 20 cases of alleged violations of the Covenant involving discrimination based on sex. The Petitions Unit also reviewed all complaints registered between January and November 2002 under individual communications procedures regarding the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture. Female complainants are concerned by 19 per cent of cases registered by HRC, 20 per cent of cases registered by CERD and 17 per cent of cases registered by CAT. It may be necessary to target women and their advocates in efforts to disseminate information regarding the individual complaints procedures.

37. There has been little progress in the achievement of gender balance in the membership of the treaty bodies. CRC continued to include seven women and three men. CAT continued to include one woman and nine men among its members. CEDAW had 2 men and 21 women members. For CERD the number of its women members decreased from three to two in 2002. CESCRC continues to have 2 women and 16 men members. After the September 2002 election (when States parties nominated 2 women and 11 men for election to 9 seats), HRC has included 2 women and 16 men in its membership. Overall, women represent 36 per cent of treaty body members; 80 per cent serve in the two treaty bodies dealing with women and children, while in the other four treaty bodies women represent less than 12 per cent of members.

IV. STEPS TAKEN BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

38. OHCHR has a project to strengthen support for the integration of gender perspectives and women's rights into all its activities. It established in December 2001 a post of Gender Coordinator. In July 2002, the Senior Policy Committee adopted a "Gender Mainstreaming Strategy" for the Office. The Strategy builds upon initiatives undertaken in recent years and emphasizes Office-wide commitment; consultation and accountability; involvement and responsibility of staff and management; establishment of institutional mechanisms; and

monitoring and evaluation. It seeks to address capacity-building for gender analysis from a human rights perspective within existing resources, procedures and mechanisms. Actions required by the Strategy include: establishment of a network of gender focal points; discussion of gender mainstreaming in standing bodies and meetings; integration of gender review into the project screening process; inclusion of gender mainstreaming objectives in team and individual work plans; monitoring of progress; and identification by team leaders and staff members of training needs. All units at headquarters and the New York Office designated gender focal points in 2002 (12 of the 27 network members are men). Discussions on achievements and challenges faced in integrating gender perspectives and women's rights into human rights activities were held by headquarters units between August and December 2002, as well as during the annual meeting of heads of field presences in November 2002.

39. OHCHR helped to plan activities aimed at supporting the work of the Afghan Independent Human Rights Commission, established in June 2002. To this end, a United Nations support project has been established jointly by the Office, the United Nations Assistance Mission in Afghanistan (UNAMA) and the United Nations Development Programme (UNDP). Activities have been planned in consultation with Afghan women and include proposals to identify and train Afghan activists, especially women, in women's rights for their follow-up engagement as trainers; to create women mobile teams to go into remote areas to ensure access and educate Afghan women on their respective human rights; to establish dedicated spots on radio and television, and in the print media, and other traditional methods of communication on women's rights and non-discrimination; to disseminate, and raise awareness about, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Political Rights of Women; and to commission a study on women's rights under Islamic law and in Afghan culture. UNAMA has conducted, in close collaboration with community leaders and Afghan authorities, investigations into cases of domestic violence, forced marriages, kidnapping of young girls by local commanders, attacks against girls' schools in some parts of the country, and restrictions affecting women's basic freedoms.

40. In Sierra Leone, OHCHR and the Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL) supported a project undertaken by Physicians for Human Rights, which produced a report in January 2002 highlighting the disturbing and underreported pattern of violence and abuse against women during the conflict. The UNAMSIL Human Rights Section conducts training for police and civil society organizations on how to deal with the many violations of women's rights and with the victims of sexual violence during the war who continue to suffer from psychological trauma and physical injuries, unwanted babies, sexually transmitted diseases, including HIV/AIDS, and social ostracism. Support is also provided to women's rights organizations conducting a survey of female genital mutilation and a campaign against domestic violence.

41. In Bosnia and Herzegovina, OHCHR has made gender and women's rights the main focus of its support for human rights efforts undertaken by the Government, civil society and the international community. In 2002, the provision of expert advice to the Government and civil society emphasized trafficking in persons and domestic violence, as well as gender discrimination dimensions of the protection of economic, social and cultural rights (particularly health and labour rights) and of vulnerable groups (including minority returnees).

42. The Office has integrated gender perspectives into the terms of reference for a global review of all technical cooperation projects to be conducted in 2003. Project proposals are increasingly reviewed for their integration of gender perspectives and women's human rights both in the analysis of the issues to be addressed and in the content of the activities proposed. In many cases, technical cooperation projects already integrate components of women's rights. In the Former Yugoslav Republic of Macedonia, the Office organized with the Council of Europe in June 2002 a workshop on "Strategies for the Promotion of Women's Participation in Political and Public Life", which considered gender mainstreaming methodologies to promote gender equality and combat poverty among women. For the Latin American and Caribbean region, the terms of reference for staff and consultants use gender-sensitive language, and strong encouragement is given to gender balance in the selection of participants for meetings. Regional projects have included activities addressing domestic violence, such as providing support in 2002 to a regional institution in the preparation of a training manual for police officers. Indigenous rights projects in Guatemala also include specific activities for indigenous women. The Office also organized a regional seminar on "Promotion and Protection of Reproductive Rights through the Work of National Human Rights Institutions" in San José in May 2002, with the Inter-American Institute of Human Rights which led to the adoption of recommendations to guide national institutions in their work on reproductive rights.

43. The High Commissioner for Human Rights administers on behalf of the Secretary-General, with the advice of boards of trustees, four human rights trust funds financed through voluntary contributions. All the funds request both applicants and beneficiaries of grants to indicate the gender of the victims to be assisted and those who have been assisted with the support of the fund concerned and the gender of the staff involved in the project. This information is taken into consideration by the secretariat and the Board when examining project proposals. As a result of projects submitted which were specifically designed for women to help them respond to the consequences of rape, the Board of the United Nations Voluntary Fund for Victims of Torture decided to include rape in its definition of torture. Forty-five per cent of an estimated 80,000 victims of torture assisted in 2001 by organizations supported by the Fund were women, a majority of whom had been raped in detention. The Voluntary Fund also provided assistance for the publication of a "Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment", which includes sections dealing specifically with gender issues and issues of sexual torture.

44. The United Nations Voluntary Fund for Indigenous Populations encourages indigenous organizations and communities applying for travel grants to consider gender balance and, if possible, propose one woman and one man. The Board of Trustees strives to select an equal number of male and female applicants for its travel grants. The guidelines for applications for project grants to the United Nations Voluntary Fund for the International Decade of the World's Indigenous People state that "projects will be considered taking into account gender balance". Some of the projects funded address specifically the human rights situation of indigenous women. Approximately 50 per cent of projects financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery seek to address problems affecting particularly women and girls. It is the Fund's practice to choose an equal number of male and female beneficiaries of travel grants.

45. The acknowledgement of the intersection of gender and racism was one of the achievements of both the process and the agreed texts adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in September 2001.² The World Conference noted that racial discrimination exhibits itself in a differentiated manner for women and girls and that there is a link between racism against women, on the one hand, and the deterioration of women's living conditions, poverty and violence and the limitation or denial of women's human rights, on the other. It noted that poverty and social status are obstacles to the effective political participation of women, and encouraged States to undertake a gender analysis of all economic and social programmes and poverty eradication measures, including those designed to benefit individuals or groups who are victims of racial discrimination. The World Conference also recognized that sexual violence has been systematically used as a weapon of war and is often related to racism, racial discrimination, xenophobia and related intolerance.

46. The Office organized two regional seminars to exchange ideas on how to implement the Durban Declaration and Programme of Action in Mexico City in July 2002 and in Nairobi in September 2002. Both seminars successfully integrated gender perspectives into their topic focus, expert selection and the recommendations adopted. During the fifty-eighth session of the Commission, the Office organized a panel on "Combating Racism and Promoting Women's Rights". Gender and women's rights issues are also increasingly integrated into activities focusing on minorities and indigenous peoples. During the first session of the Permanent Forum on Indigenous Issues that took place in New York in May 2002, the Office organized a panel on "Empowering Indigenous Women".

47. The Office also aims to integrate gender and women's rights into its research and policy analysis activities. The Office's research and analysis highlight that women and girls are the most vulnerable to trafficking, and emphasize the need for prevention to address the root causes of vulnerability, including gender discrimination and violence against women. In addition, the Office systematically draws attention to how gender discrimination hinders women's ability to protect themselves from HIV infection and to respond to its consequences both for themselves and their families. Contributing factors include lack of access to HIV-related information, education and services; sexual violence; harmful traditional practices; and lack of legal capacity and equality in family matters. The joint programme on housing rights of the Office and UN-Habitat gives priority attention to gender and women's rights.

48. Increasing efforts are being made in the area of human rights and development. The draft "Guidelines on a Human Rights Approach to Poverty Reduction Strategies" integrate gender and women's rights issues, particularly with regard to the identification of the poor, the principle of equality and non-discrimination, the references to applicable international human rights norms, and the definition of key targets and indicators. Further efforts will be made to systematize such references in the finalization of the Guidelines. Gender is also explicitly integrated into some, though not all, components of the Human Rights Strengthening (HURIST) Programme, a joint initiative of the Office and UNDP. Particular attention will be given to including the human rights of women in gender analysis.

49. To render the classification of the OHCHR database and online documentation more precise, a new subject category of “gender” has been added to the previously available category of “women”. No systematically compiled information is currently available on gender balance with regard to participants in seminars, workshops, training courses, fellowship programmes, or other meetings organized by the Office. Efforts to encourage gender balance in the selection of participants are often made, but not in a systematic manner. For example, information collected on the participants in seven meetings and workshops of national institutions supported by the Office in 2002 reveals that the proportion of women fluctuated between 25 and 32 per cent in four of the meetings, while it amounted to only 13 per cent in another meeting. The proportion of women was 65 per cent in a workshop on national institutions, human rights and the media and reached 91 per cent in a workshop on reproductive rights. Participation of women in workshops and seminars on minorities and indigenous peoples also fluctuated, with the proportion of women funded by the Office ranging from 10 to 75 per cent of participants. In one regional seminar, gender parity was ensured by inviting each organization to nominate two participants - one man and one woman. For the indigenous fellowship programmes supported by the Office, the proportion of women participants has ranged from 40 to 60 per cent (with the exception of the French-language programme introduced in 2002), while less than 40 per cent of applications received were from women.

V. CONCLUSIONS AND RECOMMENDATIONS

50. **Human rights treaty bodies and the thematic special procedures of the Commission continue to take steps to address gender and women’s rights issues in their human rights work. The Commission adopts many resolutions requesting that specific attention be given to gender and the human rights of women and the Sub-Commission is integrating gender perspectives into its agenda. OHCHR is stepping up gender mainstreaming efforts. However, additional efforts are still needed to ensure a thorough and systematic integration of the human rights of women and gender perspectives in the United Nations human rights system.**

51. **Increased appreciation of the intersection of gender with other forms of discrimination is one of the advances achieved in recent years, with gender providing an entry point for analysis of multiple discrimination patterns. The Durban Declaration and Programme of Action have facilitated attention to gender by related mandates, including that on the human rights of migrants. It is to be welcomed that, in efforts to implement the Durban Declaration and Programme of Action, continuing attention has been paid to gender dimensions of racial discrimination. Greater efforts are needed, however, to address the multiple forms of discrimination that affect particular groups of women, including indigenous or migrant women and women of African descent.**

52. **In the framework of its gender mainstreaming strategy, OHCHR is increasing its efforts to ensure that gender perspectives and women’s rights issues are integrated into its activities, including in the technical assistance it can offer at the request of Member States. Many human rights field presences are involved in the promotion and protection of the rights of women, but there is a need for the analysis of human rights issues to be more sensitive to gender issues, and for reporting on monitoring and technical cooperation activities to be more explicit and systematic in analysing gender dimensions and in using**

sex-disaggregated data and reflecting the involvement of women as beneficiaries and as resource persons. Additional gender training regarding human rights activities has been identified as a vehicle for further progress.

53. Women members have often led treaty body efforts to integrate gender perspectives and human rights of women into their work. The Commission may wish to reiterate the importance of the relevant provisions of the Beijing Platform of Action and of Commission resolutions, and to invite the Secretary-General to bring gender trends in the membership of treaty bodies to the attention of States parties when inviting their nominations for election of members.

54. Commission resolution 2002/50, together with resolutions 2002/49, 2002/51 and 2002/52, provide a general framework for addressing women's rights and gender perspectives in the special procedures of the Commission. In particular, collaboration with the Special Rapporteur on violence against women has facilitated attention to gender for some mandates. In addition, several resolutions specifically request mandate holders to integrate gender and/or women's rights into their work. The integration of gender perspectives and human rights of women in the work of special procedures appears to be facilitated also by the individual background and expertise of mandate holders. This process should continue. Gender balance and gender expertise in the designation of experts by the Commission or by its Chairperson require further attention. More specific references to gender analysis should be included in the designing and assessment of all the Commission's mandates, particularly those concerning special procedures.

55. Increasing the participation of women in human rights activities, as well as a matter of gender equality, can be an effective way to improve attention to women's rights. Anecdotal evidence suggests, however, that gender balance among participants and beneficiaries of the United Nations human rights system is far from being achieved. Governments, United Nations agencies, OHCHR and non-governmental organizations should be encouraged to work for a greater gender-balanced participation in human rights activities, including in technical cooperation projects.

Notes

¹ "Basic Principles on the Independence of the Judiciary" adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 1985 and endorsed by General Assembly resolutions 40/32 and 40/146; "Basic Principles on the Role of Lawyers" and "Guidelines on the Role of Prosecutors", adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 1990.

² Durban Declaration and Programme of Action, A/CONF.189/12.