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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives

Statement submitted by Amnesty International, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Amnesty International welcomes the theme of the fifty-eighth session of the Commission on the Status of Women. It is particularly timely in the context of the broader international deliberations on development beyond 2015.

Gender equality and empowerment are widely recognized as essential to poverty reduction and development in key instruments such as the Programme of Action of the International Conference on Population and Development (1994), the Beijing Declaration and Platform for Action (1995) and the United Nations Millennium Declaration (2000).

The Millennium Development Goals, however, do not adequately reflect the commitment of States to realize the full range of women's rights. The gender-sensitive targets and indicators are restricted to goal 3 (promote gender equality and empower women) and goal 5 (improve maternal health). In addition, they are not aligned with the human rights obligations of States and lack accountability mechanisms to ensure genuine progress.

The failure to integrate gender equality fully into the Millennium Development Goals means that efforts by States to tackle poverty have not addressed structural inequality and discrimination on gender and other grounds. This is further overlooked because of inconsistency in disaggregating data, which may have specific negative implications for women and girls from certain disadvantaged groups.

It is critical that the Commission review these gaps and challenges and promote progressive and concrete measures, grounded in human rights standards, to inform the ongoing debate on poverty and development.

States must ensure that the post-2015 development agenda is inclusive and guarantees substantive gender equality, including equality of opportunity and results, with full protection of the law. It must also address the multiple structural barriers women and girls face, and empower them to fully realize their rights. States must include in the agenda a stand-alone goal on gender equality and ensure that gender is integrated in every goal.

Gaps and challenges to gender equality and empowerment in the Millennium Development Goals

Women and girls everywhere continue to suffer from gender discrimination, violence and other human rights violations. They experience pervasive inequality and discrimination in their access to rights, opportunities and resources. Women living in poverty, estimated to be 70 per cent of those living in poverty worldwide, often face intersectional discrimination on the grounds of gender, sexual orientation and gender identity, indigenous or minority status, caste, race, ethnicity or disability. They confront barriers in accessing employment, education, health care, adequate food, water and sanitation, and in participating in public life.

Yet, goal 3 has been reduced to a single target: to eliminate gender disparity in education. Although complemented by two indicators on women in paid employment in the non-agricultural sector and in national parliaments and by the targets and indicators on maternal health under goal 5, this falls well below the legal obligations of States under international law to address discrimination and guarantee gender equality in all spheres of life.

The Millennium Development Goals are silent on some key areas of State responsibility for eliminating gender discrimination, including in their civil and penal laws. Many countries continue to discriminate against women in marriage and family relations and often deny women's inheritance, property and labour rights as well as their civil and political rights, including equality before the law.

Similarly, gender-based violence is not reflected in any of the Millennium Development Goal targets although it is a pervasive barrier to gender equality that undermines progress on all the Millennium Development Goals. This is despite States' obligations under international law to prevent, investigate and punish all acts of violence and ensure survivors can access justice and remedies.

The targets and indicators under goal 5 fail to acknowledge the full scope of factors contributing to preventable maternal mortality and morbidity. These include poverty and underlying human rights violations such as early marriage, violence and discrimination that deny women and girls access to health care and control over their sexuality and reproductive lives. States have a duty to address prejudices and gender stereotypes, and ensure that culture and tradition are not used to justify discriminatory laws, policies and harmful practices that undermine women and girls' health and rights.

Goal 5 reflects the need to improve access to maternal health services including skilled birth attendants, antenatal care, contraception and family planning. However, it doesn't reflect States' obligation to ensure that services are of sufficient quality, acceptable, available and accessible to all. Health-care systems in many countries are often unavailable or inaccessible for a variety of reasons, including the cost of travelling to facilities or treatment by medical personnel.

The maternal mortality ratio indicator (target 5.A) illustrates a common problem with data collection across all the Millennium Development Goals. It can be misleading owing to the inadequate monitoring and underreporting of maternal deaths and "near misses", especially in countries with the highest rates. The lack of disaggregated data means that progress on national averages may conceal a failure to register maternal mortality among certain groups, such as women and girls living in remote rural areas or slums, indigenous women and girls, or adolescents. Collecting anonymized disaggregated data in an ethical way is crucial to ensure that the post-2015 goals tackle the discrimination and inequality that disproportionately affect the most disadvantaged women and girls.

States should not focus solely on providing maternal health care but on guaranteeing the full range of women's and girls' rights, including their right to decide freely on matters related to their health, sexuality and reproductive life. Full recognition and implementation of sexual and reproductive rights, both in law and practice, is needed to ensure that women and girls are able to fully exercise their human rights.

States must ensure access to quality, comprehensive and integrated sexual and reproductive health services, counselling and information to all without discrimination or coercion and with respect for human rights. Services should not promote selective approaches that violate human rights and undermine individuals' autonomy and decision-making power, such as when prevention of unwanted pregnancy is prioritized while unsafe abortion remains unaddressed. They should not exclude any group, for instance, adolescents and young women, those who are unmarried, or lesbian, gay, bisexual, transgender and intersex people.

Sexual and reproductive health information and services should be provided with respect to diversity, equality and equity. In many countries those who do not conform to set gender roles are often harassed, excluded, stigmatized and discriminated against by health personnel on the basis of their real or perceived sexual orientation or gender identity, HIV or other grounds. The requirement that women and girls should have spousal or parental consent to access sexual and reproductive health information and services also violates human rights.

The Programme of Action of the International Conference on Population and Development recognizes that reproductive health care should include access to safe abortion and post-abortion care (para. 7.6). Despite the clear warning by the World Health Organization that restrictive legislation on abortion can result in unsafe abortions leading to death, some countries still restrict access to safe abortion, including by banning abortion in all cases. States must take urgent steps to review and amend all laws criminalizing or imposing sanctions on those seeking or having an abortion. They must ensure that women and girls have accurate and complete information about, and access to, safe and legal abortion services and post-abortion care provided by trained health workers.

The Commission on Population and Development has repeatedly recognized the responsibility of States to provide young people with comprehensive sexuality education, including on sexual and reproductive health, gender equality and how to deal positively and responsibly with their sexuality. At its forty-fifth session, Member States committed to promote young people's sexual and reproductive health and rights. However, programmes that empower young women and men to know their bodies and exercise their rights remain extremely rare. Moreover, States use criminal laws and other punitive measures to control access to education and information about sexuality. States must urgently abolish punitive laws and ensure that women and young people have access to evidence-based, comprehensive sexuality education and information.

Women and girls' participation in policy-making is essential to ensure that a gender perspective is fully integrated into public policy in all spheres of life. States must provide opportunities for equal and meaningful participation of women and young people in public policy formulation in all sectors and at all levels, as stipulated in the Convention on the Elimination of All Forms of Discrimination against Women (art. 7 (b)).

Women's organizations and human rights defenders play a key role in addressing concerns and challenges faced by women and promoting best practices. However, they are often targeted by State and non-State actors for gender-specific harassment, discrimination and violence to dissuade them from demanding their rights and participating in public life, especially when challenging gender stereotyping and discrimination. States have an obligation to support women human rights defenders and to create an environment conducive to their work, free from coercion, intimidation or attacks.

Accountability is crucial for the enforcement of human rights. States must ensure that women and girls can use the law to enforce their rights and access remedies when these rights are violated, including through national accountability mechanisms and the complaint mechanism under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women.