

# HUMAN RIGHTS OF WOMEN: NEW CHALLENGES



## BEIJING AT 10 : PUTTING POLICY INTO PRACTICE



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## The Review and Appraisal of the Implementation of the Beijing Declaration and Platform for Action



### Critical Area I. The Human Rights of Women<sup>1</sup>

The human rights of women throughout the life cycle  
 are an inalienable, integral and indivisible part of universal human rights.  
 -Beijing Platform for Action I.216

Every year on December 10th the international community celebrates Human Rights Day, marking the anniversary of the United Nations General Assembly's adoption of the *Universal Declaration of Human Rights*<sup>2</sup> (1948). The Declaration guarantees fundamental rights and freedoms for all human beings without distinction of any kind, such as those based on race, colour, sex, religion, language, political or other affiliations, national or social origin, property, birth or other status.

This Declaration was the starting point for subsequent measures taken with regard to the specific defence of women's human rights. Other key UN agreements on human rights include: the *Charter of the United Nations*<sup>3</sup> (1945), the *Convention against Genocide*<sup>4</sup> (1948), the *Geneva Convention*<sup>5</sup> (1949), the *Convention on the Political Rights of Women*<sup>6</sup> (1952), the *International Covenant on Civil and Political Rights*<sup>7</sup> and its Optional Protocol<sup>8</sup> (1966), the *International Covenant on Economic, Social and Cultural Rights*<sup>9</sup> (1966), the *Convention against Torture*<sup>10</sup> (1984), and the *Convention on the Right of the Child*<sup>11</sup> (1989), all of which contain specific provisions on women's rights and uphold the principle of non-discrimination on the basis of gender. The only international treaty to comprehensively address women's human rights is the *Convention on the Elimination of All Forms of*

<sup>1</sup> Prepared for INSTRAW by Angela Mastropasqua

<sup>2</sup> Universal Declaration of Human Rights <http://www.un.org/Overview/rights.html>

<sup>3</sup> Charter of the United Nations <http://www.unhchr.ch/html/menu3/b/ch-cont.htm>

<sup>4</sup> Convention against Genocide <http://www.hrweb.org/legal/genocide.html>

<sup>5</sup> Geneva Convention <http://www.genevaconventions.org/>

<sup>6</sup> Convention on the Political Rights of Women <http://193.194.138.190/html/menu3/b/22.htm>

<sup>7</sup> International Covenant on Civil and Political Rights <http://www.hrweb.org/legal/cpr.html>

<sup>8</sup> Optional Protocol to the International Covenant on Civil and Political Rights <http://www.hrweb.org/legal/cpr-prot.html>

<sup>9</sup> International Covenant on Economic, Social and Cultural Rights <http://www.hrweb.org/legal/escr.html>

<sup>10</sup> Convention against Torture [http://www.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.ch/html/menu3/b/h_cat39.htm)

<sup>11</sup> Convention on the Right of the Child <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

*Discrimination against Women*<sup>12</sup> (CEDAW, 1979) and its Optional Protocol<sup>13</sup> (1999). Other important international instruments include the *Declaration on the Protection of Women and Children in Emergency and Armed Conflict*<sup>14</sup> (1974) and the *Declaration on the Elimination of Violence against Women*<sup>15</sup> (1993), which do not have treaty status (i.e. they are not legally enforceable) but which nevertheless represent commitments on the part of national and international authorities to address and defend women's human rights issues.

In 1993 the World Conference on Human Rights adopted the *Vienna Declaration and Programme of Action*<sup>16</sup> (PoA), which proclaims that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination based on sex are priority objectives of the international community and of the United Nations. Moreover, the Vienna PoA commits states to eliminating gender-based violence and all forms of sexual harassment and exploitation, and taking measures in such fields as economic and social development, education, safe maternity, health care and social support. Finally the PoA reiterates the objectives established for women in the *Rio Declaration on Environment and Development* and Chapter 24 of *Agenda 21*<sup>17</sup> on sustainable and equitable development.

The *Programme of Action of the International Conference on Population and Development*<sup>18</sup> (Cairo, 1994) and the *Programme of Action of the World Summit for Social Development*<sup>19</sup> (Copenhagen, 1995) stated that the empowerment and autonomy of women and the improvement of their political, social, economic and health status are important ends in themselves because they are essential for the achievement of sustainable development. The Cairo PoA was also the first human rights document to introduce the concept of gender. The move from an explicit focus on women to a focus on women's ability to exercise their human rights within a framework of gender norms and stereotypes was a reflection of the general shift from a women in development to a gender and development focus, and signalled the beginning of a much needed effort to involve men in challenging gender norms and defending women's human rights.

The Cairo PoA was also the first document to comprehensively address women's sexual and reproductive rights, which have been identified as a priority in a number of subsequent human rights documents and identified by the international community and women's organizations alike as a non-negotiable component of women's overall human rights. Without sexual and reproductive rights, women are constrained in the exercise of their full human rights by forced and unwanted pregnancy, exposure to HIV/AIDS and other STIs, morbidity as a result of complications during pregnancy or delivery, and the demands on their time of caring for children, a spouse and other family members. As a response to the notable lack of legal protection for women's sexual and reproductive rights in the Region, a number of Latin American and Caribbean women's organizations have launched the

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<sup>12</sup> Convention on the Elimination of All Forms of Discrimination against Women

<http://www.unhcr.ch/html/menu3/b/e1cedaw.htm>

<sup>13</sup> Optional Protocol to CEDAW [http://193.194.138.190/html/menu3/b/opt\\_cedaw.htm](http://193.194.138.190/html/menu3/b/opt_cedaw.htm)

<sup>14</sup> Declaration on the Protection of Women and Children in Emergency and Armed Conflict  
<http://www.unhcr.ch/html/menu3/b/24.htm>

<sup>15</sup> Declaration on the Elimination of Violence against Women

[http://www.unhcr.ch/huridocda/huridoca.nsf/\(symbol\)/A.RES.48.104.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(symbol)/A.RES.48.104.En?Opendocument)

<sup>16</sup> Vienna Declaration and Programme of Action <http://www.unhcr.ch/html/menu5/wchr.htm>

<sup>17</sup> United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 3-14 June 1992)  
<http://www.un.org/esa/sustdev/documents/agenda21/index.htm>

<sup>18</sup> International Conference on Population and Development [http://www.unfpa.org/icpd/icpd\\_poa.htm](http://www.unfpa.org/icpd/icpd_poa.htm)

<sup>19</sup> World Summit for Social Development <http://www.un.org/esa/socdev/wssd/agreements/index.html>

Campaign for an *Inter-American Convention on Sexual and Reproductive Rights*,<sup>20</sup> which would become a legally-enforceable instrument alongside such existing instruments as the *American Convention on Human Rights*.

The *Platform for Action of the Fourth World Conference on Women* (Beijing PfA, 1995) reaffirmed, refined and expanded the recommendations made in the Vienna Declaration and PoA, and reiterated the importance of the Cairo PoA to ensuring the human rights of women and sustainable development. Overall, the Beijing Declaration and PfA reaffirmed that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal enjoyment of all human rights and fundamental freedoms by women and girls should be a priority for Governments and the United Nations and should be essential for the advancement of women.

The promotion of gender equality and the empowerment of women were reaffirmed as global development priorities through the *Millennium Development Goals*<sup>21</sup> (MDGs) in 2000. In the same year the UN General Assembly held a Special Session "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century," also known as Beijing + 5,<sup>22</sup> in order to review the implementation of the Beijing PfA. The outcome document of the Beijing +5 session affirmed that several steps had been taken to ensure women's enjoyment of their human rights through the creation of an enabling environment, including the adoption of policy measures, the improvement of enforcement and monitoring mechanisms and the implementation of legal literacy and awareness campaigns at all levels. Notwithstanding these advances, the outcome document also highlighted the many obstacles that continued to obstruct women's realization and exercise of their human rights, including gender discrimination, violation of women's human rights in situations of armed conflict, and the lack of a universal ratification of CEDAW. Moreover family, civil, penal, labour and commercial laws or codes still had not fully integrated a gender perspective, and in a few cases new laws discriminating against women had been introduced. Finally there was insufficient global recognition of women's and girls' sexual and reproductive rights.

The participants at the World Summit on Sustainable Development (Johannesburg, 2002) adopted the *Johannesburg Declaration on Sustainable Development*,<sup>23</sup> committing them to ensuring that women's empowerment, emancipation and gender equality are integrated in all the activities encompassed within *Agenda 21*, the *Millennium Development Goals* and the *Johannesburg Plan of Implementation*. Moreover they recognized that gender equality is one of the elements that form the basis for sustainable development.

In December 2002 the *Montréal Principles on Women's Economic, Social and Cultural Rights*, were adopted, offering a guide to the interpretation and implementation of guarantees of equality and non-discrimination in economic, social and cultural rights so that women can fully enjoy their human rights.<sup>24</sup>

At the regional level a number of significant international instruments have also been created, many of which specifically address the human rights of women, including: the

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<sup>20</sup> For more information on the Campaign for an *Inter-American Convention on Sexual and Reproductive Rights*, visit: <http://www.convencion.org.uy/default.htm> (website available in Spanish only)

<sup>21</sup> Millennium Development Goals <http://www.un.org/millenniumgoals/>

<sup>22</sup> Beijing + 5 <http://www.un.org/womenwatch/daw/followup/beijing+5.htm>

<sup>23</sup> A/CONF.199/20 available at

[http://www.johannesburgsummit.org/html/documents/summit\\_docs/131302\\_wssd\\_report\\_reissued.pdf](http://www.johannesburgsummit.org/html/documents/summit_docs/131302_wssd_report_reissued.pdf)

<sup>24</sup> Available at <http://cesr.org/node/view/697?PHPSESSID=c3afdc7ed29efa330c9f413b26288e14>

*African Charter on Human and Peoples' Rights*<sup>25</sup> (1981) and its *Protocol on the Rights of Women in Africa*<sup>26</sup> (2003), the *American Convention on Human Rights*<sup>27</sup> (1969), which established the Inter-American Commission of Women,<sup>28</sup> a specialized organisation of the Organization of American States (OAS) that is charged with monitoring and safeguarding the civil and political rights of women; the *Charter of Fundamental Rights of the European Union*<sup>29</sup> (2000), in which equality between men and women in all areas (including employment, work and pay) is affirmed (Chapter III, article 23). In 1993, in preparation for the World Conference on Human Rights in Vienna, the Asian-Pacific States adopted the *Asia-Pacific Declaration on Human Rights*,<sup>30</sup> though the Asian region itself does not possess a legally-enforceable regional human instrument or mechanism.

As the world marks the tenth anniversary of the Beijing Declaration and PfA (2005), it is clear that although considerable progress has been made on many issues and in many regions, a number of significant obstacles and challenges remain to women's full realization and exercise of their fundamental rights as human beings. These obstacles are social, economic, cultural, political, and structural and they continue to affect every aspect of women's lives, from their ability to secure employment and equal pay for equal work, to their ability to access basic education and health services and protect themselves from violence. The instruments listed above address most aspects of women's human rights, although they represent only a fraction of the commitments (resolutions, declarations, laws, policies, etc.) that exist. Together, these commitments constitute a broad and comprehensive mandate for the promotion and institutionalization of women's rights and gender equality by the international community, national governments and civil society. Despite the existence of a women's human rights framework in principle and on paper, it is the operationalization of this framework, or putting rights into practice, that remains the major challenge for the international community, national governments, civil society and other actors.

## Strategic Objective I.1.

**"Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women"**

Actions to be taken by governments and all bodies and agencies of the UN system: to ratify, accede to and ensure implementation of international and regional human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women, limiting the extent of any reservation to the Convention; to create or strengthen independent national institutions for the protection and promotion of human rights; to develop a comprehensive human rights education programme to raise awareness among women of their human rights and raise awareness among others of the human rights of women; to enable the Committee on the Elimination of Discrimination against Women fully to discharge its mandate; to

<sup>25</sup> African Charter on Human and Peoples' Rights [http://www.achpr.org/english/info/charter\\_en.html](http://www.achpr.org/english/info/charter_en.html)

<sup>26</sup> Protocol on the Rights of Women in Africa of the African Charter on Human and Peoples' Rights [http://www.achpr.org/english/info/women\\_en.html](http://www.achpr.org/english/info/women_en.html)

<sup>27</sup> American Convention on Human Rights <http://www.cidh.oas.org/Basicos/basic3.htm>

<sup>28</sup> Inter-American Commission of Women <http://www.oas.org/cim/default.htm>

<sup>29</sup> Charter of Fundamental Rights of the European Union [http://www.europarl.eu.int/charter/pdf/text\\_en.pdf](http://www.europarl.eu.int/charter/pdf/text_en.pdf)

<sup>30</sup> The *Asia-Pacific Declaration on Human Rights* refers to the "Bangkok (Governmental) Declaration on Human Rights," and does not encompass the "Bangkok (Non-governmental) Declaration on Human Rights," developed as a civil society response to the perceived failings of the Governmental Declaration. Muntarhorn, V. Towards an ASEAN Human Rights Mechanism: A Concept Paper. Bangkok: Chulalongkorn University.

take into account the need to ensure full respect for the human rights of indigenous women; to ensure the integration and full participation of women as both agents and beneficiaries in the development process; and to develop a comprehensive policy programme for mainstreaming the human rights of women throughout the United Nations system.

Recognition of the importance of the human rights of women is reflected in the fact that three quarters of the States Members of the United Nations have become parties to the Convention on the Elimination of All Forms of Discrimination against Women  
-Beijing Platform for Action 1.215

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW, 1979) is widely recognized as an international bill of rights for women. It defines what discrimination against women means and sets up an agenda for national actions to end such discrimination. CEDAW defines discrimination against women as: "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field"<sup>31</sup>. So far the Convention has garnered 98 signatures and 179 ratifications, accessions and successions, while 67 States are parties to the Optional Protocol. The Protocol, which entered into force on 22 December 2000, states that women whose rights have been violated are able, once they have exhausted national remedies, to seek redress from an international body, the Committee on the Elimination of Discrimination against Women. Moreover the Protocol entitles the Committee to conduct inquiries into grave or systematic violation of the Convention.<sup>32</sup> The Protocol provides a mechanism through which the rights contained in CEDAW can be interpreted and applied. The Protocol is a separate treaty, and must be independently ratified or acceded to by governments that are states parties to CEDAW. The fact that the Protocol assigns the inquiry process to an external mechanism, infringing on the principle of domestic jurisdiction, has been a significant deterrent to its prior development and its widespread ratification by the states parties to CEDAW.

The Committee on the Elimination of Discrimination against Women has been charged with the implementation of CEDAW. As part of this mandate, the Committee requests periodic reports on the status of implementation and compliance with CEDAW from each of the States parties, a process that is also supposed to involve non-governmental organizations (NGOs). The Committee has invited specialized agencies of the United Nations and representatives of national and international NGOs to cooperate in its work by providing country-specific reports. Moreover, it has adopted reporting guidelines to assist States parties in the preparation of initial and subsequent periodic reports. The Committee recommends that specialized agencies and other United Nations entities with field representation work with NGOs to disseminate information on the Convention and on the work of the Committee.<sup>33</sup> On the basis of the Country reports the Committee makes general recommendations in three stages: (1) an open dialogue with non-governmental organisations on the topic(s) of the general recommendation(s), (2) a first draft of the general recommendation discussed at the next session of the Committee in one of its working groups; and (3) the final adoption of the revised draft.

<sup>31</sup> CEDAW, Part I, article 1.

<sup>32</sup> See also the Report of the Committee on the Elimination of Discrimination against Women, (January and July 2004), in A/59/38.

<sup>33</sup> CEDAW/C/2004/1/4/Add.1/Rev.1

When a government report is prepared to be sent to the Committee, NGOs can critique it through the preparation of a "Shadow Report." This alternative reporting mechanism is intended to give voice to the proponents of women's rights, and to bring forth those critical issues that the official report downplays or ignores. The Committee reads all the reports and references Shadow Reports during its sessions with respective governments. An example of a Shadow Report that critiques implementation of CEDAW in Turkey was prepared and submitted by twenty-six NGOs to the CEDAW Pre-Session in July 2004, and focused specifically on the discriminatory provisions in the Turkish Penal Code Draft Law.<sup>34</sup> The Shadow Report process has never been systematically implemented however, and remains an under-used monitoring and reporting mechanism.

The Commission on the Status of Women (CSW), established by the Economic and Social Council in 1946, is responsible for sending recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. After the Beijing Conference the General Assembly charged the CSW with regularly reviewing and monitoring the implementation of the Platform for Action. In order to achieve this objective the CSW developed a multi-year programme of work on the basis of each specific Critical Area of Concern, to be implemented between 2002 and 2006. Each of these areas represents a thematic issue that is examined during the annual sessions of the CSW, taking into account analyses from special working groups consisting particularly of representatives from NGOs. The forty-ninth session of the CSW in 2005 will focus on the "Review and Appraisal of the Beijing Declaration and Platform for Action",<sup>35</sup> highlighting the implementation of the PfA at the national level and the identification of achievements, challenges and gaps. At the regional level a review is being organized by the UN regional commissions, which prepared reports based on the responses to questionnaires submitted by the member states. NGOs accredited to the Economic and Social Council are also eligible to attend the CSW, providing written statements related to the thematic issues.

NGOs are also engaged in the preparation of alternative reports on the implementation of the Beijing PfA at the national level, supplementing the official state report. For example, an NGO Forum was held in Addis Ababa in October 2004, which adopted an African shadow report<sup>36</sup> that was then presented at the Regional Conference on African Women organized by the Economic Commission for Africa. The Report highlights the progress achieved by all the African sub-regions in the fields of education and political participation of women, as well as the areas in which progress has not been made, particularly women's ability to exercise their human rights in the context of customary and religious laws and cultural traditions. The report also makes recommendations for governments, NGOs and development partners on the effective implementation of the fundamental rights of women.<sup>37</sup>

The international human rights organisation Equality Now,<sup>38</sup> working for the protection of the political, civil, economic and social rights of women, has developed a campaign on the Beijing+10 Review Process. To underline the gap between women's actual status in countries around the world and the commitments made by governments at Beijing, Equality Now has published "Words and Deeds: Holding Governments Accountable in the Beijing+10

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<sup>34</sup> The report is available at <http://www.wwhr.org/images/shadowreport.pdf>

<sup>35</sup> Review and Appraisal of the Beijing Declaration and Platform for Action  
<http://www.un.org/womenwatch/daw/Review/>

<sup>36</sup> African Shadow Report [http://www.wildaf-ao.org/docs/word/press/Synthesis\\_NGO\\_ENG.doc](http://www.wildaf-ao.org/docs/word/press/Synthesis_NGO_ENG.doc)

<sup>37</sup> To read some alternative reports on Beijing PfA see <http://www.un-instraw.org/en/index.php?option=content&task=view&id=932&Itemid=205>

<sup>38</sup> Equality Now <http://www.equalitynow.org/>

Review Process”,<sup>39</sup> which provides examples of discriminatory laws in countries around the world and calls on governments to withdraw these laws in accordance with the commitments made through the Beijing PfA.

As of March 2004, 165 UN Member States have established national machineries for the advancement of women that are charged with ensuring that Governments fully consider the gender implications of laws, programmes and policies in all sectors. National machineries also serve as vehicles for the implementation of CEDAW, and disseminate information to encourage ratification and implementation of the Optional Protocol. National reports to the Committee on the Elimination of Discrimination against Women are often prepared by national machineries in collaboration with other stakeholders.

A cornerstone to ensuring the promotion and protection of human rights at the national level is the existence of National Human Rights Institutions. As monitoring bodies they can submit parallel reports to human rights treaty monitoring bodies on issues of concern regarding the situation of women in the country, and scrutinize the State’s attention to gender perspectives in the formulation and implementation of policies and programmes. These institutions also carry out independent investigations on gender-based discrimination and violence against women, submitting recommendations to governments and the international community. As of April 2004 the International Coordinating Committee of National Institutions has accredited 50 National Institutions.<sup>40</sup> One of these is the Uganda Human Rights Commission,<sup>41</sup> an independent Constitutional body established to promote and protect human rights. The Commission is responsible for seeking redress for victims of human rights violations through mediation, conciliation or tribunal hearings and for fostering and creating a culture of human rights and constitutionalism through civic education and training. It also monitors the government’s compliance with international treaties and produces reports on the human rights situation in Uganda. Another example is the South Africa Human Rights Commission<sup>42</sup> (SAHRC). Its mandate includes the development of awareness on human rights, the submission of recommendations to State entities in order to enhance the implementation of human rights and the investigation of complaints of violations of human rights in order to seek appropriate redress.

Among the international instruments that protect women’s human rights, the World Conference on Human Rights (Vienna, 1993) took new steps to promote and protect the rights of women by supporting the creation of a Special Rapporteur on Violence against Women. The Rapporteur collects information on violence against women from Governments, treaty bodies, specialized agencies, other Special Rapporteurs, and non-governmental organisations, and recommends measures to eliminate and address violence against women, its causes and consequences. In the discharge of its functions the Special Rapporteur transmits communications to States, undertakes fact-finding country visits and submits annual reports to the UN Commission on Human Rights.

The Vienna Declaration also made recommendations for strengthening the monitoring capacity of the United Nations system; calling for the establishment of a High Commissioner for Human Rights (which was created in December 1993). Within the UN system, the body that deals with the monitoring of the human rights is the Commission on

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<sup>39</sup> *Words and Deeds: Holding Governments Accountable in the Beijing+10 Review Process*. Equality Now, 2004. [http://www.equalitynow.org/english/un/beijing10/beijing10\\_en.pdf](http://www.equalitynow.org/english/un/beijing10/beijing10_en.pdf)

<sup>40</sup> Round Table of National Human Rights Institutions and National Machineries for the Advancement of Women, Morocco, November 2004, available at <http://www.un.org/womenwatch/daw/meetings/rt-natmach-nov04.pdf>.

<sup>41</sup> Uganda Human Rights Commission <http://www.uhrc.org/index.php>

<sup>42</sup> South African Human Rights Commission <http://www.sahrc.org.za/>



Human Rights,<sup>43</sup> which is mandated to examine, monitor and publicly report either on the human rights situation in specific countries or territories, or on human rights violations worldwide. Among the main themes addressed by the Commission is the question of the human rights of women. The Commission meets each year in regular session in March/April for six weeks in Geneva, or exceptionally in special sessions. During its regular sessions the Commission adopts resolutions, decisions and statements on matters of relevance to individuals in all regions, assisted by the Sub-Commission on the Promotion and Protection of Human Rights, working groups, individual experts, representatives and Special Rapporteurs.

With regard to the implementation of the International Conference on Population and Development (Cairo, 1994) the United Nations Population Fund<sup>44</sup> (UNPFA), some member states and other partners have conducted a review process at the national, regional and global levels. The aim is to assess achievements, identify challenges and opportunities and formulate strategies with regard to the implementation of the Cairo PoA and the Millennium Development Goals. Within this process several activities have been organised by NGOs, including the "Countdown 2015: Sexual and Reproductive Health and Rights for All", that comprises several activities and events held between 2004 and 2005 by a wide range of NGOs and donor partners.<sup>45</sup>

The Millennium Campaign, the United Nations Development Fund for Women (UNIFEM) and the Heinrich Böll Foundation organized a consultation, held in December 2004, with women's organizations to gather suggestions on opportunities and challenges for the ten-year review of the Beijing Platform for Action and the five-year review of progress on implementing the Millennium Declaration. Representatives from 30 women's organisations from Africa, Asia, Europe, Latin America and North America shared a wide range of regional and national-level experiences on the implementation of the Beijing PfA, the Cairo PoA, the Millennium Development Goals and CEDAW, as well as other strategies for achieving gender equality and economic and social justice. A strong message raised by these working groups was that the realization of the Millennium Development Goals depends on women's empowerment and gender equality as spelled out in the Beijing Platform for Action and CEDAW.

Notwithstanding the achievements represented by the ratification of CEDAW and its optional protocol, the modification or elimination of many States parties' reservations, the progress made in the implementation of the Cairo PoA and the Beijing PfA, and the existence of a plethora of other laws, resolutions, declarations and agreements on women's human rights, the goal of substantive equality between women and men is still a long way off. A number of factors, including lack of access to education and literacy, employment and income, justice systems, social safety nets, etc. combine to limit women's ability to fully understand and exercise their human rights. Thus it becomes crucial for the international community, national governments and civil society to broaden their focus to address not only the creation of a legal framework for women's human rights, but the creation of an enabling environment for the practical implementation and realization of that framework.

With regard to the right to participate in democratic institutions, women still remain underrepresented at most levels of government throughout the world and have made slow progress in attaining political power in legislative bodies. Today, the proportion of seats held

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<sup>43</sup> Commission on Human Rights <http://www.ohchr.org/english/bodies/chr/index.htm>

<sup>44</sup> UNFPA <http://www.unfpa.org/index.htm>

<sup>45</sup> See <http://www.unfpa.org/icpd/10/index.htm> and [www.countdown2015.org](http://www.countdown2015.org)

by women in legislative bodies worldwide stands at 15.4 percent, which hides significant variations among countries. A number of post-conflict countries, such as Eritrea, Mozambique, Namibia, Rwanda, South Africa, Timor-Leste, and Uganda have the highest rates of women's participation in legislative bodies, averaging between 25 and 30 percent women legislators.<sup>46</sup> Other supposedly "developed" countries such as France, the United Kingdom and the United States still average less than 20 percent of women legislators.<sup>47</sup> Though most countries constitutionally guarantee women the right to vote and run for office, the low representation of women in the political sphere reveals a failure to implement such provisions effectively. Despite increased education and entrance into the work force, Arab women remain among the lowest represented politically in the world. Without equal representation, Arab women continue to face obstacles to empowerment. The Economic and Social Commission for Western Asia (ESCWA) is working with national machineries and NGOs to increase the political participation of women.

Gender inequalities, reflected in the wage and employment gap and in women's disproportionate burden of domestic and family responsibilities, remain as obstacles to women's equal access to and participation in the labour market. In countries experiencing a lack of adequate employment or declining employment rates, women are often disproportionately affected and forced into the low-paid informal sector outside the social safety nets. In many parts of the world, this situation has also led to poverty, in particular the feminization of poverty, and social exclusion with consequences such as forced prostitution, trafficking in women and children, and child labour. Women's unpaid work remains unrecognized and unaccounted for in most national accounts and national economic policies.<sup>48</sup>

When comparing the different regions of the world, women in Sub-Saharan Africa face the greatest challenges. This region has the highest levels of maternal deaths and the highest prevalence of HIV. The majority of HIV positive adults are women. The rates of girls' school enrolment and young women's literacy are low compared to other regions and compared to boys and men's rates within the region.<sup>49</sup> Education, specifically "legal literacy," is a fundamental prerequisite to women's ability to understand and exercise their human rights; yet globally a majority of women are unaware of the comprehensive national and international framework that exists to protect their rights. Moreover, a lack of public education campaigns and an inadequate dissemination of information mean that women are also unaware of the recourses available to them when they are facing human rights violations, when such recourses exist.

Special attention should be paid to violations of the rights of indigenous women. Indigenous women in particular often undergo gender-specific and racially-motivated violence and discrimination such as forced pregnancy, sexual assault, forced sterilization, domestic abuse, and denial of legal rights and protection. Moreover poverty and limited access to economic resources, education and health services have further contributed to the erosion or denial of their economic and social rights, while patriarchal traditions and cultural mores have created obstacles to their participation in leadership roles and decision-making processes. In the last decades, indigenous women have mobilized to address the needs of

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<sup>46</sup> *Gender equality and women's empowerment in the new Millennium*, Presentation by Carolyn Hannan, October 2004, available at <http://www.un.org/womenwatch/daw/news/speech2004/CH-InterfaithInstitute-Oct2004.pdf>

<sup>47</sup> Inter-Parliamentary Union. *Women in National Parliaments* (as of November 30<sup>th</sup> 2004) <http://www.ipu.org/wmn-e/classif.htm>

<sup>48</sup> E/2000/64 (ECOSOC substantive session 2000): <http://www.un.org/documents/ecosoc/docs/2000/e2000-64.pdf>

<sup>49</sup> *Progress of the world's women 2002, Gender equality and the Millennium Development Goals*, UNIFEM Biennial Report, available at [http://www.unifem.org/index.php?f\\_page\\_pid=10](http://www.unifem.org/index.php?f_page_pid=10)

their communities and to ensure that indigenous issues, and indigenous women's involvement in addressing key challenges, are visible on the international agenda.<sup>50</sup>

Among the actors that contribute to the international recognition, implementation and monitoring of women's human rights, civil society and women's NGOs play a leading role. Especially in recent years such groups have had an increasing and more effective participation in the preparation and presentation of CEDAW reports, and women's NGOs are increasingly participating in the Committee's examination of their State's reports. For instance, the Committee on the Elimination of Discrimination against Women completed its first "inquiry" under the Optional Protocol to the Convention<sup>51</sup> during the 31<sup>st</sup> session (July 2004) on the basis of information provided by two NGOs (Equality Now and Casa Amiga) concerning killings and disappearances of more than 200 women in Ciudad Juarez, Mexico. The Committee agreed that this was a reliable claim of "grave or systematic" violations of women's human rights. The conclusions of the inquiry have been conveyed to the Government of Mexico, though to-date little national or international action has been taken on this issue.<sup>52</sup>

Women's organizations have been active in conflict resolution, peace-making, disarmament activities and advocacy strategies for peace and reconciliation efforts. Women's groups and networks have also begun to work at regional and sub-regional levels. For example, the Mano River Women's Peace Network, which brings together women from Guinea, Liberia and Sierra Leone and has made a major contribution to peace and security in the sub-region, won the 2003 United Nations Prize for Human Rights. If peace agreements do not explicitly address the importance of gender equality and respect for women's human rights, then women's concerns are less likely to be considered during the reconstruction phase, for example in relation to human rights provisions in new constitutions, electoral processes, land reform and legislation on sexual violence.<sup>53</sup>

Within the United Nations system, entities devoted to the defence of women's rights and the integration of a gender equality perspective such as the Division for the Advancement of Women (DAW) and UNIFEM, and the gender departments of units of other UN agencies play a crucial role in ensuring and safe-guarding respect for women's rights. UNIFEM for example is strongly committed to eliminating violence against women and girls by investing in prevention, protection and advocacy strategies; to strengthening the capacity of governments and NGOs to use CEDAW in order to create stronger legal and policy frameworks for gender equality.<sup>54</sup> UNIFEM's work on CEDAW focuses on building the capacity of Governments and women's groups to use this powerful instrument to bring about change, creating stronger legal and policy frameworks for gender equality and developing sustainable partnerships at the local and national levels. Sister Namibia, a gender and human rights training organization in Namibia, as well as the Ministry of Women and Child Welfare were supported to conduct training workshops on CEDAW and hold consultations on the preparation of the CEDAW report for 2002. UNIFEM also supported

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<sup>50</sup> UNIFEM, *Working for Women's Empowerment and Gender Equality: securing indigenous rights and participation*, available at [http://www.unifem.org/filesconfirmed/2/355\\_at\\_a\\_glance\\_indigenous\\_women.pdf](http://www.unifem.org/filesconfirmed/2/355_at_a_glance_indigenous_women.pdf).

<sup>51</sup> The Optional Protocol recognizes the competence of the Committee to receive and consider complaints from individuals or groups within its jurisdiction

<sup>52</sup> A/59/38 - Report of the Committee on the Elimination of Discrimination against Women, 31<sup>st</sup> session, New York 2004

<sup>53</sup> See *Gender equality and women's empowerment in the new Millennium*, Presentation by Carolyn Hannan, October 2004, available at <http://www.un.org/womenwatch/daw/news/speech2004/CH-InterfaithInstitute-Oct2004.pdf>

<sup>54</sup> See for instance *Activities of the United Nations Development Fund for Women*, note by the Secretary-General, on July 2004, A/RES/59/135.

assessment studies in Lesotho and Swaziland on the current status of CEDAW, and the results were used to lobby for the lifting of the reservations on CEDAW by the Government of Lesotho and to advocate for the ratification of CEDAW by the Government of Swaziland.<sup>55</sup>

The Office of the High Commissioner for Human Rights<sup>56</sup> (OHCHR) has continued to undertake and to contribute to a number of activities of particular importance to women, increasing its collaboration with other agencies, in particular UNIFEM, to assist States in the promotion and protection of the human rights of women at the national level.<sup>57</sup> For example OHCHR is working in Guatemala in order to assist the government in developing and implementing a system of participatory monitoring and reporting to the human rights treaty bodies, and to assist and support the office of the Defensoría de la Mujer Indígena (Defence of Indigenous Women) by advising on appropriate mechanisms to promote and protect indigenous rights. Moreover OHCHR has developed field presences in Bosnia-Herzegovina and Serbia-Montenegro in order to strengthen the capacity and participation of civil society in the areas of human trafficking, gender-based violence, exploitation and discrimination.<sup>58</sup>

In terms of creating an enabling environment for women's understanding and exercise of their human rights, legislation has been passed to strengthen women's economic security in areas such as land and property rights, decent employment and access to credit and markets. Quotas or other affirmative measures have been adopted to increase women's representation in political decision-making in countries in all regions, including many countries emerging from years of conflict. Today, at least 45 countries have legislation against domestic violence; 21 more are drafting new laws, and many more have amended criminal assault laws to include domestic violence. By 2000, 118 countries had developed national action plans to implement their commitments to the Beijing Platform for Action.

In May 2004 the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) conducted a training workshop on CEDAW reporting for government officials of the Central Asian Republics. The objectives of the workshop were to enhance the capacity of government officials to prepare States Parties' reports, to implement the Convention at the national level and to raise awareness on the procedures and opportunities provided for women by ratification of the Optional Protocol.<sup>59</sup>

The Economic and Social Commission for Western Asia's (ESCWA) Centre for Women published a report on the review and appraisal of the implementation of the Beijing PfA (2004). With regard to women's human rights it cites that some Arab States have created a new authority to enforce gender equality and justice in rights and duties, which led to the addition of new provisions for women's fundamental human rights to their constitutions, to the establishment of commissions responsible for the human rights of women and to the organization of training courses for officials on the human rights of women. Moreover in recent years, some Arab States have ratified a number of international instruments, including CEDAW and other women's human rights instruments, and a majority of them have amended their domestic legislation to bring it closer into line with the provisions of

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<sup>55</sup> Report of the Sub-regional Decade Review Meeting on the Implementation of the Beijing Platform for Action in Southern Africa, Zambia 2004, available at [http://www.uneca.org/fr/acgd/en/800x600/en\\_intro/en\\_pub/Southern%20Africa%20Beijing%20%2B10%20REPOR T.doc](http://www.uneca.org/fr/acgd/en/800x600/en_intro/en_pub/Southern%20Africa%20Beijing%20%2B10%20REPOR T.doc)

<sup>56</sup> OHCHR <http://www.ohchr.org/english/>

<sup>57</sup> Report of the United Nations High Commissioner for Human Rights, New York 2004, A/59/36.

<sup>58</sup> See <http://www.ohchr.org/english/countries/coop/index.htm>

<sup>59</sup> Available at <http://www.unescap.org/esid/gad/Events/Almaty12May2004/index.asp>

CEDAW. Women have thus achieved additional legislative gains, and most forms of discrimination have been legally prohibited, if not eliminated from everyday life.<sup>60</sup>

In 2002, the first Indigenous Women's Summit of the Americas brought together representatives from indigenous communities all over the region to specifically address the rights and freedoms of indigenous women in a five-year plan of action.<sup>61</sup> The African and Asian regions have also hosted summits of indigenous women, and networks of indigenous women are active in all three regions. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people appeals to the national and international authorities and bodies responsible for promoting gender equality to pay particular attention to indigenous children and adolescents throughout the world. He recommends that governments should act in close and early consultation with indigenous women to formulate and adopt specific measures, projects and programmes to benefit these women and their families.<sup>62</sup> In preparation for the Third Session of the Permanent Forum on Indigenous Issues in May 2004, UNIFEM collaborated with the United Nations Fund for Population Activities (UNFPA) and the National Women's Machinery of Ecuador to organize and facilitate various meetings for indigenous women leaders, to create a common agenda for promoting their human rights that consolidated different viewpoints contained in their respective national agendas.<sup>63</sup>

**Areas for Future Action:**

- § Governments should withdraw their reservations to the core articles (2 and 16) of CEDAW and ensure that no reservation is incompatible with the object and purpose of the Convention or is otherwise incompatible with international treaty law;
- § Governments should effectively implement the provisions of the Convention, especially eliminating discrimination in cultural practices and stereotypes;
- § All governments should ratify the Convention on the Rights of the Child and assure its full implementation in order to ensure equal rights for girls and boys;
- § Reporting mechanisms for commitments such as CEDAW and Beijing should be strengthened to ensure that countries' acceptance of the commitments is not a mere gesture. In particular, the participation of civil society, particularly women's groups, in the implementation, follow-up and monitoring of compliance with international commitments should be strengthened;
- § Statistics and other information on women's participation in all areas of development are still lacking and need to be collected, analysed and disseminated. Commitments such as CEDAW and Beijing should have comprehensive monitoring mechanisms based on data and other indicators that can be managed nationally and compared globally.

## Strategic Objective 1.2

<sup>60</sup> Economic and Social Commission for Western Asia, *Arab Regional ten-year review and appraisal of implementation of the Beijing Platform for Action*, United Nations, New York, 2004, <http://www.escwa.org.lb/ecw/editors/pubs/wom-04-WG.pdf>

<sup>61</sup> Summit of the Americas Information Network <http://www.summit-americas.org/Quebec-Gender/women-archives-eng.htm>

<sup>62</sup> *The situation of human rights and fundamental freedoms of indigenous people* (note by the Secretary-General, on August 2004)- A/59/258

<sup>63</sup> UNIFEM, *Working for Women's Empowerment and Gender Equality: securing indigenous rights and participation*, available at [http://www.unifem.org/filesconfirmed/2/355\\_at\\_a\\_glance\\_indigenous\\_women.pdf](http://www.unifem.org/filesconfirmed/2/355_at_a_glance_indigenous_women.pdf)

## “Ensure equality and non-discrimination under the law and in practice”

Action to be taken by governments to: give priority to promoting and protecting the full and equal enjoyment by women and men of all human rights and fundamental freedoms without any distinction; review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice; take urgent action to eliminate violence against women and prohibit female genital mutilation; provide gender-sensitive human rights education and training to public officials, including people who deal with migration and refugee issues, and teachers at all levels of the educational system; establish effective mechanisms for investigating violations of human rights of women perpetrated by any public official; strengthen existing or establish readily available and free or affordable alternative administrative mechanisms and legal aid programmes to assist disadvantaged women seeking redress for violations of their rights; strengthen the implementation of the recommendations contained in the Standard Rules on the Equalization of Opportunity for Persons with Disabilities, paying special attention to ensure non-discrimination.

The lack of awareness, understanding and acceptance of women’s human rights is perpetuated by the social, cultural, political and economic subordination of women, a reality based on entrenched gender roles, norms and stereotypes that are extremely difficult to challenge and change.

The gap between the existence of women’s human rights and women’s ability to exercise those rights and ensure that they are respected derives from a lack of commitment to the creation of an enabling environment. Though these rights exist, and are delineated and protected by the comprehensive women’s human rights framework discussed above, the situation of inequality and injustice that women still face is a direct result of the failure on the part of national governments and the international community to effectively educate national authorities such as police and judicial officials, government representatives, religious officials, and society as a whole about the existence of these indivisible and inalienable human rights, and a lack of commitment to monitoring and ensuring the implementation and consistent use of instruments such as Cairo, Beijing and CEDAW.

Women encounter many obstacles to their ability to exercise their fundamental rights, as a result of a lack of education on human rights for both men and women, dismissal by police and judicial officials of women’s human rights violations, and a refusal of government and religious officials to accept and address women’s human rights. The continued and widespread existence of violence against women is perhaps the strongest proof of this reality. Globally, violence against women is still a major cause of death and disability for women of reproductive age. Authorities in many countries are reluctant to respond strongly to domestic violence, with the result that women have less personal security and lose faith in national authorities. Violence against women affects women’s ability to exercise other human rights, such as the right to life, the right to live free from torture or other forms of punishment, the right to the highest attainable standard of health, and sexual and reproductive rights. Even in countries where adequate laws against violence are in place, violence against women is often considered socially acceptable. Some constitutions

specifically exempt certain laws from guarantees of equality, such as family law, in deference to discriminatory religious or customary practices.<sup>64</sup>

At its sessions held twice annually the Committee on the Elimination of Discrimination against Women reviews periodic reports submitted by the states parties to CEDAW that cover national actions taken to implement CEDAW. CEDAW experts can comment on the reports and obtain additional information. The Committee also makes recommendations on issues affecting women to which it believes the states parties should devote more attention. For example, at its thirty-first session the Committee expressed concern about the situation of women in Iraq during the war and has urged the Interim Government to ensure that the principles of gender equality and non-discrimination against women are fully reflected in the entire legal framework of the country, including in the family and personal status laws.<sup>65</sup>

Another crucial mechanism to protect women's human rights, though not well-publicized and vastly under-utilized is the Optional Protocol to CEDAW, under which individuals and groups can submit claims of violations of rights to international bodies after having exhausted domestic options. The Protocol also creates an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights. The entry into force of the Optional Protocol puts it at the same level with International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.

Several steps have been taken by governments with regard to the protection of women's human rights, including the establishment of laws and policies that address women's human rights, changes in national constitutional and penal laws prohibiting domestic violence, sexual assault and female genital mutilation; the training of national police forces and judicial officials on the existence and defence of women's human rights, the organization of public education and awareness campaigns on women's human rights, and the establishment of governmental structures responsible for the development and implementation of gender policies. New laws have been adopted to promote the political advancement of women and support the employment of women in public service. Changes in family law have established additional protection for women against economic discrimination in cases of divorce. In September 2004 the Turkish parliament approved a reform to the Penal Code that included the adoption of several amendments to safeguard women's individual rights, sexual autonomy and physical integrity. The reform was adopted following a long campaign waged by women's groups that analyzed the Penal Code from a gender perspective.

In order to strengthen advocacy for women's human rights and international justice the Women's Caucus of the International Criminal Court (ICC) was established by a small group of women's human rights activists during the Preparatory Committee for the Establishment of an International Criminal Court at the UN in 1997. The caucus was created with the aim of ensuring worldwide participation of women's human rights advocates in the negotiations of the ICC treaty to lobby for an effective and independent court. The Caucus is a network of individuals and groups committed to strengthening advocacy on women's

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<sup>64</sup> For more information on the issue of violence against women, download INSTRAW's *Progress Report on Critical Area D. Violence against Women*.

<http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=137&Itemid=168>

<sup>65</sup> To look over the work of the Committee and the status of the national reports see <http://www.un.org/womenwatch/daw/cedaw/>

human rights and helping to develop greater capacity among women in the use of the ICC, the Optional Protocol to CEDAW and other mechanisms that provide women with access to alternative justice mechanisms. A further objective of the caucus is to monitor and assist the Court to fairly and effectively prosecute cases of gender violence.<sup>66</sup>

In order to monitor the real implementation by governments of international commitments, the role of independent organizations like Amnesty International and Human Rights Watch is essential. Amnesty International<sup>67</sup> is a worldwide movement of people who campaign for internationally recognized human rights, undertaking research and actions focused on preventing and ending grave abuses of human rights. Its country or thematic reports constitute an independent monitoring on the human rights situation and can urge governments to change their policies. Recently Amnesty forwarded a briefing to the Committee on the Elimination of Discrimination against Women about the Algerian government's failure to protect women against rape, beating and widespread economic and legal discrimination, and to bring to justice those responsible for disappearances during the internal conflict in the 1990's. Based on interviews with Algerian women, organisations and activists the report shows that women have little hope of obtaining justice and redress for abuses they have suffered and that current laws and practices continue to discriminate against women and facilitate violence against them. On 11 January Algeria will appear before the Committee for examination of its implementation of CEDAW.<sup>68</sup>

Human Rights Watch<sup>69</sup> is another independent non-governmental organisation that investigates human rights violations and urges governments to end abusive practices and respect international human rights law. Human Rights Watch recently published a report on the women's discrimination under the law, which highlighted, among other things, women's unequal access to divorce in Egypt. The Egyptian government has in fact created two different systems for divorce, one for men and one for women. Men have a unilateral and unconditional right to divorce, but women must resort to Egypt's backlogged and inefficient courts to divorce their spouses. This is a glaring example of women's inequality before the law, and Human Rights Watch is working to ensure that the Egyptian government takes immediate steps to abolish these discriminatory provisions in its family and penal laws.<sup>70</sup> With regard to the development of programmes on women's human rights, a step forward has been taken by the Egyptian National Council for Women<sup>71</sup> through the creation of the Ombudsman project, which hears complaints from women and handles issues of discrimination against women within various governmental institutions.

The Inter-American Commission of Women<sup>72</sup> (IACW), established in 1928, was the first intergovernmental body created specifically to fight for the civil and political rights of women in the Americas. Its objective is to promote gender equality and women's human rights especially by strengthening women's legal equality, women's full participation in political life and decision-making processes and women's right to a life free from any form of abuse or violence. Responsibility for implementing this mandate falls on the Organisation of American States, and particularly on the governments of OAS member states. The governments of member states are encouraged to promote the study and the revision of

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<sup>66</sup> <http://www.iccwomen.org/>

<sup>67</sup> <http://www.amnesty.org/>

<sup>68</sup> The text of the briefing is available at <http://web.amnesty.org/library/index/engmde280112004>

<sup>69</sup> <http://www.hrw.org/>

<sup>70</sup> The Human Rights Watch report is available at <http://hrw.org/reports/2004/egypt1204/>

<sup>71</sup> Egyptian National Council for Women <http://www.ncwegypt.com/new-ncw/english/index.jsp>

<sup>72</sup> Inter-American Commission of Women  
<http://www.oas.org/main/main.asp?sLang=E&sLink=http://www.oas.org/cim>



national laws to ensure that they meet the obligations set out in the international conventions and treaties on women's human rights, together with the adoption of measures to guarantee their effective enforcement. The Inter-American Commission on Human Rights (IACHR) is paying special attention to women's human rights and gender equality, publicizing thematic studies, preparing new laws on women's rights and investigating specific cases. In particular the IACHR is taking into account the creation of a regional court on women's human rights.

In June 2004 a coalition of African civil society organizations announced the launch of an international campaign urging member states of the African Union (AU) to ratify the *African Protocol on the Rights of Women in Africa*, adopted in July 2003 as a supplementary protocol to the *African Charter on Human and Peoples' Rights*. The Protocol covers a broad range of human rights issues and is a comprehensive legal framework that African women can use to exercise their rights. Among other advances in promoting the human rights of African women, the Protocol will advance gender equality by calling for affirmative action to ensure the equal participation of women in policy formulation, political decision-making, the judiciary and other law enforcement agencies.

With regard to the practice of female genital mutilation (FGM), a group of non-governmental organisations in Mali organized a workshop of experts, including parliamentarians and NGOs working for the protection of the human rights of women and children. This workshop led to the production of a legal text that included the prohibition of FGM in Mali. A copy of the text was sent to the President of the Malian Parliament as well as the Minister of Justice with the aim of generating discussion within government about a law banning FGM. A roundtable organized in 2000 brought together NGOs from Burkina Faso, Guinea and Senegal where the practice is illegal, with the aim of informing their Malian colleagues about the advantages of having a law against FGM in order to promote and protect the health and the rights of women and girls in Mali. The awareness created by these activities has culminated in the promulgation in some regions of unwritten community laws that prohibit FGM and impose sanctions on any person found carrying out or assisting in the practice<sup>73</sup>.

On February 2003 the General Assembly adopted a Resolution in which, concerned about the risks faced by human rights defenders and the particular consequences for women human rights defenders, calls upon all States to give full effect to the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*.<sup>74</sup>

#### Areas for Future Action:

- § Governments should revoke and eliminate domestic laws and policies that are incompatible with universal, indivisible and inalienable human rights;
- § Governments should ensure that no domestic law or policy is incompatible with the object and purpose of CEDAW, Cairo, Beijing or any other international commitment to which their country is a signatory. An effective mechanism for monitoring domestic legislation and policy from the perspective of international commitments should be developed and implemented;
- § Justice mechanisms should be examined to identify and address barriers to women's access;

<sup>73</sup> [http://www.equalitynow.org/english/about/about\\_en.html](http://www.equalitynow.org/english/about/about_en.html)

<sup>74</sup> A/RES/57/209 [http://193.194.138.190/huridocda/huridocda.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://193.194.138.190/huridocda/huridocda.nsf/(Symbol)/A.RES.53.144.En?OpenDocument)

§ Targeted education and training programmes should be developed to sensitize government officials, the police and judicial officials to the existence of women's human rights, and the violations that they are responsible for addressing.

## Strategic Objective I.3

### "Achieve legal literacy"

Action to be taken by Governments, non-governmental organisations, the United Nations and other international organisations to: translate into local and indigenous languages and into alternative formats for persons with disabilities and at lower levels of literacy, publicize and disseminate laws and information relating to the equal status and human rights of all women; disseminate information on national legislation and its impact on women, including accessible guidelines on how to use a justice system; include information about international and regional instruments in their public information, in human rights education activities and in training programmes; cooperate with women's groups, NGOs, educators and the media to make women aware of their human rights; promote education in human rights and international humanitarian law for members of the national security and armed forces on the respect of the rights of women.

"Millions of women around the world will be born, live and die,  
and never know they have human rights."  
- Ivanka Corti, former Chairperson of CEDAW

In 1993, the Commission on the Status of Women passed Resolution 37/5 on women's legal literacy, "...emphasizing that literacy and increased awareness by women and men of women's legal rights under international conventions and national law and the ability of women to access and use legal systems to secure their rights are essential to the promotion, protection and improvement of the status of women and the full realization of equality."<sup>75</sup> Since then a number of international and national initiatives have focused on creating educational campaigns around women's human rights. The year 2004 concluded the United Nations Decade for Human Rights Education and according to Human Rights Education Associates (HREA) a great impact was made during the decade, though not all of the initial goals were met.<sup>76</sup> HREA maintains an online Human Rights Learning Centre and conducts human rights training workshop through their various country offices, many of them specifically on women's human rights.<sup>77</sup> The Women's Integrated Legal Literacy Project of Winrock International focused on increasing the knowledge of rural women on legal and gender issues, and developing their leadership abilities and has successfully increased the legal literacy of women of Uzbekistan.<sup>78</sup>

While women are increasingly using the legal system to exercise their rights, in many countries lack of awareness of the existence of these rights is an obstacle that denies women the full enjoyment of their human rights and gender equality. Human rights education is essential for promoting an understanding of the human rights of women,

<sup>75</sup> United Nations Commission on the Status of Women. *Report of the Commission on the Status of Women*, 1993. <http://www.un.org/esa/gopher-data/esc/cn6/1986-93/e1993-27.en>

<sup>76</sup> "Concluding the Decade for Human Rights Education." HREA Press Release December 10th 2004. <http://distancelearning.hrea.org/pubs/newsletter/december2004.html>

<sup>77</sup> Human Rights Education Associated Online Human Rights Learning Centre <http://distancelearning.hrea.org/learn/index.html>

<sup>78</sup> Winrock International. *WILL News* 5(10), 2001. [http://www.willproject.uz/%28eng%29news\\_10.html](http://www.willproject.uz/%28eng%29news_10.html)

including knowledge of recourse mechanisms to redress violations of their rights. It is necessary for all individuals, especially women in vulnerable circumstances, to have full knowledge of their rights and access to legal recourse against violations of their rights.

The People's Decade of Human Rights Education,<sup>79</sup> a non-profit, international service organization working to develop pedagogies for human rights education, has developed the Women's Passport to Dignity project; which seeks to explain the links between human rights and each of the Beijing Critical Areas, to call attention to governmental commitments that aim to ensure realization of fundamental human rights for all women, and to provide inspiration to women by illustrating with examples how others have used the human rights framework to promote change in their lives and their communities. Awareness of their human rights is the first step in strengthening women's ability to demand that their governments fulfil the commitments to human rights made through CEDAW, Cairo, Beijing and other instruments.<sup>80</sup>

The Inter-American Commission on Women recommends that governments step up public awareness campaigns on the human rights of women, including those enshrined in international conventions, so that women will have the awareness they need to demand respect for those rights. The information should be disseminated in appropriate languages and formats, adapted to women with special needs (such as women with disabilities or older women) and tailored to the situation of women in each country of the region, such as women in urban and rural areas, indigenous women, women of different ethnic groups, women of different age groups and migrant women.

The International Women's Health Coalition<sup>81</sup> (IWHC) is working to influence the policies of governments, donors and international agencies in order to secure girls' and women's sexual and reproductive health and rights through regional programs that support local and national initiatives. In this context, IWHC's Brazilian colleagues, Loucas de Pedra Lilas, a group of activists and actors use theatre to raise awareness about critical issues in women's health and rights, performing in schools, for health workers and at public events. They are able to raise awareness around difficult issues such as unsafe abortion, violence against women, HIV/AIDS, racism and sexism.

IPAS<sup>82</sup> works to increase women's ability to exercise their sexual and reproductive rights and to reduce death and injuries as a result of unsafe abortion. Its programmes include training, research, advocacy, distribution of equipment and supplies, and dissemination of information.

The Turkish NGO Women for Women's Human Rights<sup>83</sup> is working to eliminate the domestic pressure, discrimination and inequality that women face as a result of social and religious customs and traditions. Since knowledge of legal and human rights is fundamental to women's ability to exercise and defend them, the NGO has developed a training programme on human rights for women. The program aims to help women develop awareness and critical understanding of their legal rights and enable them to exercise their rights in their daily lives.

<sup>79</sup> People's Decade of Human Rights Education <http://www.pdhre.org/about.html>

<sup>80</sup> <http://www.pdhre.org/involved/passport.html>

<sup>81</sup> International Women's Health Coalition <http://www.iwhc.org/index.cfm>

<sup>82</sup> IPAS <http://www.ipas.org/english/>

<sup>83</sup> Women for Women's Human Rights [http://www.wvhr.org/homepage\\_en](http://www.wvhr.org/homepage_en)

With regard to women migrant workers, the fifty-ninth session of the UN General Assembly approved a list of measures to be taken in order to protect the rights of migrant women, including such activities as “know your rights” training programmes, among others. Through this programme, legal representation is also provided to migrant women in order to help them to obtain redress for human rights violations such as discrimination, sexual harassment, lost wages, etc.<sup>84</sup>

#### Areas for Future Action:

- § Special attention should be paid to human rights education to ensure that women understand their human rights and the recourses available to them to address human rights violations;
- § Targeted community education campaigns should be developed to address the rights of specific groups such as youth, indigenous women, illiterate women, rural women, etc. and to address specific human rights issues such as sexual and reproductive health and gender-based violence.

## Conclusion

The gap between the existence of rights and their effective enjoyment  
derives from a lack of commitment by Governments to promoting and protecting  
those rights and the failure of Governments to inform women and men alike about them  
-Beijing Platform for Action 1.217

The lack of a widespread culture of human rights represents the single most significant impediment to the universal enjoyment and exercise of human rights, and it remains the basis for gendered norms, roles, attitudes and behaviours that are damaging to both men and women. It is necessary to create a universal acceptance of women’s rights as human rights, for which human rights education and monitoring are fundamental prerequisites.

Women face a number of barriers to their ability to understand and exercise their human rights, including significant under-representation in political and decision-making processes; unequal access to education, health services and other forms of social protection; unequal access to employment and other forms of income; gender-based violence in all its forms, inter and intra-state conflict; and discrimination based on race, language, ethnicity, culture, religion, disability or socio-economic status and other factors. Women are also at a disadvantage because they themselves are not always fully aware of their human rights, and because society as a whole does not always accept the existence of these human rights. They may also be disadvantaged and marginalized by the obstacles they face in accessing justice mechanisms to resolve violations of their human rights.

A further obstacle is the lack of leadership and political will to ensure the necessary legislative, policy and social changes and resource allocation for the promotion and protection of women’s human rights. Gender equality and the empowerment of women will require a fundamental shift in the distribution of power, opportunities and outcomes for women and men, as well as changes in gender roles and norms, and the elimination of negative gender stereotypes. This requires attention to critical elements of rights, justice and freedom from the threat of violence or other forms of insecurity.

<sup>84</sup> A/59/287

Though positive actions have been taken in many countries and contexts with very encouraging results, these efforts have too often been sporadic, isolated and unsustainable. The good practice examples that do exist are not shared systematically, not replicated, and often not given the required follow-up. Significant gaps continue to exist therefore between the policy commitments made at the Beijing Conference and the actual implementation of agreements like CEDAW, Cairo and Beijing at national and international levels. Examples of the constructive use of CEDAW to reduce inequality and empower women (best practices) should be disseminated broadly, expanded and replicated where appropriate. The Convention itself should be systematically used in policy dialogue with all States parties, along with other commitments such as the Cairo PoA and the Beijing PfA.

## Additional Areas of Concern

Two issues are immediately apparent as critical for improving the creation of an enabling environment for women's ability to understand and exercise their human rights. First, greater emphasis must be given to the involvement of men and boys in the promotion and protection of women's human rights. Second, more targeted actions and education campaigns are needed to address the human rights of specific groups such as adolescents, girl children, older women, indigenous women and racial minorities, illiterate women, rural women, and migrant women. Adolescents are a particularly important group in terms of human rights education, as gender norms and roles are largely internalized during childhood and adolescence, and awareness and acceptance of women's human rights should be created at the earliest possible stages.

A final, but no less important issue is that of discrimination based on sexual orientation, which has not been discussed by the UN system and national governments, but which has been the subject of much civil society activism in recent years. With the recent approval of gay marriage legislation in some countries, the issue of the human rights of lesbian, gay, bisexual and trans-gendered (LGBT) individuals has taken the international stage. Gay rights activists insist that the legal provisions such as Article 16 of the *Universal Declaration of Human Rights* "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family," while opponents insist that marriage be legally defined as a union between a man and a woman. Gay rights cases are up for debate in courts all over the world, addressing other issues as violence, labour and social discrimination, and access to the same benefits that are accorded to heterosexual couples.

Whatever the outcome of this debate, the international community will eventually address the human rights of LGBT individuals, as it did the human rights of women, indigenous people, children and other marginalized groups. In 2003, Brazil introduced a resolution condemning discrimination on the basis of sexual orientation to the UN Commission on Human Rights (CHR), which garnered both support and opposition from UN Member States.<sup>85</sup> The discussion of the resolution was postponed till the 2004 session of the CHR, and in the midst of heated discussion among CHR representatives, discussion was again postponed to the 2005 session of the CHR. A wide variety of advocacy organizations have been lobbying States to support the resolution during the 2005 session, which is scheduled for March 14<sup>th</sup>-April 22<sup>nd</sup> in New York.

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<sup>85</sup> Sexual Rights and Sexual Orientation at the United Nations Commission on Human Rights. New York: International Gay and Lesbian Human Rights Commission, 2005.  
[http://www.iglhrc.org/files/iglhrc/UNCHR%20Action\\_Kit\\_2005.doc](http://www.iglhrc.org/files/iglhrc/UNCHR%20Action_Kit_2005.doc)

The current international political climate is often seen as hostile to the promotion and protection of women's human rights, but it is important to remember that the views and actions of certain countries and groups have been, and will continue to be countered by a large, diverse, well-organized and influential women's movement that is here to stay. The challenge is to replicate the same degree of commitment to promoting and monitoring women's human rights within national and international decision-making processes. The creation and strengthening of national and global mechanisms for monitoring women's human rights, and compliance with agreements like CEDAW, Cairo and Beijing is a crucial step in furthering the implementation of these commitments, and ensuring that women's human rights become a permanent and unquestioned feature of our social landscape.