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

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

Report of the Secretary-General

Summary

The report updates the previous report of the Secretary-General (E/CN.4/2004/64), as requested by Commission decision 2004/108. It examines new steps taken by human rights treaty bodies, by the Commission on Human Rights and its human rights mechanisms and by the Office of the High Commissioner for Human Rights and activities of human rights field presences to integrate gender perspectives and the human rights of women into human rights activities.

The Economic and Social Council, at its substantive session of 2004, adopted resolution 2004/4 on review of the Council's agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes in the United Nations system, in which the Council noted with appreciation the progress made by the United Nations in mainstreaming gender perspectives but recognized that further concrete steps were required. The present report notes that while there has been steadily growing attention to women's human rights in the work of the United Nations human rights system, use of gender analysis and integration of a gender perspective has been more varied and less methodical.

The report concludes that full implementation of the gender mainstreaming strategy requires more regular training of human rights staff on this method, support for the work of gender focal points, availability of simple tools to facilitate integration of a gender perspective and engaging in gender analysis, and monitoring of implementation of the gender mainstreaming strategy in all human rights activities. The report suggests that the Commission may wish to support the High Commissioner's efforts in this regard.

The report also notes that participation by women in the work of human rights mechanisms is important in ensuring that sufficient attention is paid to women's rights and gender issues. The report suggests that the Commission may wish to consider specific steps to encourage greater gender balance in the nomination, designation and election of experts to human rights mechanisms and to give greater attention to the participation of women in human rights activities and the benefits they derive from such activities.

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Introduction

1. The present report updates the reports submitted since 1997 (most recently E/CN.4/2004/64) and is submitted to the Commission on Human Rights in accordance with its resolution 2003/44 and its decision 2004/108. The report considers the steps and initiatives taken by human rights treaty monitoring bodies, the Commission on Human Rights and its human rights mechanisms, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations human rights field presences. It should be read together with the joint work plan of the Division for the Advancement of Women and OHCHR (see E/CN.4/2005/69-E/CN.6/2005/6).

2. Relevant information is also contained in the reports of the Secretary-General entitled “Strengthening the coordination of emergency humanitarian assistance of the United Nations” (most recently A/59/93-E/2004/74) which reflects the impact of the 1999 Inter-Agency Standing Committee (IASC) policy statement for the integration of a gender perspective in humanitarian assistance, referred to in Commission resolution 2003/44. The IASC Task Force on Gender and Humanitarian Assistance supports and reviews the implementation of the IASC policy statement. Information on integration of gender perspectives and the human rights of women can also be found in reports of the Secretary-General submitted to other intergovernmental bodies, including those presented to the Commission on the Status of Women, the Economic and Social Council and the General Assembly on the follow-up to, and progress in, the implementation of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, and the outcomes of the twenty-third special session of the General Assembly (most recently E/CN.6/2004/3, E/2004/59 and A/59/214).

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

4. In resolution 2003/44 the Commission requested all special procedures of the Commission and its subsidiary bodies, and invited the treaty bodies, “regularly and systematically to integrate a gender perspective into the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls”. Integrating a gender perspective is a distinct process from providing information on women’s human rights, although the two are related. This report examines both the integration of a gender perspective as well as increased attention to women’s human rights in the work of the special procedures of the Commission on Human Rights, the treaty bodies, and the work of the Office generally. This reflects the dual strategy of the Office to mainstream gender across all policies and programmes, and to formulate specific interventions to benefit women and protect their rights.

I. PROGRESS FROM 1997 TO 2004

5. In 2004, one of the themes of the coordination segment of the substantive session of the Economic and Social Council was “Review and appraisal of the system-wide implementation of the Council’s agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes in the United Nations system”. Background documents provided details on progress in gender mainstreaming in a variety of United Nations contexts. Particularly relevant information is contained in the conference room paper “Gender mainstreaming perspectives at the intergovernmental level” (E/2004/CRP.4), which includes a review of gender mainstreaming in the work of the Commission on Human Rights (paras. 20-22). OHCHR also contributed to the conference room papers on “Gender mainstreaming in operational work of the United Nations system” (E/2004/CRP.1) and “Gender mainstreaming in the work of the United Nations on peace and security” (E/2004/CRP.3).

6. During that session, the Council adopted resolution 2004/4 in which it noted with appreciation the progress made by the United Nations in mainstreaming gender perspectives (para. 3) but recognized that further concrete steps were required (para. 4).

7. In the same resolution, the Council called upon its “functional commissions to take further measures to incorporate recommendations on their areas of work provided by the Commission on the Status of Women and fully to integrate gender perspectives into their work, including through their annual or multi-year work programmes and in the integrated and coordinated follow-up to major United Nations conferences and summits” (para. 8). It also requested “all entities of the United Nations system to enhance the effectiveness of gender specialist resources, gender focal points and gender theme groups, by establishing clear mandates; by ensuring adequate training, access to information and to adequate and stable resources; and by increasing the support and participation of senior staff” (para. 9).

8. In reviewing the activities of the special procedures, treaty bodies and OHCHR, it can be observed that significant progress has been made in devoting more attention to women’s human rights. Many of the special procedures of the Commission on Human Rights have regularly included sections in their reports on women’s human rights, or devoted entire reports to looking at women’s rights within the ambit of their particular mandate. The treaty bodies have also improved examination of women’s and girls’ human rights, with increased attention to issues related to the enjoyment of rights by women and girls in their lists of issues, dialogue with Governments, concluding observations and formulation of general comments.

9. In terms of integrating a gender perspective, progress has varied depending on the mandate. In general, experts with experience in analysing gender constructs have been more systematic in integrating a gender perspective into their work. As mentioned above, the Economic and Social Council also recognized that progress in gender mainstreaming has not been systematic across all policies and programmes. Integrating a gender perspective is a complex process whereby, using gender analysis, the different impacts and implications, on both men and women, of human rights violations and interventions are assessed, allowing for a better understanding and more effective promotion of all human rights. It is important to realize that gender mainstreaming is a transformative approach, which aims to achieve gender equality,

benefiting both women and men. Moving forward, emphasis must be placed on improving the effectiveness of gender focal points and increasing capacity for gender analysis. Without training for all human rights staff on gender analysis and mainstreaming and inclusion of staff with gender expertise on all teams, it will be difficult to fully realize the goals of gender mainstreaming.

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

10. This section focuses in particular on the integration of gender and women's rights into the thematic special procedures of the Commission. More detailed information on the resolutions of the Commission and the mandates and activities of special procedures can be found in previous reports submitted to the Commission (see, for example, E/CN.4/2004/64, and particularly E/CN.4/2003/72).

11. In her report to the sixtieth session of the Commission, the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2004/66) noted her concern that despite progress at the normative level, violence against women continues to an alarming degree, as the most serious violation of women's human rights and an attack on the bodily integrity and the dignity of all women. In her report the Special Rapporteur emphasized the universality of violence against women, the multiplicity of its forms and the intersection of diverse kinds of discrimination against women and its linkage to a system of domination that is based on subordination and inequality.

12. In her statement to the Third Committee of the General Assembly on 29 October 2004, the Special Rapporteur expressed concern over the disturbing trends of growing political conservatism and backlash threatening the gains made in the global agenda for women's human rights. She said that to accurately assess how, why, and under what circumstances specific forms of violence were perpetrated, a gender analysis needed to be employed at all levels of policy-making. Effective monitoring of implementation required measurable and comparable indicators of gender equality and State accountability, time-bound targets and a complex set of disaggregated data that captured the interlinkages of multiple forms of discrimination that led to violence against women in diverse contexts. In this regard, she suggested that two indices should be developed: an index on violence against women and an index on State accountability for violence to monitor State compliance with international law to eliminate violence against women.

13. The report of the Special Rapporteur on the human rights of migrants to the Commission at its sixtieth session (E/CN.4/2004/76) focused on the living, working and employment conditions of female migrant workers employed in domestic service. In the Special Rapporteur's view, the situation of that group illustrated three of the most important challenges of international migration in modern times: first, the extent and feminization of migration; second, the difficulty of obtaining recognition of the human rights of immigrants, particularly those with irregular administrative status; and lastly, the need for rights-based migration management. In the Special Rapporteur's view, those women suffered abuse and discrimination on account of

their triple status as women, immigrants and, in many cases, as undocumented persons. In her report the Special Rapporteur encouraged States that admitted such workers under a sponsorship and special visa system to review their legislation and ensure that the workers' status did not depend directly on the employment relationship with a given employer, since such dependent status left those women without protection and even led them to remain silent about abuses for fear of being dismissed and/or repatriated.

14. In his report to the Commission (E/CN.4/2004/9), the Special Rapporteur on the sale of children, child prostitution and child pornography identified groups at greater risk of trafficking and sexual exploitation, including children belonging to ethnic minorities and indigenous peoples, those living in extreme poverty, street children, migrants, homosexuals, lesbians, bisexuals and transgender children. He further stated that transgender youth could be especially vulnerable to entering into prostitution because of adverse reactions from family and peers to their gender and sexuality, often leaving them alone and unsupported. Young transgender people experienced discrimination when trying to find accommodation, obtain an education, get a job and access health services, making them among the most vulnerable and marginalized young people in society.

15. In his last report to the Commission (E/CN.4/2004/63), the former Special Rapporteur on freedom of religion or belief reiterated that since 1996, the Commission had requested that the mandate take women into consideration and call attention to gender-specific abuses. He particularly emphasized his study on freedom of religion or belief and the situation of women vis-à-vis religion and traditions (E/CN.4/2002/73/Add.2) submitted to the Commission at its fifty-eighth session. The recently appointed new Special Rapporteur also drew attention to that report in her report to the General Assembly (A/59/366), in which she recognized the extensive work of non-governmental organizations (NGOs) in implementing the recommendations of the report.

16. The Special Representative of the Secretary-General on human rights defenders in her annual reports to the Commission on Human Rights (most recently E/CN.4/2004/94) analyses the different categories of defenders facing difficulties in the course of their work. She has noted that women human rights defenders face greater obstacles as well as women-specific difficulties and violations in their work which make them more vulnerable than their male counterparts. Additionally, during her country visits, the Special Representative meets with various women's rights NGOs to discuss their work, the issues facing women at the national level, their place within the human rights movement at the local level, and the obstacles they encounter in the conduct of their work. The Special Representative has also committed herself to increasing the visibility of women human rights defenders internationally. In particular, in the context of Beijing+10, various human rights organization have organized a conference on women human rights defenders globally, scheduled for 2005. The Special Representative is actively following and providing support to the preparations for this conference.

17. In 2004, the former Special Rapporteur on extrajudicial, summary or arbitrary executions continued to highlight killings in the name of honour, which mostly target women, in her reports (most recently, E/CN.4/2004/7). The newly appointed Special Rapporteur intends to maintain attention to this type of human rights violation.

18. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples pays special attention to women's rights while visiting countries and indigenous communities, being aware of the obstacles indigenous women face within their own communities. In his latest visits to Colombia (E/CN.4/2005/88/Add.2) and Chile (E/CN.4/2004/80/Add.3), he requested specific gatherings to be organized for the voices of indigenous women to be heard. In addition, during his visit to Colombia the Special Rapporteur organized a panel on indigenous women's rights on the occasion of International Women's Day.

19. In addition to his original tasks, the Commission on Human Rights has entrusted the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living with the additional task of reporting separately under Commission resolution 2003/22 on women's equal ownership of, access to and control over land and equal rights to own property and to adequate housing. In that resolution, the Commission requested the Special Rapporteur to submit a study on women and adequate housing to its sixty-first session. In order to get an overview of the legal status of women in terms of housing, land and property, identify the major gaps and measures to address such gaps, and gather case studies and testimonies from women, the Special Rapporteur undertook two regional consultations during 2004 (in Egypt and Fiji). These consultations followed on regional consultations held in Nairobi in 2002, and in New Delhi and Mexico City in 2003. During the regional consultations, the situation of homeless women, often as a result of forced evictions, armed conflicts or domestic violence, was continuously highlighted as reflected in the Special Rapporteur's 2004 report to the Commission (E/CN.4/2004/48).

20. The former Special Rapporteur on the right to education paid particular attention to the gender dimensions of her mandate. In her final report to the Commission (E/CN.4/2004/45), the former Special Rapporteur reviewed the developments concerning her mandate during the previous six years, drawing particular attention to issues concerning girls and devoting a specific chapter to the issue of inequality, focusing on girls, schools and access to sex education. The newly appointed Special Rapporteur on the right to education intends to consider in his reports the challenging issue of equal access of boys and girls to school. The Special Rapporteur will also consider the importance for boys and girls of staying in school and completing their education. In this regard, he intends to address the issue of pregnant girls and young mothers and their high rates of drop out from school.

21. The Commission in resolution 2002/31 invited the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health ("right to health") to apply a gender perspective. In his work, the Special Rapporteur has paid attention to various issues relating to the right to health of women, including sexual and reproductive health rights, violence prevention, trade, and mainstreaming of gender and the right to health in national health and poverty reduction policies. For example, the Special Rapporteur's report to the Commission at its sixtieth session (E/CN.4/2004/49) focused on the issue of sexual and reproductive health rights, and paid particular attention to the vulnerability of women to violations of those rights. The Special Rapporteur on his mission to the World Trade Organization (E/CN.4/2004/49/Add.1) included a specific section on gender and trade in the context of the right to health. The Special Rapporteur has also given attention to the right to health of women on his country missions to Mozambique, Peru and Romania (E/CN.4/2005/51/Add.2-4).

III. STEPS TAKEN BY HUMAN RIGHTS TREATY BODIES

22. More detailed information is included in previous reports submitted to the Commission, particularly at its fifty-third to fifty-fifth and fifty-eighth sessions (E/CN.4/1997/40, E/CN.4/1998/49, E/CN.4/1999/67 and E/CN.4/2002/81) and the study carried out by the Division for the Advancement of Women (HRI/MC/1998/6).

23. The Committee on the Elimination of Racial Discrimination (CERD) adopted in 2004 general recommendation XX on discrimination against non-citizens. The Committee recommends that States parties “pay greater attention to the issue of multiple discrimination faced by non-citizens, in particular concerning the children and spouses of non-citizen workers, to refrain from applying different standards of treatment to female non-citizen spouses of citizens and male non-citizen spouses of citizens, to report on any such practices and to take all necessary steps to address them” (A/59/18, chap. VIII, para. 8).

24. The Committee on Economic, Social and Cultural Rights is continuing consideration of a draft general comment on article 3 of the International Covenant on Economic, Social and Cultural Rights, concerning the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant.

IV. STEPS TAKEN BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS AND UNITED NATIONS HUMAN RIGHTS FIELD PRESENCES

25. The High Commissioner for Human Rights and her Office continue to devote attention to women’s rights throughout advocacy, research and other activities. The newly appointed High Commissioner is committed to protecting and promoting women’s rights in all OHCHR activities. OHCHR has maintained a particular focus on women, peace and security. The High Commissioner addressed the Security Council in October 2004 concerning implementation of Council resolution 1325 (2000), emphasizing the necessity of ending impunity for violence against women committed during conflicts. In November 2004, the High Commissioner participated in a conference entitled “Women defending peace”, where she highlighted the importance of ensuring women’s participation and hearing the diverse voices of women. OHCHR has been closely involved in the development of training resources for personnel of the Department of Peacekeeping Operations on trafficking and sexual exploitation. In mission planning, the Office maintains contact and cooperation with gender focal points at the Department as well as specialists at the United Nations Development Fund for Women (UNIFEM).

26. From 28 February to 11 March 2005, the forty-ninth session of the Commission on the Status of Women will conduct a review and appraisal of the Beijing Platform for Action (1995) and the outcomes of the twenty-third special session of the General Assembly (2000) (Beijing+5). In preparation for this review and appraisal, otherwise known as “Beijing+10”, OHCHR contributed to relevant reports regarding the implementation of the Beijing Platform for Action and the outcomes of Beijing+5. OHCHR also collaborated with the Division for the

Advancement of Women by moderating an online discussion on the human rights of women, which formed part of a series of discussions on the critical areas of concern of the Beijing Platform for Action and outcomes of Beijing+5. Recognizing that human rights is a central cross-cutting theme in the Beijing Platform for Action and the outcomes of Beijing+5, the online discussion focused on the means of guaranteeing women's human rights, specifically, reform of discriminatory laws at the national level, ensuring women's access to justice, and utilization of international human rights instruments and mechanisms. With over 150 participants and over 80 contributions, the discussion identified gaps and challenges to the realization of women's human rights. The forum allowed for a rich exchange of experiences and served as a foundation for the development of proposals regarding strategies to better guarantee women's human rights.

27. Within activities focusing on the rights of indigenous peoples, specific attention is devoted to women's human rights. At the IV Continental Meeting of Indigenous Women of the Americas (Lima, 4-7 April 2004), the Office presented a rights-based approach to indigenous women's poverty which was welcomed and widely discussed. During the meeting, an evaluation of the International Decade of the World's Indigenous People was carried out with about 50 indigenous women, the results of which were incorporated into the report of the Secretary-General to the Economic and Social Council on the preliminary review by the Coordinator of the International Decade on the activities of the United Nations system in relation to the Decade (E/2004/82). Additionally, the Permanent Forum on Indigenous issues focused its third session (10-21 May 2004) on indigenous women. The United Nations Voluntary Fund for Indigenous Populations supported the participation of indigenous women at this session and OHCHR provided substantive inputs to the session.

28. OHCHR and the New Zealand Human Rights Commission co-organized the International Race Relations Round Table, in Auckland (2-5 February 2004), during which the human rights of minority women were highlighted. The issue of different forms of racial discrimination experienced by women and girls was a particular concern and was identified as a key challenge for national human rights institutions in combating racial discrimination in the twenty-first century (see E/CN.4/2005/106, annex II).

29. From 15 to 19 November 2004, OHCHR, the Division for the Advancement of Women, and the Conseil consultatif des droits de l'homme of Morocco jointly organized a round table of national human rights institutions and national machineries for the advancement of women on strategies to address the elimination of sex discrimination. The round table concluded with recommendations addressed to both national human rights institutions and national machineries for the advancement of women, including a commitment to the dual approach of gender mainstreaming and targeted interventions to benefit women. The recommendations also called for greater cooperation and collaboration between national institutions and national machineries, as well as with civil society, government officials, and research institutions. It was agreed that the Convention on the Elimination of All Forms of Discrimination against Women should serve as the framework for the promotion and protection of women's human rights by national human rights institutions and national machineries for the advancement of women (see *ibid.*, annex IV).

30. The Office has participated in the Inter-Agency Task Team on Gender and HIV/AIDS, which in 2004 produced a resource kit including an operational guide and fact sheets on issues relating to gender, human rights and HIV/AIDS. In 2004, OHCHR contributed to a book, edited by the United Nations Conference on Trade and Development (UNCTAD) (as the lead agency in the inter-agency task force on trade and gender) entitled *Trade and Gender: Opportunities and Challenges for Developing Countries*. OHCHR drafted a chapter entitled “Human rights, gender and trade: a legal framework”. The book was published in June 2004 in the context of UNCTAD XI in Brazil.

31. With regard to the work of United Nations human rights field presences in Europe, the OHCHR office in Serbia and Montenegro (excluding the province of Kosovo), working closely with the United National Children’s Fund, helped to ensure that gender concerns were included in the poverty reduction strategy paper and the common country assessment/United Nations Development Assistance Framework (CCA/UNDAF), which were adopted in 2004. In Kosovo, successes in 2004 include the adoption by the United Nations Interim Administration Mission, on OHCHR’s recommendation, of amendments to increase gender sensitivity in legislation relating to the administration of elections. OHCHR is also promoting the integration of recent legislation designed to prevent gender-based discrimination with other new universal anti-discrimination legislation. This has so far contributed to the Government’s inclusion of gender-focused civil society partners in activities for the implementation of universal legislation which commenced in October 2004.

32. In Bosnia and Herzegovina, OHCHR prioritizes work on gender-based discrimination, violence and trafficking. The Office played a key role in promoting the concept of a comprehensive Gender Law, providing for equality in all aspects of the public, private and economic domains. Expertise was provided in the drafting of the law and support provided for the collaboration of NGOs with the Government. The OHCHR office in the former Yugoslav Republic of Macedonia works with civil society groups to provide support and guidance with regard to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, as well as trafficking initiatives.

33. In Latin America, OHCHR has conducted activities regarding gender mainstreaming and women’s human rights, particularly in Colombia and Guatemala. The OHCHR office in Colombia has undertaken several initiatives to integrate gender into their work and promote and protect women’s human rights. For example, draft guidelines on women’s rights and the integration of a gender perspective in monitoring activities were developed in 2004. OHCHR also helped the United Nations Country Team (UNCT) Gender Group to organize a workshop for the UNCT Communications Group that focused on violence against women, in which several United Nations agencies participated including the World Food Programme, the Food and Agriculture Organization of the United Nations, the Office for the Coordination of Humanitarian Affairs, the World Health Organization, United Nations information centres, the United Nations Population Fund and OHCHR. The Office in Colombia has also integrated gender and women’s human rights into its other activities, including training dissemination and promotion of human rights instruments, and collaboration with other United Nations agencies.

34. The OHCHR project in Guatemala convened an internal workshop on gender mainstreaming in May 2004, which provided important lessons on strategies for integrating a gender perspective into the activities of the office. The office has followed up on this workshop by staying in contact with gender focal points in the region as well as through its membership in Grupo Interagencial de Género y Avance de la Mujer (Inter-Agency Group on Gender and the Advancement of Women). The office is in the process of developing a set of indicators to help assess its progress in gender mainstreaming, especially regarding the CAA/UNDAF process. It also took the lead in preparing for and supporting the visit of the Special Rapporteur on violence against women (see E/CN.4/2005/72/Add.3).

35. In Asia, OHCHR was involved in work concerning women's rights and gender mainstreaming in Afghanistan and Timor-Leste. The human rights component of the United Nations Mission in Afghanistan continued to support the Afghan Independent Human Rights Commission (AIHRC) as a partner in the joint United Nations project and with the provision of technical assistance in a number of field projects. These include the work of a Technical Adviser on Women's Rights to AIHRC who continued to assist in the implementation of its work plan in the area of promotion and protection of the rights of women. The Technical Adviser also attends all meetings of the Advisory Group on Gender (AGG), which is led by the Minister of Women's Affairs and comprises government ministries, donor agencies, various other international bodies, as well as local women's initiatives. AGG works to coordinate donor activity in gender programming and to promote mainstreaming of gender issues in the policies and programmes of various ministries. With regard to gender mainstreaming, the Human Rights Advisory Group, in which OHCHR participates, regularly considers issues related to gender and women's rights.

36. The human rights component of the mission in Timor-Leste devotes considerable attention to women's rights. For example, a discussion of gender and women's rights has been included in the majority of the micro-grant-funded community socialization workshops that it has conducted over the past one and a half years.

37. In Africa, OHCHR worked closely with the Sierra Leone Truth and Reconciliation Commission, which submitted its report to the President in October 2004. The Commission made considerable efforts to ensure gender balance among witnesses, to adopt gender-sensitive procedures and to organize special thematic hearings for women and girl victims.

V. PARTICIPATION OF WOMEN IN HUMAN RIGHTS MECHANISMS AND ACTIVITIES

38. In Commission on Human Rights resolutions, most recently 2003/44, the Commission strongly encourages Member States to promote gender balance by nominating more women candidates for appointment to United Nations bodies. However, gender balance continues to be a problem among individuals mandated to carry out the thematic and country-specific mandates of the Commission. As of November 2004, only 3 of the 15 country mandates had women as mandate-holders. With 7 country mandate-holders appointed in 2004, only 1 woman was appointed. The Working Group on Arbitrary Detention has 3 women among its 5 members, the

Working Group on People of African Descent has 1 woman, and the Working Group on Enforced or Involuntary Disappearances has no women. With regard to the thematic special rapporteurs, independent experts and special representatives, 7 of the 23 mandate-holders are women. In 2004, 11 new thematic mandate-holders were appointed, with 7 men and 4 women taking up these assignments. Overall, women represent 26.4 per cent of mandate-holders appointed by the Commission on Human Rights. It is hoped that increased nomination of women experts will lead to more women being appointed.

39. Gender balance was more even among participants at the sixtieth session of the Commission on Human Rights, with about 40 per cent of participants being women. Participation of women varied depending on the type of participant: for example, 33 per cent of participants representing Member States were women, 31.4 per cent of participants from observer States were women, while 52.7 per cent of participants from United Nations entities and specialized agencies were women. With regard to non-governmental organizations, women represented 46 per cent of participants. However, the participation rates of women were not necessarily matched by the intervention rates, suggesting that women participants are less likely than men to hold senior positions within their delegations. For example, the proportion of women representing Member States addressing the Commission was 17.4 per cent, for women representing observer States, 23.3 per cent, and for women representing United Nations organizations, 62.5 per cent. The proportion of women addressing the Commission on behalf of non-governmental organizations was 41.5 per cent.

40. Notably, during the high-level segment of the sixtieth session of the Commission, from 16 to 18 March 2004, over 90 per cent of female participants and 40 per cent of male participants, in total approximately 70 per cent of all interventions, made some specific reference to violence against women. This is a considerable increase compared with interventions on violence against women during the high-level segment of the fifty-ninth session (10 per cent). The increase in attention to violence against women during this segment may be partially due to the organization by Switzerland of a meeting of women foreign ministers on 15 March 2004, the day before the high-level segment began. The meeting focused on violence against women, and the ministers adopted a declaration recognizing the importance of placing specific emphasis on gender issues in their work as ministers and representatives of Governments.

41. There are 6 Special Rapporteurs who report to the Sub-Commission on the Promotion and Protection of Human Rights, with women filling 4 of those mandates. With respect to members of the Sub-Commission, gender balance is not as even, with 8 women members out of a total of 26 (approximately 30 per cent). In terms of participants at the Sub-Commission, 23 per cent of the representatives of Member States were women, 31.5 per cent of the representatives of intergovernmental organizations were women and 42 per cent of NGO representatives were women, a lower proportion than for sessions of the Commission.

42. Gender balance on treaty bodies varies considerably depending on the committee. On the Committee against Torture (CAT), there is 1 woman and 9 men while the Committee on the Elimination of Discrimination against Women (CEDAW) has 2 men and 21 women. The Committee on the Elimination of Racial Discrimination (CERD) has 2 female members

and 16 male members. The Committee on the Rights of the Child (CRC) has 11 women and 7 men and the Committee on the Promotion and Protection of the Rights of All Migrant Workers and Members of Their Families has 2 women and 8 men.

43. Elections were held in September 2004 for members of the Human Rights Committee. Two women were nominated. One of the women withdrew her nomination, the other was elected, but subsequently passed away. There will be a by-election to fill that vacancy. Thus, as of December 2004, no women were newly elected to the Human Rights Committee and 2 women remain members of the Committee.

44. The Economic and Social Council elected new members to the Committee on Economic, Social and Cultural Rights in May 2004. Three new members, all of whom are men, were elected for the Committee, replacing 3 men who were not re-elected. Thus, the gender balance on the Committee remains the same with 3 women and 15 men.

45. Taking these elections into account, women represent 36.5 per cent of members of treaty bodies. However, women are over-represented on treaty bodies examining issues related to women and children (CEDAW and CRC) and represent less than 14 per cent of the 74 members of the other five treaty bodies.

46. The United Nations Voluntary Fund for Indigenous Populations encourages indigenous organizations and communities applying for travel grants to consider gender balance. The Board of Trustees selected a total of 106 beneficiaries in 2004, of whom 48 were women.

47. The Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery selected 9 beneficiaries to participate in the Working Group on Contemporary Forms of Slavery in 2004, of whom 5 were women. The Fund also finances a number of projects directed at assisting female victims of slavery, many of whom are victims of trafficking and sexual exploitation.

48. To promote the advancement of women, a balanced presence of women in national human rights institutions is crucial. This was affirmed by the Seoul Declaration adopted at the Seventh International Conference for National Institutions for the Promotion and Protection of Human Rights in September 2004. However, at meetings of national human rights institutions organized by OHCHR more men participate than women; the percentage of female participants from 2002 to 2004 ranged between 13 and 32 per cent. As in previous years, women tended to participate more when meetings focused on women-related issues: for example, at the Round Table of National Human Rights Institutions and National Mechanisms for Advancement of Women held in Morocco in November 2004 (66 per cent women).

49. The trends in the meetings of the National Institutions Unit are reflected in other meetings. Although efforts are being made to improve sex-disaggregated collection of participation rates in training, seminars, workshops and meetings, this practice has not become systematic. As a general observation, women's participation tends to be affected by the region and the topic of the meeting. OHCHR has encouraged strategies such as asking relevant entities to consider gender balance when identifying participants and where feasible to nominate two people to attend the meeting, one man and one woman, as a way of ensuring greater gender balance.

50. In 2004 the Indigenous Fellowship Programme hosted 13 fellows, 7 of whom were women. Of the 264 applications OHCHR received for the programme, 150 were from men and 114 were from women. The English-speaking fellows appointed a gender focal point in 2004, which provided the group with specific information on gender issues and represented the fellows in meetings relating to indigenous women's rights and gender equality. OHCHR also receives many applications for unpaid internships with the Office. In 2004, women represented 76 out of 94 interns (80.9 per cent) at OHCHR.

51. OHCHR services five funds: Voluntary Fund for the International Decade of the World's Indigenous People, United Nations Voluntary Fund for Indigenous Populations, Voluntary Trust Fund for Contemporary Forms of Slavery, United Nations Voluntary Fund for Victims of Torture, and Voluntary Fund for Technical Cooperation in the Field of Human Rights. There are a total of 27 trustees appointed to administer the funds, with 6 women among the trustees, representing 22.2 per cent.

52. In terms of women using human rights mechanisms, a recent internal review of statistical data on communications received and urgent appeals and letters of allegation sent over the last year by special procedures on alleged human rights violations shows a substantial difference in gender-disaggregated data. Indeed, when the review began in January 2004, it was discovered that in the majority of communications (65 per cent), the sex of the victim was not registered. By October 2004, after instituting changes to the communications database and the model communications forms, the number of communications where the sex of the victim was unknown had dropped to 7 per cent. Knowing the sex of the victim has allowed the Office to determine that the number of women victims of alleged human rights violations in the cases received and on which the special procedures have taken action is significantly lower than the number of men victims of alleged human rights violations. The proportion of women victims appealing to the special procedures has ranged between 7 and 22 per cent in any given month during 2004.

53. The Petitions Unit had discovered similar disparities in a review conducted in 2002 of complaints registered under individual communications procedures regarding the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. That review revealed that female complainants were involved in 19 per cent of cases registered by the Human Rights Committee, 20 per cent of cases registered by CERD and 17 per cent of cases registered by CAT. Through these reviews, OHCHR has been able to identify areas requiring focused attention to ensure that women's human rights are equally protected. The Office is working to address possible reasons for the low number of women using human rights complaint mechanisms, in particular by reaching out to information sources to encourage the communication of alleged violations of women's human rights, and raising awareness about the availability of special procedures and individual complaints procedures for addressing violations of women's human rights.

54. As of 21 December 2004, women working at OHCHR represented 47.4 per cent of senior staff (P-5 and above) and 63 per cent of junior staff (P-4 and below) (see E/CN.4/2004/100). At the most senior level, both the High Commissioner and the Deputy High Commissioner are women.

VI. CONCLUSIONS AND RECOMMENDATIONS

55. **Reviews and assessments of progress in gender mainstreaming are helpful ways to identify gaps and challenges in the implementation of this strategy. Some informal preliminary assessments have been carried out by OHCHR (communications to treaty bodies in 2002, field presences in 2003, communications to special procedures in 2004), and reviews of the work of treaty bodies and special procedures in mainstreaming a gender perspective have been conducted by the Division for the Advancement of Women and UNIFEM. The Commission may wish to mandate more formal assessments of the integration of gender and women's rights issues into other areas of work (such as normative, thematic or methodological activities) and consideration of the results by the Commission may be an important contribution to this process.**

56. **The review and appraisal of the system-wide implementation of the Economic and Social Council's agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes in the United Nations system concluded that gender mainstreaming efforts are still not a systematic part of all policies and programmes, including human rights activities. As mentioned above, while much progress has been made amongst human rights mechanisms in drawing attention to violations of women's human rights, gender mainstreaming strategies have not been consistently implemented. Regular training of all staff on gender and women's rights will help to guarantee that gender is more regularly considered in all aspects of United Nations activities. The network of unit gender focal points should be strengthened and supported by the highest levels of management and gender focal points and expertise should be available in every human rights team. Additionally, simple tools and materials should be made available, including tools for engaging in gender analysis, and further efforts should be made to collaborate with other United Nations agencies that have experience in gender mainstreaming strategies. More systematic monitoring of the integration of gender and women's rights into technical cooperation activities and those of the human rights field presences is also essential. The Commission may wish to encourage the relevant United Nations units to pursue their efforts in these areas.**

57. **Experience has shown that women offer a valuable perspective when they are elected to human rights treaty bodies as expert members. Additionally, persons with experience in women's human rights and gender have been more likely to draw attention to these issues in the work of the treaty bodies. The Commission may wish to reiterate the importance of the relevant provisions of the Beijing Platform for Action (para. 190 (j)) and of Commission resolutions (E/CN.4/2003/44, para. 15), and invite the Secretary-General to bring gender trends and gender experience in the membership of treaty bodies to the attention of States parties when inviting their nominations for the election of members.**

58. **Similar to treaty bodies, experts appointed to carry out mandates of the Commission on Human Rights tend to devote more attention to women's human rights and gender mainstreaming when these are consistent with their personal experience and background. The Commission may wish to consider ways to ensure greater attention to gender balance and gender expertise in the designation of experts by the Commission or by**

its Chairperson. The Commission may also consider systematically including specific provisions mandating gender mainstreaming and attention to women's rights in all of the resolutions establishing or renewing the mandates of the Commission.

59. Increased participation of women in human rights activities can be an effective way to improve attention to women's rights. Anecdotal evidence suggests, however, that gender balance among participants and beneficiaries of the activities of the United Nations human rights system can vary greatly depending on the region, the size of the meeting, the role of organizers in selecting participants, or the professional group targeted by each activity. All relevant actors, including Governments, United Nations agencies, the Office of the High Commissioner for Human Rights and non-governmental organizations should be encouraged to work for more gender-balanced participation in human rights activities, including in technical cooperation projects. The Commission may wish to request systematic collection of data on gender balance among participants in such human rights activities.
