

Civil society's contribution to the integration of a gender perspective in the work of the Human Rights Council and its mechanisms

Presentation of Neha Sood¹
Action Canada for Population and Development

Mr. President, Ambassador Henczel, Madame High Commissioner, Excellencies, distinguished delegates and colleagues,

I am very honoured to be part of this panel and would like to take this opportunity to thank the Council for giving priority to the subject of civil society's contribution to the integration of a gender perspective in the work of the Human Rights Council and its mechanisms. I hope that this panel results in greater collaboration between Member States and civil society as well as other stakeholders. Through my presentation, I will discuss some of the progress made thus far in relation to the integration of a gender perspective in the UPR process as well as point out some challenges, and what needs to be done further.

I represent the Sexual Rights Initiative, which is a coalition of organizations from all regions of the world that has engaged with the Council since its inception in 2006, starting with the institution building process, and has worked since then to advance human rights related to gender and sexuality, primarily in resolutions, OHCHR studies, the work of special procedures and the UPR. We were among some of the key organizations to advance the Council's gender integration initiative, including resolution 6/30.

This resolution urged all stakeholders to integrate a gender perspective throughout the UPR process, and urged States to consult at the national level with civil society organizations working on gender and the human rights of women. The recommendations contained in the OHCHR report 12/46, prepared pursuant to resolution 6/30, provide excellent guidance to States, UN agencies, civil society and other stakeholders on how to integrate a gender perspective in the work of the Council and its mechanisms, including the UPR. For instance, it suggests that a standardized set of questions be produced pertaining to data on violence against women as well as the legal and institutional frameworks in place to address it, as a resource for the UPR process. However, much more needs to be done by way of implementation of the report, as well as follow-up, perhaps in the form of further reporting on gender integration on a biennial or at least quadrennial basis.

HRC resolution 5/1 specifically mandates the UPR to fully integrate a gender perspective into all aspects of the review. Regarding actual performance, however, the UPR sessions 1-3 contained very little focus on human rights related to gender and sexuality. This started changing from the fourth session, and the efforts of civil society played a critical role in bringing about such change.

For its part, the Sexual Rights Initiative has brought focus in a sustained manner to marginalized issues pertaining to gender equality, women's rights, sexual rights and reproductive rights, such as safe and legal abortion, contraception, comprehensive sexuality education, adolescent sexual and reproductive

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health, and sexual violence, including marital rape. We have done this through stakeholder submissions, most often in collaboration with national and local organizations, activists and researchers; so far we have prepared a total of 88 submissions, focusing on 70 countries. We also train civil society organizations to engage with the Council and the UPR on human rights related to gender and sexuality, and we disseminate information from UPR sessions; this work has facilitated the engagement of several activists and organizations with the UPR. Furthermore, we advocate with delegates in Geneva to integrate a gender perspective in the UPR, and we work to deepen their understanding of human rights related to gender and sexuality.

Civil society does face challenges in engaging fully with all stages of the UPR. Human rights defenders working on gender and sexuality face the possibility of reprisals for bringing sensitive information to the UPR, and their contributions may have to be represented anonymously. Not all governments collaborate with or even consult civil society during different stages of the UPR process, such as the development of the national report, deliberations on recommendations received, and implementation of accepted recommendations. Decisions related to UPR and other Council proceedings are often made by an arm of government, rather than elected representatives, making these decisions more difficult to influence. Moreover, national and local organizations often lack access to Geneva for advocacy with delegates, and at times delegates are unwilling to meet or collaborate with civil society. Much greater commitment is required on the part of States to collaborate with civil society, in order to meaningfully advance human rights, including those related to gender and sexuality. This will strengthen the UPR and the integration of a gender perspective within it.

I would like to discuss now the work of other stakeholders in the UPR process. The work of treaty bodies, special procedures and UN agencies has contributed significantly to gender integration in the UPR through providing information from a gender perspective in the compilation reports. UN agencies such as the United National Population Fund (UNFPA) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) are particularly well placed to assist States in implementing UPR and treaty body recommendations and conclusions related to gender equality and sexual and reproductive health and rights.

Illustrating the increased attention within the UPR to human rights related to gender, sexuality and reproduction, the first session of the UPR produced around 107 recommendations that integrated a gender perspective; by the eleventh session, this number went up to 700. However, an examination of the depth of dialogue and the quality of recommendations within the UPR reveals a disappointing picture, including:

- Very general recommendations, such as this one made as recently as the fifteenth session: “Take steps to prevent incidents of discrimination and violence against women”
- Recommendations that are almost a screen for praise, such as: “Continue its laudable measures to fight poverty and combat diseases such as HIV and AIDS”
- Timid recommendations, such as: “Consider withdrawing the remaining declarations and reservations to CEDAW” and “Consider amending the Family Code in order to raise the minimum age for marriage, which is currently 14 years”

- Recommendations presuming the vulnerability of women, among others, rather than recognizing their agency as rights-holders, such as: “Give priority to the improvement of the situation of certain vulnerable groups, especially women and children”
- Lack of attention to issues such as comprehensive sexuality education, women’s sexuality, women’s reproductive rights, forced sterilization, forced abortion, forced pregnancy, disability and sexuality, sex work, and so-called honour crimes, among others

Making weak or pro forma gender-related recommendations does not contribute to gender integration. In order for them to be effective, the dialogue and recommendations need to be insightful, SMART (Specific, Measurable, Achievable, Result-oriented and Time-bound) and geared towards transforming oppressive structures that give rise to violations of human rights related to gender and sexuality. Not dealing with the full spectrum of human rights related to gender and sexuality makes meaningful gender integration very difficult to achieve. It also results in unhelpful silos and a focus on piecemeal solutions. For example, recommendations to end female genital mutilation without addressing social and cultural norms about gender relations and women’s sexuality are not very effective, nor are recommendations to eliminate maternal mortality and morbidity without addressing the social determinants of health and the full range of women’s rights.

Furthermore, gaps continue to exist between issues addressed in Council resolutions, the work of special procedures, dialogue during the UPR and the content of actual UPR recommendations. For instance, resolutions on violence against women have elaborated robust policies pertaining to prevention and response, which are not well reflected in recommendations. Special procedures have made robust recommendations regarding the criminalization of marital rape, decriminalization of abortion and realization of sex workers’ rights; however, very few robust recommendations have been made on these subjects.

Lastly, a great number of relevant recommendations on human rights related to gender and sexuality have not been accepted by States under Review, in particular those pertaining to laws and policies governing marriage, contraception, abortion, same-sex sexual activity, and marital rape, among others. In keeping with a commitment to gender integration, States must accept and implement these recommendations, as well as report on and evaluate their efforts.

A gender perspective cannot be adequately integrated within the Council’s work without a genuine commitment to accountability, planning ways to effectively integrate gender, committing resources to ensure monitoring and evaluation of efforts, and building the capacity of all those in positions of developing, implementing and monitoring human rights and development policies and programmes. No more lip service.