

# BEIJING +20



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## HUMAN RIGHTS OF WOMEN



UNITED NATIONS<sup>1</sup>  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

## Introduction

In the Beijing Declaration and Platform for Action (BPfA), States affirmed women and girls' human rights as an inalienable, integral and indivisible part of all human rights and fundamental freedoms.

States committed themselves to ensuring the full implementation of the human rights of all women, and to work towards the ratification and implementation of international and regional human rights treaties to promote and protect women's human rights.

The centrality of women's human rights and gender equality, which is at the heart of the BfPA, built on the 1993 Vienna Declaration and Programme of Action, while recalling the significance of national and regional particularities. It affirmed the primary duty of States to promote and protect all human rights and fundamental freedoms of women.

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## What OHCHR is doing to contribute to the Platform for Action?

OHCHR's work cuts across all 12 critical areas of concern as set out by the BPfA. Through its independent work and its support to human rights mechanisms, OHCHR promotes and support efforts to eliminate discrimination against women and guarantee the enjoyment of women's human rights.

From 2014-2017, OHCHR is pursuing six thematic priorities, all of which have a strong focus on women's human rights.

Some examples of the recent work of the Office in the area of women's human rights can be found in this information material. This is not an exhaustive list.

For more information, please visit the OHCHR website:

[www.ohchr.org/EN/Issues/Women/WRGS/Pages/Documentation.aspx](http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/Documentation.aspx).

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*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 is a priority for Governments and the United Nations and is essential for the advancement of women.*

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*Beijing Platform for Action*



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## Supporting the work of the Human Rights Mechanisms

OHCHR supports the work of human rights mechanisms, including all human rights treaty bodies, all special procedures of the Human Rights Council and the Universal Periodic Review. Below is a short summary of the main developments and achievements relating to the work of the mechanisms:

### Committee on the Elimination of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has achieved almost universal ratification, (188 Member States). Increasing withdrawal of reservations to the Convention combined with regular reporting to the treaty bodies has formed a strong legal basis for national legislative change and accountability from governments in the area of women's human rights. Since 2010, 11 countries have partially or fully withdrawn reservations to CEDAW.<sup>1</sup> The Committee has issued 30 general recommendations (GR), all of which are directly related to the critical areas of concern, for example GRs Nos. 19 (violence against women), 23 (women in political and public life), 24 (women and health), 28 (core

obligations of States parties under article 2 of the Convention) and 30 (women in conflict prevention, conflict and post-conflict situations).

In addition to the general recommendations, the Committee refers to issues under the critical areas of concern in States reviews, at present the Committee reviews between 22-24 countries annually. The figure is expected to increase to 28 in 2015.

The Committee also receives and considers **individual communications**, **state-to-state complaints** and **inquiries**. The Committee is actively involved in combatting discrimination against women and the Post-2015 Development Agenda.<sup>2</sup> The Committee is currently developing General Recommendations on rural women, girls/women's right to education and women's access to justice.

Together with the Committee on the Rights of the Child, on 5 November, the two committees issued a Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices.<sup>3</sup>



<sup>1</sup> The countries are: Maldives, Malaysia, Bahamas, Morocco, Singapore, Thailand, France, Switzerland, Iraq, Tunisia and Mauritania

<sup>2</sup> For more information on the work of the Committee, please visit: <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>3</sup> Full text of the CEDAW General Recommendation/CRC General Comment: <http://goo.gl/YGNp6I>

### **Special Rapporteur on Violence against Women, its causes and consequences**

The mandate has focused on gaps in conceptual understandings and accountability deficits pertaining to violence against women. It has recently addressed issues such as remedy and reparations for victims of violence, multiple and intersecting forms of violence against women, gender-related killings of women, violence against women with disabilities, violence against women and custodial settings, and State responsibility for eliminating violence against women.

The current Special Rapporteur has revisited the due diligence standard as a tool to assess the extent to which States meet their obligations to prevent and respond to violence against women. Furthermore, the mandate has examined the normative gap under international human rights law concerning legal protection of women's rights to be free from all forms of violence.<sup>4</sup>

### **The Working Group on discrimination against women in law and in practice**

The Working Group has contributed to all the critical areas of concern by addressing discrimination against women in economic and social life, discriminatory legislation obstructing women's enjoyment of equal rights and access to economic opportunities and resources; the roles and responsibilities assigned to women and men on the basis of stereotypes; the disparate impact on women of austerity measures; and precarious nature of women's employment and their burden of unpaid care work. The Working Group has also highlighted challenges to women's equal, full and effective participation in political and public life including in times of political transition; critical issues to address in eliminating the structural and social underpinnings of gender discrimination in political and public life and presented a framework to eliminate discrimination in law, including the criminalization of adultery.<sup>5</sup>

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<sup>4</sup> The reports of the mandate are available on the mandate's website:  
<http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CountryVisits.aspx>

<sup>5</sup> The reports of the mandate are available on the mandate's website:  
<http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/CountryVisits.aspx>

### **Special Rapporteur on Trafficking in persons, especially women and children**

The mandate has recommended a number of actions in a number of areas of critical concern. For instance, successive mandate holders have urged Governments to address poverty as a contributing factor to trafficking in women. They have also emphasized that prevention should include policies which provide education as well as opportunities for gainful employment for women and girls. Moreover, mandate holders have sought to emphasize the broad scope of trafficking in persons, and urged States to implement equally broad national action plans that address not only trafficking for sexual exploitation but also of other equally violent forms of exploitation such as trafficking for labour exploitation, and trafficking involving or resulting in forced marriage.<sup>6</sup>

### **Special Rapporteur on the right to food**

The mandate has identified power sharing with women as a shortcut to reducing hunger and malnutrition, and has argued for a change in situations where women are denied the tools to improve their situation on and off the farm by the burden of unremunerated household responsibilities; women's unequal access to farming resources such as credit, inputs and land; and the various forms of discrimination women face as waged agricultural labourers. The mandate has called for transformative food security strategies that address cultural constraints and redistribute roles between women and men. The mandate has issued reports on gender equality and food security.

### **Special Rapporteur on extreme poverty and human rights**

The mandate has contributed to critical area A, 'women and poverty' by addressing the question of unpaid care work and women's human rights. In addition, the Guiding Principles on Extreme Poverty and Human Rights, adopted by the HRC through resolution 21/11 in September 2012 include as one of the foundational principles, equality between men and women, acknowledging that women are disproportionately represented among the poor due to the multifaceted and cumulative forms

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<sup>6</sup> Each of these reports are available on the mandate's website  
<http://www.ohchr.org/EN/Issues/Trafficking/Pages/annual.aspx>

of discrimination against them.

#### **Special Rapporteur on adequate housing**

as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context has made advances in highlighting women's rights and particular vulnerabilities in relation to housing, land and property. The various mandate holders have produced several reports integrating a gender perspective and highlighting the particular constraints faced by women in claiming their rights to adequate housing including the impact of VAW, discriminatory family or personal laws, impact of privatization, natural disasters, and forced evictions.).

#### **Special Rapporteur on the human right to safe drinking water and sanitation**

The mandate on water and sanitation has examined the taboos and culture of silence surrounding women's hygiene and sanitation needs as well as how male heads of household pay less attention to sanitation in household budgeting. The mandate has also focussed on the fact that many adolescent girls do not attend schools or workplaces due to lack of health facilities, knowledge about menstrual hygiene; and how many women

(particularly pregnant women) avoid seeking medical treatments in hospitals that lack sex-segregated toilets.

#### **Special Rapporteur on torture and other cruel, inhuman or degrading**

The mandate on torture and other cruel, inhumane and degrading treatment has examined acts that are gender specific in several reports and country visits including forced sterilization of women and girls with disability; conditions of women in detention and gender-specific forms of ill-treatment and torture. The mandate has drawn particular attention to three forms of violence that may constitute torture cruel, inhuman and degrading treatment: intimate partner violence, FGM and human trafficking.

#### **Special Rapporteur on the situation of human rights defenders**

The mandate on the situation of human rights defenders has consistently applied a gender perspective in its work. The mandate has dedicated several reports to the challenges and risks faced by women human rights defenders such as intimidation, verbal abuse, violence and rape as well as perceptions of challenging socio-cultural norms, traditions and stereotypes regarding femininity, sexual orientation and status of women in society.





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## OHCHR's work on Women's Human Rights

OHCHR advocates for and supports adoption and revision of legislation and policies in line with international equality and women's human rights standards. It also supports efforts to ensure access to justice and remedies for women.

In conflict and post conflict countries, OHCHR field presences and human rights components of peace missions have engaged in a number of activities to advance the implementation of **Security Council resolutions on women, peace and security**, inter alia, supporting the formulation and/or implementation of National Action Plans (NAPs) (e.g. Uganda and Senegal); advocating for the participation of women in peace processes and reconciliation (e.g. Afghanistan and Guinea); supporting the provision of assistance to victims of sexual violence and informing the development of reparation efforts (e.g. the Democratic Republic of the Congo (DRC)); and ensuring

In 2013, there were 15 UN peace operations and political missions mandated by the UN Security Council to promote, protect and monitor human rights. **Human rights components of peace missions** play a key role in preventing human rights violations by monitoring the human rights situation, issuing public reports, and assisting in building national capacities to address human rights issues. Recent public reports include an analysis of the trends in sexual violence in DRC (MONUSCO) and Implementation of the Elimination of Violence against Women law in Afghanistan, December 2013 (UNAMA). Human rights components are a critical to the implementation of the Monitoring, Analysis and Reporting Arrangements (MARA), established under Security Council res. 1960 (2010). In this regard, OHCHR has developed a specific **training on monitoring and investigating sexual violence in conflict** contextualized to MARA.

At the global level, OHCHR advocates for the full integration of women's human rights within the Security Council framework on women, peace and security. OHCHR actively participates in the **UN Action against Sexual Violence in Conflict Network** and, in cooperation with all relevant UN entities, has been closely involved in the development of guidance for the operationalization of SC resolutions on conflict-related sexual violence. OHCHR co-leads on the **Team of Experts on the Rule of Law / Sexual Violence in Conflict** (TOE, SC Res. 1888).

OHCHR also promotes cooperation between relevant human rights mechanisms, the Office of the SRSG SVC and the TOE in connection with country visits, advocacy efforts and development of specific projects. At the request of the UN Policy Committee, OHCHR and UN Women have jointly developed the '**Secretary-General's Guidance Note on reparations for victims of conflict-related sexual violence**'. The Guidance Note provides critical policy and operational guidance for Member States, UN agencies, development actors, and civil society organizations in the area of reparations for victims of conflict-related sexual violence including activities to advocate for and/or support the design, implementation, monitoring and evaluation of reparation programmes and initiatives.

OHCHR has also developed research and work to promote **gender-sensitive transitional justice** processes, including a recent analytical study focusing on gender-based and sexual violence in relation to transitional justice.

OHCHR provides secretariat support to **Commissions of Inquiry** created by the HRC and, with the support of UN Women, has undertaken efforts to strengthen the expertise and capacity of these bodies on gender integration and sexual and gender-based violence.

OHCHR contributes to strengthening national capacities to address **violence against women**. For instance, OHCHR has supported the formulation and implementation of laws related to violence against women in a variety

of countries (e.g. Afghanistan, Timor-Leste, the Kurdistan region of Iraq, Burundi, Central African Republic and Maldives,).

OHCHR, in cooperation with UN Women, has developed a **Model Protocol for the investigation of femicide** in Latin America. Drawing on a methodology developed in 2011 by the UN Human Rights Office, specifically for the investigation of femicide in El Salvador, the Protocol is for investigators and prosecutors across the region to ensure gender-based murders of women are exhaustively and independently investigated. The Model Protocol is practical as its content draws on both the theoretical and practical experiences of a range of experts, including prosecutors, police, coroners, and judges, across Latin America and beyond.

The Office is actively working on wrongful **gender stereotyping** by the judiciary, particularly in cases of sexual and gender based violence. It has developed a tool which aims at raising awareness of, and encourages advocacy related to, judicial stereotyping in gender based violence cases. In a variety of countries, the office is working with judicial schools to develop the capacities of the judiciary on women's human rights, including by addressing wrongful gender stereotyping.

OHCHR is contributing to the development of normative guidance in the area of **harmful practices**. In the context of the Human Rights Council (HRC), OHCHR has undertaken a study on **child, early and forced marriage** and has organised high level panel discussions on the issue and **female genital mutilations**. The office is promoting and supporting the implementation of recommendations contained resulting from these reports and discussions at the national and regional levels.

In the area of **sexual and reproductive health rights**, OHCHR has developed a significant body of work on **maternal mortality and morbidity** as a human rights issue. In 2012, at the request of the HRC, the High Commissioner presented technical guidance on the application of a rights based approach to the implementation of policies and programmes for the reduction of maternal

mortality and morbidity. Numerous initiatives are underway in a variety of regions to apply this guidance, including through the convening of multi-stakeholder dialogues, development of additional tools to operationalize the guidance, and capacity building for different actors. Additionally, OHCHR increasingly works with civil society to enhance awareness of international human rights standards pertaining to sexual and reproductive health rights. OHCHR has also partnered with UNFPA and the Danish Institute for Human Rights to develop a **Handbook on Reproductive Rights** for National Human Rights Institutions. OHCHR has also played an active role in inter-agency efforts, including the recent release of the Inter-agency statement on forced, coercive or otherwise involuntary sterilisation.

Concerning **women and land**, OHCHR's work focuses on enhancing awareness of international standards and effective strategies for realizing women's equality. Together with UN Women, OHCHR has developed a Handbook on Good and Effective Practices in Realizing Women's Rights to Land and Other Productive Resources, which provides a comprehensive collection of strategies for the elimination of discrimination against women in matters related to land.

OHCHR also places special emphasis on documenting the challenges and risks faced by **women human rights defenders** working on land, in 2014 focused on Asia.

Under one of its six thematic priorities, **Widening Democratic Space**, OHCHR pays special attention to the situation of women human rights defenders. Recognizing that women defenders comprise all people working in the defence of the human rights of women and gender equality, as well as any woman defending any human right, OHCHR works with women defenders to document the ways in which they are targeted for their work. The mandate of the Special Rapporteur on the situation of human rights defenders has also consistently applied a gender perspective to its work, and provided important analyses in relation to the situation of women human rights defenders.

OHCHR promotes a **Rights-Based Approach** to addressing **Trafficking in Persons**, based on OHCHR's Recommended Principles and Guidelines on Human Rights and Human Trafficking.





The Principles were submitted to ECOSOC, and have since been referenced in several HRC and General Assembly (GA) resolutions.

In line with the **Global Plan of Action** adopted by the GA in 2010, OHCHR works with member states to build the capacity of national authorities on the implementation and application of the rights based approach to trafficking. For instance, OHCHR participated in the elaboration and adoption of the EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims in 2011. As a member of the **Inter-Agency Coordination Group against Trafficking in Persons (ICAT)**, OHCHR ensures that human rights based approach is embedded throughout the work of ICAT and in the joint policy papers produced by the group. OHCHR is engaged in active partnerships with some regional organisations such as Organisation for Security and Cooperation in Europe (OSCE).

We promote the rights of **indigenous women** by strengthening their capacity and networks as well as by facilitating dialogue between indigenous women and governmental institutions. OHCHR advocates for the integration of a gender perspective in national process related to indigenous peoples, and supports public campaigns to combat racial and ethnic discrimination against women. OHCHR's Regional Office in Central America has also elaborated training and audio-visual materials for indigenous women to promote the Declaration on the Rights of Indigenous Peoples. In addition, the Office has facilitated agreements between indigenous women and public institutions on a wide range of areas, including access to employment, registration at birth and training.

Through its **fellowship** and other programmes, OHCHR also builds the capacity of women belonging to **national, ethnic, religious and linguistic minorities**, and works with civil society groups on combatting discrimination, including discrimination faced by women belonging to **caste affected communities**. These activities are pursued in line with the **Secretary General's Guidance Note on Racial Discrimination and Protection of Minorities**, which highlights the

importance of applying a gender perspective in all analysis and actions by the UN system.

The Office through its work at the international and national levels consistently encourages withdrawal of reservations to CEDAW and increased ratification of international human rights treaties, as well as and States' review and withdrawal of reservations.

OHCHR further work to strengthen capacities of all stakeholders, including States, **civil society organizations**, women human rights defenders, and national human rights institutions, to engage with the international human rights protection system.



UN Photo/OHCHR



## Human Rights Council

UN Photo/Jean-Marc Ferré

OHCHR regularly submits to the Human Rights Council **studies and reports on women's human rights**. Recently, the following reports were presented: compilation of good practices in efforts aimed at preventing violence against women (17/23); violence against women and girls and disability (20/5); creating and/or strengthening synergies and linkages on violence against women and girls (23/25); application of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity (27/20); preventing and eliminating child, early and forced marriage (26/22); technical Guidance on the application of a human rights based approach to the implementation of policies and programmes for the reduction of preventable maternal mortality and morbidity (21/22); analytical study focusing on gender-based and sexual violence in relation to transitional justice (27/21).

**annual full day of discussion on women human rights**, which takes place at the June session of the Council including drafting summary reports of the discussions. The themes of the full day discussions have focussed on several of the critical areas of concern, for instance: June 2014 – the Impact of Gender Stereotypes on the Recognition and Enjoyment of Women's Human Rights and Women human rights and the sustainable development; June 2013 – Setting Priorities for the Future: Strengthening the Work of the Human Rights Council and other Inter-governmental Bodies and Processes in the area of violence against women and Taking stock of efforts to eliminate violence against women, from the Vienna Declaration and Programme of Action to the 57th session of the Commission on the Status of Women (CSW); and June 2012 – Remedies and reparations for women who have been subjected to violence and Women human rights defenders. June 2013 – Setting Priorities for the Future: Strengthening the Work of the

Human Rights Council and other Inter-governmental Bodies and Processes in the area of violence against women and Taking stock of efforts to eliminate violence against women, from the Vienna Declaration and Programme of Action to the 57th session of

the Commission on the Status of Women (CSW); June 2012 – Remedies and reparations for women who have been subjected to violence and Women human rights defenders.

## Critical issues and remaining challenges

In many countries, discriminatory provisions continue to exist with regard to family matters including nationality laws, inheritance, divorce, custody of children, access to land and other productive resources, and access to education.

In addition, women continue to face many difficulties in accessing justice as a result of discriminatory procedural and evidentiary requirements.

- Approximately **1 in 3 women** throughout the world will experience **physical and/or sexual violence by a partner or sexual violence by a non-partner**.
- In **1995**, through the **Platform for Action**, countries set a target of having **30 percent of their elected officials as women**.
- In **2014**, **less than a quarter of parliamentarians in the world are women (21.8 per cent)** and only **36 countries have 30 per cent or more female ministers**.
- There is **no legal protection for women against domestic violence**, and **marital rape is not prosecutable in 53 countries**.

- Globally, almost **300,000 women and girls died in 2013 from causes related to pregnancy and childbirth**.
- Across the world, approximately **1 in 3 married women aged 20 to 24, were child brides**.
- In **2014**, **less than a quarter of parliamentarians in the world women (21.8 per cent)**.
- As many as **138 countries have some form of restriction on women's access to abortion**.
- Less than **60 percent of women, married or in a union, worldwide, are using a modern method of contraception**.



## Beijing+20 OHCHR Activities

The Beijing Declaration acknowledged “the voices of all women everywhere and, taking note of the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world’s youth.” As the lead organisation in the area of concern on the Human Rights of Women, OHCHR is focusing on Women’s Human Rights Defenders (WHRD). OHCHR views the Beijing + 20 process as an opportunity to honour the individuals who tirelessly work to defend the rights of women and are exposed to threats and violence for challenging discriminatory norms and practices as well as patriarchal stereotypes about women’s roles in society.

**From 10 December 2014 (Human Rights Day) to 8 March 2015 (International Women’s Day), OHCHR will present a series**

**of video portraits of women defenders of human rights.** A total of 12 videos, corresponding to the 12 areas of concern of the Beijing Platform for Action, will be distributed through OHCHR’s social media. The campaign will commemorate the 20 years since Beijing, and provide visibility for the work of women human rights defenders.

OHCHR is also engaged in a number of activities at the national, regional and international level. They include the **International Campaign to end Gender Discrimination in Nationality Laws** as well as the launch of the **‘Framework for Prevention of Violence against Women and Girls’**. OHCHR is also actively supporting and participating in the UN Economic Commission’s and UN Women’s regional reviews and intergovernmental meetings on the implementation of the 12 Critical Areas of Concern.



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