**Annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms**

**Report of the Office of the United Nations High Commissioner for Human Rights**

*Summary: On 26 September 2016, the Human Rights Council held its annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms, pursuant to resolution 6/30. The panel produced a fruitful discussion on the integration of a gender perspective into the work of the Sustainable Development Goals and the Human Rights Mechanisms.*

1. **Introduction**

On 26 September 2016, the Human Rights Council held its annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms, pursuant to resolution 6/30. The panel discussion was intended to facilitate a constructive and transparent dialogue on gender integration in the resolutions and recommendations of the Human Rights Council.

1. **Panel discussion on gender integration in the resolutions and recommendations of the HRC**

The Panel was moderated by Senior Research Associate at the University of Oxford Centre for International Studies and Co-Founder of Rising Women Rising World, Ms. Rama Mani. The Panel was composed of the following: Permanent Representative of Algeria to the United Nations Office at Geneva, H.E. Ambassador Mr. Boudjemâa Delmi; Director of the Intergovernmental Support Division of UN Women, Ms. Christine Brautigam; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Ernesto Méndez; and Programme Manager at UPR Info, Ms. Aoife Hegarty.

1. **Opening Statement by the United Nations Deputy High Commissioner for Human Rights**

In her opening statement, the Deputy High Commissioner highlighted how gender equality and the promotion of human rights are fundamentally interlinked. She noted that gender inequality is incompatible with the realization of human rights, and described the myriad ways in which gender inequality imposes grave limits on women and girls’ freedoms: from limiting their participation in decision-making in all realms of their lives to placing them at greater risk of sexual violence and other human rights violations.

The Deputy High Commissioner stressed that narrow gender boxes confine human potential and undermine diversity. She recalled that while women and girls carry a disproportionate burden of the harms that gender inequality exacts, men and boys also pay a harsh price for the confines of narrow gender norms, which tell them how to think and act. She argued that the breaking down of identities is particularly important for empowering adolescents and youth and called for the development of open spaces for young women and men to gather, express and explore unimpeded by the restrictions imposed by discrimination so that they can meet the challenges of the future. She affirmed that at its root, gender equality is not about men and women or even boys and girls; it is about diversity and tolerance, and requires a more just distribution of power and opportunity in both the public and private realms.

Analysis of over 850 Human Rights Council resolutions over the past ten years reveals improvement in gender mainstreaming as well as damaging gaps. In 2006, only 7% of the Council’s resolutions addressed gender. However, by 2015, this figure had risen to 59%, with some resolutions focused on issues that uniquely impact women – such as motherhood mortality or female genital mutilation – while others brought a gender perspective into broader topics. For example, Resolution 28/10 on the right to food looked at the disproportionate effects that hunger, food insecurity and nutrition deficits have on women and girls and highlighted the need to guarantee fair and non-discriminatory land rights for women, in particular those from local and indigenous communities. In contrast, the Council’s country resolutions are far less likely to integrate gender considerations. While some country-focused resolutions recall the importance of full, equal and effective participation of women in the prevention and resolution of armed conflict, most neglect the fact that women and men, due to gendered social roles and the compounded effects of multiple types of discrimination and conflict-related harm, experience conflict and crisis very differently. When women are mentioned in country resolutions, they are identified principally as victims of conflict-related sexual violence – ignoring the many other violations to which they are subjected and negating their importance as key agents of peace building.

The Deputy High Commissioner pointed to the resolutions adopted by the 32nd session of the Human Rights last June on a range of country situations. She noted that although many reports by OHCHR, Commissions of Inquiry, fact-finding missions and human rights mechanisms have pointed to significant gender issues in countries—including impunity for sexual violence by State actors; obstacles to women’s political participation, accusations of witchcraft targeting women and girls, degrading treatment and ill-treatment of women in detention and human trafficking of internally displaced women and girls—the adopted resolutions largely fail to address these issues.

The Deputy High Commissioner called for the conversion of condemnations of gender based violence and the other toxic manifestations of gender inequality into effective gender-integrated action – at scale – for the sake of gender justice and human dignity. She called for questioning every action and each resolution of the Human Rights Council to ensure relevance and responsiveness, and offered the support of OHCHR in the completion of this task.

1. **Overview of panellists’ participation**

Senior Research Associate at the University of Oxford Centre for International Studies and Co-Founder of Rising Women Rising World, Ms. Rama Mani, recalled resolution 6/30, which set forth and reiterated the need for integrating a gender perspective through the use of gender integrated language throughout the work of the Human Rights Council. She indicated that since the creation of resolution 6/30 nine years ago, there has been much progress in the field of gender integration, as well as challenges and even backsliding. She noted that the diverse experiences of the panellists illustrated the different ways in which Member States, the UN and civil society can play a fundamental and innovative role in fulfilling the mandate of resolution 6/30.

Permanent Representative of Algeria to the United Nations Office at Geneva, H.E. Ambassador Boudjemâa Delmi analyzed the impact of international interest in human rights on state outcomes through the example of Algerian women and their rights to nationality. He outlined the universal framework surrounding the rights to nationality and then discussed the position of women with regards to Algerian national law. On the basis of universal and domestic legal frameworks which determine the conditions for providing nationality, the nationality law initially adopted in 1970 was amended in 2005 to broaden the conditions for obtaining nationality with the main goals of ending discrimination against women, strengthening women’s autonomy and limiting possible cases of statelessness. The reforms adopted in the 2005 amendment include: nationality through maternal descent (both in Algeria and abroad), nationality through birth, nationality through marriage and through nationalization processes under certain conditions. These reforms reflected changes in the reality of women’s lives in Algeria and occurred because of strong advocacy by civil society organizations and pressure from the media, which managed to overcome opposition from certain political parties and religious groups.

In response to interventions by delegations, Ambassador Boudjemâa Delmi reiterated the importance of women’s participation in political decision-making to raise awareness for women’s rights. He used the example of Algerian electoral law, which requires gender parity in party candidate lists, to indicate how women’s inclusion in governing bodies has allowed for the promotion of women’s rights. He recalled the desire for sharing best practices among states and the need some states have for technical support from the UN and Donors.

Director of the Intergovernmental Support Division of UN Women, Ms. Christine Brautigam highlighted the role of UN Women in collecting data on the status, progress, opportunities and good practices on gender mainstreaming in the work of the General Assembly (GA) the [United Nations Economic and Social Council](http://www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwj33eT8-9LQAhXBIJoKHfgtBKAQFggdMAA&url=http%3A%2F%2Fwww.un.org%2Fen%2Fecosoc%2F&usg=AFQjCNHQ6aprXzx7Ts4PDkkAJjfK86VDLw)  (ECOSOC) and its functional commissions. UN Women analyses on an annual basis the resolutions adopted by these bodies from quantitative and qualitative perspectives in order to monitor progress. The reports of the Secretary General were also analysed since they tend to form the base for discussion and recommendations that are later integrated into resolutions by member states.

Director Brautigam stated that UN Women has found that in general, there has been a slow but steady upward trend in the reflection of a gender perspective in the resolutions of the General Assembly (42% of resolutions adopted at the 70th session of UNGA include a gender perspective). However, there is a significant difference in attention to gender perspectives according to subject matter. For example, social, humanitarian and cultural issues and economic and financial issues are significantly more likely to address gender issues than resolutions on disarmament or international law. The scope of attention to gender issues varies significantly, both in terms of quality and coverage: from passing references to “including women” to issues that are particularly pertinent from a gender perspective.

Director Brautigam noted that despite the long-standing mandate for gender-mainstreaming, there is not yet a uniform or high level of commitment, awareness or capacity to consistently use gender analysis. She stated that a strong gender analysis can draw out how women and men are differently impacted by an issue, such as poverty; draw out constraints that are specific to women, such as access to resources, and orient policies in a manner that is more comprehensive and inclusive of the rights and needs of women. Such analysis should be consistently complemented by gender-specific recommendations in order to facilitate and encourage the inclusion of gender issues in resolutions. She further stated that systematic and consistent compilation of evidence has increased awareness and facilitated engagement. It provides the basis for highlighting gender perspectives, what the issues are, and how they can be addressed. Director Brautigam noted that it seems easier to address gender perspectives in some areas rather than others. Progress is not linear, and can stall or even be temporarily reversed.

Director Brautigam recognized the work of the General Assembly in gender-specific resolutions has positively impacted thematic areas of work. Gender-specific resolutions, such as the resolution on women in development of the Second Committee, have been very influential in broadening attention to gender issues in areas such as agriculture and nutrition, sustainable development, safe drinking water and sanitation. She said that this is pertinent to the work of the Human Rights Council, where gender-specific work can be broadened into the broader thematic areas that the Council covers. She noted that a Member State’s request in a resolution for reflection of gender perspectives in a report can be a good starting point for raising the level of expectations, and a first step for a substantive consideration of gender equality implications with regards to the issue under consideration.

Director Brautigam warned that gender analysis in sectoral areas is needed to formulate gender-responsive policy and action and regular review of progress. As in other areas of gender equality, a critical factor for advancing gender equality and women’s rights is women’s activism, and this also applies to advocacy, awareness raising, building the knowledge base and providing the evidence with regards to gender perspectives in the area of human rights.

In response to interventions from delegations, Director Brautigam declared that the panel would serve as a catalyst for highlighting best practices from different areas and bodies. She urged States to follow up to the Panel by integrating gender in the thematic human rights realms and to bring their insights into gender mainstreaming into other thematic areas. She echoed the point that gender mainstreaming requires both a focus on gender-specific issues as well as a more general desire to ask questions about gender in other areas of human rights. She encouraged states to consult women and women’s organizations in decision-making, but stated that gender equality is not just women’s responsibility, but the responsibility of society as a whole.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Ernesto Mendez remarked upon the lack of gender integration in the first resolution establishing his mandate in 1985. Since then, the Special Rapporteur has strived to integrate a gender perspective into all aspects of his work. In communications to governments, he puts great emphasis on issues that uniquely or disproportionately affect them, such as denial of reproductive rights, sexual violence and honour crimes. In each of his country visits, he visits at least one detention centre for women and one for girls, and he addresses issues that uniquely affect women and girls, such as female genital mutilation, forced sterilization, as well as sexual violence during the interrogation process. The Special Rapporteur has also attempted to integrate a gender perspective in his thematic reporting. In March 2016, on International Women’s Day, he presented a thematic report to the Human Rights Council on Gender Perspectives on Torture, which develops upon the absolute prohibition of all forms of ill-treatment and the rule against discrimination in all of its forms.

The Special Rapporteur outlined a series of areas in which gender plays a role in human rights violations under his mandate. For example, despite constituting a minority of the total prison population, women and girls are at particular risk of torture and ill-treatment in detention, not only within the criminal justice systems, but also at immigration detention centres, medical establishments and drug rehabilitation centres. Since prison regimes are typically designed for men, women’s needs and protection concerns, as well as their motivation for criminal behaviour and their pathways into the criminal justice system, often go unnoticed. The Special Rapporteur recommended that States review legislation and judicial practices to ensure that they take full account of the backgrounds of women in the criminal justice systems when sentencing, allocating prison resources, and planning.

The Special Rapporteur further recalled that women are subjected to torture outside of the criminal justice system. For instance, women and girls in migration routes are particularly vulnerable to sexual violence, exploitation, domestic servitude, forced labour, organ removal and slavery, all of which can amount to torture and ill-treatment, even if perpetrated by non-State actors, if States fail to exercise due diligence to protect them. Furthermore, he indicated that highly restrictive abortion laws that prohibit abortions in the cases of incest, rape or fetal impairment, or to safeguard the health of the women, cause lasting physical and emotional suffering, often amounting to torture. The failure of States to criminalize marital rape, domestic violence and harmful practices also violates the obligation to prevent torture and ill-treatment. The Special Rapporteur called on States to ensure that victims of the aforementioned crimes have access to remedies.

The Special Rapporteur also addressed the specific concerns of LGBTI persons, who suffer higher rates of violence in detention than the general prison population and are also discriminated against in healthcare systems. He argued that violence and abuses by private actors against LGBTI persons can amount to torture when States fail to exercise due diligence to protect them. He also welcomed the creation of the mandate of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

In response to interventions by delegations, Mr. Mendez called attention to the various mechanisms that order the Special Rapporteur’s work on women and torture or other cruel, inhuman or degrading treatment or punishment, including the Bangkok Rules and the Nelson Mandela Rules. He indicated that his next thematic report will advocate for a universal protocol on the way in which suspects, witnesses and victims are interrogated, and will propose that this protocol include special provisions to interview and interrogate women to avoid ill-treatment. In order to improve the gender perspective in the work of mandate holders, he stressed the need for follow ups to country visits so that his office can maintain close contacts with governments, civil society, and monitoring bodies and assess the success of the recommendations that it puts forward. States should be encouraged to review and revise their legislative norms in terms of criminal law and legislation to reduce the use of imprisonment, which he said will improve the conditions of women in detention throughout the world.

Programme Manager at UPR Info, Ms. Aoife Hegarty, reflected on how the Universal Periodic Review (UPR) process has contributed to improving women’s rights on the ground. She advocated for a broader understanding of the term “gender” to include gender identity and expression, and praised Finland’s extension of the scope of prohibition of gender discrimination to include discrimination based on gender identity and expression as an example of good practices. She further highlighted positive examples from Nauru, Thailand, and the Republic of Korea as indications of how UPR recommendations can be used as a catalyst to strengthen cooperation with other human rights bodies such as the Committee on the Elimination of Discrimination against Women (CEDAW) and the Special Procedures of the Human Rights Council

Ms. Hegarty indicated that UPR Info’s analysis of first-cycle recommendations found the theme of women’s rights and gender triggered the highest action by States by the mid-term. She praised the quantitative ubiquity of women’s rights throughout the UPR, but warned that qualitative shortfalls in implementation remain. The UPR recommendations on women and gender have generally been of a relatively low standard in terms of specificity. Furthermore, women are also often clustered with other groups and labelled collectively as “vulnerable,” a term which not only undermines women’s legitimacy as rights-holders but also conflates issues and dilutes the effectiveness of recommendations.

Ms. Hegarty encouraged States to make Specific, Measurable, Achievable, Relevant and Time-Bound (SMART) recommendations in order to ensure that implementation can be effectively monitored. She also urged States to collect and disseminate sex-disaggregate data, which should also be qualitatively analyzed and discussed in the national reports. She highlighted the potential for the Donor community to help advance gender integration in the UPR process by providing technical support to NGOs and Governments. Ms. Hegarty called on States to establish a national mechanism for reporting and follow-up to monitor gender-related UPR recommendations as well as to appoint a gender perspective expert in each of the working groups to ensure an integrated gender perspective across all human rights.

Ms. Hegarty expressed that UPR Info has proposed a new strategy for the third cycle of the UPR: One year after adoption, each State should report on five recommendations of its choice during the Item 6 General Debate. This will encourage States to start working on implementation immediately after their review, and, if gender-related recommendations are included amongst the five recommendations, could further accelerate efforts to combat gender discrimination.

In response to interventions by delegations, Ms. Hegarty called for UPR recommending states to hear directly from rights holders through bilateral sessions or pre-sessions so that recommendations can be tailored to the actual situations on the ground. She appealed for more action-oriented and specific recommendations. The UPR is a process of cooperation between all stakeholders, and she recalled that States and civil society are partners, not adversaries, and can work together on the implementation of recommendations. She referred to *La Francophonie* as an example of a good practice that lays out guidelines for how to best integrate gender into national implementation plans based on UPR recommendations. She stated that the Sustainable Development Goals (SDGs) and the UPR process should be mutually reinforcing to ensure a human rights-based approach to sustainable development and recommended that the SDG review process facilitate a similar participation regime to the one undertaken by UPR with respect to civil society organizations.

1. **Interventions by representatives of State members of the Council, observer States and other observers**

During the dialogue, delegations agreed on the importance of gender integration, gender equality, and women’s empowerment in achieving human rights for all. They expressed satisfaction at the integration of a gender perspective into the Sustainable Development Goals (SDGs) as an appreciation of the nexus between gender equality and sustainable development. However, they also recognized the myriad and intersecting discriminations and other challenges that women still face in the pursuit of human rights. Delegations pushed for investigations into the root causes of resistance to gender integration; one State further called for an organizational analysis of power relations and systems through which actors could identify gender allies, passive supporters and opponents. Other delegations maintained the importance of defending cultural and religious tradition when discussing gender integration.

Delegations emphasized their own national and regional efforts to promote and protect the rights of women. They highlighted progress they have made in integrating a gender perspective into policies and development strategies at home and abroad. Many delegations stressed that these measures have resulted in an increased number of women in government, public institutions, economic life and the private sector. Delegations indicated that they are continuing to strive for tangible results for gender equality, women’s empowerment, and the advancement of human rights.

Delegations also highlighted the role that they have played in calling attention to issues of gender integration. For example, a series of delegations invited participants to various side-events on women’s rights at the HRC, while another group highlighted specific resolutions on women’s rights and gender that they have co-sponsored. Other delegations stressed that they promote gender equality and women’s participation around the world through foreign policy and international forums. Delegations also noted their engagement with the UPR on issues of gender integration.

Yet one delegation also cautioned that when promoting the rights of women and girls, one cannot diminish the rights of boys who might be left behind in well-meaning efforts to empower girls. Gender equality is not the sole responsibility of women: the participation of men and women, boys and girls is vital to achieving this goal. They also urged for national implementation of existing human rights resolutions on gender integration, and echoed the calls of the panellists for concrete implementation of gender perspectives and the collection of sex-disaggregated data. Delegations pushed for a mechanism through which best practices on gender integration can be shared.

Delegations decried failures of gender mainstreaming within the UN system, in particular the gender imbalance that still exists in Human Rights Council (HRC) mechanisms, treaty bodies, and the work of mandate holders. They insisted on more gender-informed mandates and terms of reference, and urged other member states to follow through on the promises of Resolution 6/30. In particular, many delegations argued it was up to Member States to consider gender balance as a key criterion when selecting and supporting candidatures and casting votes for Special Rapporteurs and Independent Experts. A group of delegations also urged for a geographically equitable representation of women across international mechanisms. Furthermore, delegations advocated for mandatory training for all UN staff and senior management and pressed for a requirement that would ensure all UN leaders and management meet with women’s groups and youth groups on a regular basis. One delegation also urged universal ratification of the CEDAW.

Speakers offered a series of recommendations including: the establishment of safeguards to increase participation of women candidates in the process for proposal of candidates, including with more inclusive national processes; support by States of women candidates within Regional Groups; the establishment and use of a gender-sensitive guide in interviewing candidates for Special Procedures; States to ensure that a gender perspective goes beyond simply mentioning women and girls and seek to effectively address root causes of discrimination; the emphasis on the potential for empowered women and girls to contribute to the creation for a more just, peaceful and equitable society; and the inclusion of sex- and age-disaggregated data acknowledging the specific needs of different demographics.

1. **Concluding remarks by the panellists and moderator**

Senior Research Associate at the University of Oxford Centre for International Studies and Co-Founder of Rising Women Rising World, Ms. Rama Mani, praised the interventions from delegations, saying that they showed a political commitment to gender integration. She reiterated the concerns of civil society organizations that qualitative progress in gender mainstreaming has been sacrificed for more quantitative, but less substantive, gains. Panellists called for more Human Rights Council resolutions on gender integration as well as better implementation of the resolutions already passed by the Council. More resolutions will serve to keep the issue of gender integration on the agenda of the Council, continue to raise the issue of gender equality and gender mainstreaming with Member States and highlight the invisible inequalities that arise from psychological violence and discrimination against women. They also pushed for more action-oriented recommendations by UPR as well as a stronger focus on implementation and reporting on gender-related recommendations.

Panellists also recommended different procedures for the sharing of best practices on gender integration amongst states, including the use of the UPR mechanisms (including Item 6 of the General Debate), the Special Rapporteurs and Independent Experts; as well as specific consultations and on-going dialogues with civil society.

To ensure that Committees of Inquiry and Special Procedures mechanisms adequately address the issue of gender inequality, panellists suggested that mandates for these mechanisms clarify what gender consideration means and that mandate holders discuss what implementation of the resolutions looks like, putting in place follow-up and monitoring tools to ensure accountability. Panellists also recommended that Special Procedures consult with civil society and independent experts in the creation of their reports to ensure gender aspects are highlighted. It was also suggested that there should be a rotation mechanism put in place so that mandates are headed alternatively by men and women.

Panellists reiterated that qualitative gaps remained in the consistent and considerate implementation of a gender perspective in HRC resolutions. Finally, the panellists stressed the importance of the annual panel as a platform through which States and mechanisms can learn from achievements, be clear on where there are gaps, and move forward together towards a more prosperous future.