

Meeting of Regional Human Rights Mechanisms with the UN Working Group on Discrimination against Women in Law and Practice

Outcomes of the First Meeting

During its Eighth Session (30 September to 4 October 2013), the UN Working Group on discrimination against women in law and practice convened a meeting with representatives from regional human rights mechanisms from the Americas, Europe, Africa, the OIC and ASEAN (see Annex for complete list of participants)¹. It was the first time that these mechanisms gathered to exchange views on advancements and challenges in relation to women's rights at the regional and international level and start exploring possible avenues of cooperation. This meeting, which took place on October 1, 2013 in Geneva, was conceived by the Working Group as a means to implement its task to seek and take into account the views of all stakeholders, among others, regional human rights mechanisms, as stated in the Human Rights Council Resolution 15/23 (2010).

This document describes outcomes arising out of this first meeting, namely the understandings gained from the discussion, common views for the way forward, and some developments for next steps.

Understanding the state of play

The older regional human rights systems have clear legal frameworks governing women's rights, in the form of general human rights norms and standards and specific norms and standards on women's rights. On the latter, the Inter-American system adopted the Convention of 'Belem do Para' on the prevention, punishment and eradication of violence against women in 1994. In Africa, the Maputo Protocol on women's rights to the African Charter on Human and People's Rights was adopted in 2003. The adoption of two Council of Europe Conventions, on action against trafficking in human beings (2005), and on preventing and combating violence against women and domestic violence (2011), marked a new phase in this region's legal framework on women's rights.

These three regional systems also established their own mechanisms to monitor how States fulfil their regional human rights obligations overall and to monitor States' compliance with regional norms and standards on women's rights.

In the **Inter-American Human Rights System**, the Inter-American Commission established the mandate of the Special Rapporteur on women's rights twenty years ago, in 1994. The Commission and the Court have competence to adjudicate cases of alleged human rights violations including violations of women's rights. In this respect, the Inter-American human rights system has produced solid jurisprudence which take into account standards developed by CEDAW regarding discrimination by intent and in effect. In several instances, this jurisprudence has resulted in changes in

¹ A member of the Committee on the Elimination of Discrimination against Women (CEDAW) also took part in the Seminar.

national laws and ground-breaking interpretation of regional norms and standards on women's rights.

In the **African System for the Protection and Promotion of Human Rights**, the African Commission has in place a complaint mechanism which can be accessed upon exhaustion of domestic remedies. To date, four complaints have been processed in relation to women's rights. Three human rights fact-finding missions have been conducted, including to Mali, which specifically requested a focus on the situation of women's rights. The Commission has also established its special mechanism on women's rights.

In the **European System of Human Rights Protection**, the European Court on Human Rights has produced jurisprudence on women's rights, particularly on violence against women. Its decisions have influenced how national law has been interpreted and have triggered reforms of national laws that discriminated against women. The European Committee on Social Rights, which is the region's oldest legally binding mechanism (created in 1961), is an adjudicating body which deals with the intersection of gender and economic and social rights. On gender-based discrimination, it has dealt with cases related to sex education in schools, access of minority women to health care, and women's access to abortion in the context of conscientious objection by medical doctors. In addition the Council of Europe Conventions on action against trafficking in human beings, and on preventing and combating violence against women and domestic violence have established independent monitoring bodies in the form of expert bodies (GRETA and GREVIO, respectively).

An important contributing factor to the advancement on women's rights through these mechanisms is the fact of light procedures allowing for all stakeholders to be equally involved in the procedures and the importance given to capacity building of these stakeholders.

The nascent regional human rights systems have also given priority to addressing women's rights and, in this context, developed important political and policy frameworks.

The **Association of South East Asian Nations (ASEAN)** adopted several declarations relevant to the elimination of discrimination against women, including on violence against women (2004 and 2013), trafficking (2004) and human rights (2012).

In 2011, the **Organization of Islamic Cooperation** established the Independent Permanent Human Rights Commission (IP-HRC) has identified as a priority area of its work women's rights. A working group has been established to develop ways and means for the body to address women's rights, including through providing advisory opinions.

Concerning the monitoring mechanisms of these systems, in 2009, ASEAN established the ASEAN Inter-Governmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Human Rights of Women and Children (ACWC). AICHR has been considering drafting several regional conventions, including on violence against women. The Working Group of

the IP-HRC has been developing a mechanism to undertake studies and research on the situation of women's rights in the OIC member states and provide technical cooperation and awareness raising.

Ways forward

The Working Group and the representatives of regional mechanisms present in the meeting appreciated the importance of the two-way information flow regarding efforts to eliminate discrimination against women in law and practice. They reiterated commitment to the principle of universality and indivisibility of human rights.

There was agreement that the exchange views and discussions on ways and means to cooperate should continue. Such exchanges should be carried out both through formal and informal avenues. Follow up meetings should be held in the regions and beyond Geneva, whenever possible.

Ideas to enhance congruence across the mechanisms were suggested, as follows:

- Develop means to exchange information, for example on relevant jurisprudence, including by developing a common database;
- Cross-reference each others' documents;
- Share work plans and priorities, including calendar of events;
- Create opportunities for *ad hoc* and issue-based exchange of views;
- Provide technical assistance when necessary;
- Develop mechanisms for joint declarations and emergency response;
- Conduct joint visits and meetings.

Next steps

During its Tenth Session (5-9 May 2014), the Working Group was in discussion with the Office of the High Commissioner for Human Rights on ways of cooperation in relation to the upcoming workshop on regional arrangements for the promotion and protection of human rights, which the Office has been mandated to organize by the UN Human Rights Council during its 24th Session (September 2013). The workshop which is scheduled on 8 and 9 October 2014, will focus on three thematic discussions, including the economic social and cultural rights of women.

Back to back with the above workshop, the Working Group plans to convene a second meeting of Regional Human Rights Mechanisms on 10 October 2014, to focus on women's right to participate in family and cultural life, the Working Group's thematic focus for its 2015 report.

Annex I: List of participants

Regional mechanisms:

Elizabeth Abi-Mershed, Inter-American Commission on Human Rights

Ilham Ahmad, OIC Independent Permanent Human Rights Commission

Caroline Lasen Diaz, Council of Europe

Irmina Kotink, European Court of Human Rights

Soyata Maiga, African Commission on Human Rights

Rosario Manalo, ASEAN Inter-Governmental Commission on Human Rights

Colm O’Cinneide, European Committee on Social Rights

International mechanisms:

Emna Aouij, Working Group on discrimination against women

Kamala Chandrakirana, Working Group on discrimination against women

Patricia Olamendi, Working Group on discrimination against women

Parmilla Patten, CEDAW Committee

Frances Raday, Working Group on discrimination against women

Eleonora Zielinska, Working Group on discrimination against women