
FRIDAY EXCHANGE

Women's rights – how to depoliticize and strengthen the Council's response?

Concept note

It is difficult to think of any issue, thematic or otherwise, that takes up as much of the Council's attention, time, resources and energy as women's rights, gender equality and non-discrimination, and sexual and reproductive rights.

According to URG's 'informal mapping of Human Rights Council initiatives'¹, initiatives that might be placed under the broad title of 'women's rights' include:

- Around six regular Council resolutions on issues including: discrimination against women (Colombia, Mexico); violence against women (Canada); maternal mortality and morbidity (Burkina Faso, Colombia, New Zealand); Beijing Declaration follow-up (China – Council Presidency); trafficking in women and girls (Germany and Philippines); eliminating FGM (African Group); the right of women and children to a nationality (US); and Child, early and forced marriage (CEFM) (Argentina, Canada, Ethiopia, Honduras, Italy, Maldives, Montenegro, Netherlands, Poland, Sierra Leone, Switzerland, Uruguay, United Kingdom of Great Britain and Northern Ireland, Zambia).
- Around eight regular resolutions at the Third Committee of the General Assembly, many of which are on the same subjects as the above, but which also include texts on: violence against women migrant workers; women and girls in rural areas; and the gender-related killing of women and girls.
- An annual full-day panel discussion on women's rights, each June.
- An annual half-day panel on the integration of a gender perspective, each September.
- Two Special Procedures mandates: a Working Group on discrimination against women (established 2010); and a Special Rapporteur on violence against women (established 1994). Both mandates report to both the Council and the Third Committee.
- CEDAW convention (1979) and optional protocol (1999).

¹ [http://www.universal-rights.org/wp-content/uploads/2016/02/Informal Mapping 2012-15 Jan-2016-update.pdf](http://www.universal-rights.org/wp-content/uploads/2016/02/Informal_Mapping_2012-15_Jan-2016-update.pdf)



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- Declaration on the elimination of violence against women (1993).

According to URG research, of the 41,066 recommendations made to States under the UPR mechanism (1st session to the 20th session), around 20% were related to women's rights.

Finally, many other resolutions, while not ostensibly focused on women's rights, do address issues of gender discrimination, gender-based violence, and sexual and reproductive rights (e.g. 2015 resolution on the rights of the child).

A worrying trend at the Council over the past five years has however been the increased politicisation of women's rights, incl. sexual and reproductive rights issues. While women's rights issues are not the principle focus of these intensified differences and divisions, they have increasingly been caught up in this politicisation of the Council's work.

An early sign of this trend was, from July 2010 onwards, opposition (including, in some cases, the tabling of 'hostile amendments') to initiatives relating to sexual and reproductive health, on the part of some OIC Member States. This included criticism of resolutions on maternal mortality resolution and on HIV/AIDS.

A more recent illustrative example of the trend was the adoption of the 2015 resolution (EU and GRULAC) on 'towards better investment in the rights of the child,' which included, inter alia, a call upon governments to ensure access of all people, without discrimination, to a range of health services, including sexual and reproductive health care services, and to provide comprehensive evidence-based education on human sexuality in a manner consistent with the evolving capacities of the child.

During the informal consultations on the initial draft text, a number of OIC States asked for: the deletion of the word 'gender' and its replacement with language on girls in relation to boys; the deletion of language on sexuality education; and the addition of language on the rights and responsibilities of the family and parents. It is important to recognise that, while in this example it was OIC States speaking out, concern over these issues is not restricted to Muslim majority countries. For example, during other informal consultations on related issues during previous Council sessions, Catholic majority countries have also spoken out.

During the vote, members of the Gulf Cooperation Council spoke about the inclusion, in the resolution, of concepts that were not acceptable to them, citing incompatibility with their religion, and disassociated with certain paragraphs.



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Notwithstanding the above, it is important to note that, since the establishment of the Council, all resolutions related to women's rights (around 25 of them) have been adopted by consensus.

The underlying current that appears to be driving the politicisation and division, is differing interpretations of preambular paragraph 4 of General Assembly resolution 60/251 (in turn inspired by the Vienna Declaration).

The resolution reaffirms that:

'While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms'

In particular, States (unsurprisingly) differ on the precise contours of what constitute universal human rights norms, especially against a backdrop of different religious belief systems, traditions and moral codes.

With this in mind, is division over certain women's rights issues, especially in the context of sexual and reproductive rights, 'the new normal'? Are disagreements and divisions based on fundamental misunderstandings, diplomatic strategy, or genuine concern (especially based on religious doctrine and sensibility)? Are these disagreements and divisions surmountable? And if so, how?