

COMMISSION ON THE STATUS OF WOMEN

HUMAN RIGHTS OF WOMEN

CSW42 AGREED CONCLUSIONS (III)

United Nations, March 1998

HUMAN RIGHTS OF WOMEN

The Commission on the Status of Women

Reaffirms the Beijing Platform for Action adopted by the Fourth World Conference on Women, in particular chapter IV.I on the human rights of women, and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

Recommends that the Commission on Human Rights give particular attention to the economic and social rights of women in any discussions it may have at its fifty-fourth session on the question of the appointment and mandate of a special rapporteur on economic, social and cultural rights, or a specific aspect thereof; and invites the Secretary-General to report to the Commission on the Status of Women in 1999 on decisions taken by the Commission on Human Rights on this issue, and further recommends that the rapporteur on economic, social and cultural rights, if appointed, should make his or her reports available to the Commission on the Status of Women,

Proposes, in order to accelerate the implementation of the strategic objectives of chapter IV.I of the Platform for Action:

A. Creation and development of an environment conducive to women's enjoyment of their human rights and awareness-raising

Actions to be taken by Governments, non-governmental organizations, employers, trade unions, the private sector and other actors in civil society, as appropriate:

- Ensure universal awareness by all persons, women and men, girls and boys of all human rights and fundamental freedoms of women and children, including the girl child, through comprehensive human rights education in accordance with

the United Nations Decade for Human Rights Education, and create and promote a culture of human rights, development and peace;

- Encourage and support broad-based national and community-based dialogues that include women and men, and girls and boys, from diverse backgrounds, on the meaning of human rights, on the obligations thereby created and on gender-specific discrimination and violations;
- Ensure that work, including, inter alia, work by treaty bodies within their mandates to develop an understanding of the gender dimensions of human rights, is compiled and widely disseminated, and that this gender-sensitive interpretation of human rights is fully integrated into all policies and programmes of international and regional organizations;
- Make widely available reports of United Nations mechanisms that deal with the human rights of women, such as on discrimination and violence against women, to the public, including the judiciary, parliamentarians and non-governmental organizations;
- Support, encourage and disseminate research, and collect gender- and age-disaggregated statistics on factors and multiple barriers that affect the full enjoyment by women of their economic, social, cultural, civil and political rights, including their right to development, and on violations that are particular to women, and disseminate the findings and utilize the collected data in assessing the implementation of the human rights of women;
- Develop and implement national legislation and policies prohibiting customary and traditional practices that are harmful to women and that are violations of women's human rights;
- Eradicate customary or traditional practices, particularly female genital mutilation, that are harmful to, or discriminatory against, women and that are violations of women's human rights and fundamental freedoms, through the design and implementation of awareness-raising programmes, education and training;

- Ensure that their personnel periodically receive gender training and are educated and made aware of all women's, men's and children's human rights;
- Mobilize the resources necessary and create the conditions for the full exercise of women's economic, social, cultural, civil and political rights;
- Establish and strengthen partnerships and cooperation with each other and with the United Nations system and regional organizations in order to promote more actively the full enjoyment by women of their human rights;
- Ensure that indigenous and other marginalized women's special conditions are taken fully into consideration within the framework of the human rights of women;
- Mainstream a gender perspective, as appropriate, into national immigration and asylum policies, regulations and practices in order to extend protection to those women whose claim for protection is based on gender-related persecution.

B. Legal and regulatory framework

Actions to be taken by Governments:

- Guarantee the existence of a national legal and regulatory framework, including independent national institutions, or other appropriate mechanisms, that ensure the full realization of all human rights of women and girls on the basis of equality and non-discrimination, including their right to be free from violence, in accordance with the Charter of the United Nations, other instruments related to human rights and international law;
- Take steps, including a gender-sensitive review of national legislation, to revoke any laws or legal procedures and eradicate practices – national or customary – that promote discrimination on the basis of sex;
- Ensure that women and children have full and equal access to effective legal remedies for violations,

including domestic mechanisms, which are monitored and revised to ensure that they function without discrimination, and international mechanisms that address human rights as provided, inter alia, under the Convention on the Elimination of All Forms of Discrimination against Women;

- Promote changes that ensure that women enjoy equal opportunities in law and in practice to claim their rights through the national legal systems, including through educating them on these rights as well as ensuring availability of measures such as free or affordable legal aid, legal representation and court appeals procedures, and support existing programmes of non-governmental organizations and other agencies.

C. Policies, mechanisms and machineries

Actions to be taken by Governments:

- Ratify and accede to and ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratification of the Convention can be achieved by the year 2000;
- Limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women: formulate any such reservations as precisely and as narrowly as possible; ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly review those reservations with a view to withdrawing them; and withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law;
- Create channels of communication to promote information exchange between national institutions that address the human rights of women, and non-governmental organizations and relevant policy-making bodies of Government;
- Create gender mainstreaming mechanisms within all policy-making bodies so that women's ability to

enjoy their rights is strengthened by all policies and programmes, including through gender-sensitive budgeting;

- Support efforts to create an international criminal court that integrates a gender perspective in its statute and functioning, enabling a gender-sensitive interpretation and application of the statute;
- Mainstream a gender perspective into all economic and social policies in order to promote the human rights of women and girls, including their right to development;
- Adopt measures to ensure by appropriate means that women enjoy equal opportunities to participate in decision-making processes, including parliamentary and other elected assemblies.

Actions to be taken by States parties to human rights instruments:

- Promote gender balance in the nomination and election of independent experts to treaty bodies having expertise and sensitivity in regard to gender issues in the field of human rights, giving due consideration to equitable geographical distribution and different legal systems;
- Take note of the report of the United Nations Secretariat to the Committee on the Elimination of Discrimination against Women on reservations to the Convention on the Elimination of All Forms of Discrimination against Women and encourage similar studies by other treaty bodies, as well as by the Sixth Committee of the General Assembly, especially with respect to their effect on women's and girls' enjoyment of their human rights;
- Ensure that their periodic reports to treaty monitoring bodies mainstream a gender perspective.

Within the United Nations system:

- Urge the Commission on Human Rights to ensure that all human rights mechanisms and procedures fully incorporate a gender perspective in their work, within their respective mandates;

- The Administrative Committee on Coordination Inter-Agency Committee on Women and Gender Equality should, as planned, conduct a workshop to clarify the understanding of a rights-based approach to women's empowerment and advancement and to gender equality, drawing on the work already being done in this regard by the United Nations Development Fund for Women and others;
- The Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women of the Department of Economic and Social Affairs of the United Nations Secretariat should strengthen and improve coordination in general human rights activities within their respective mandates and continue to prepare the joint annual work plan;
- The Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women should continue to prepare the joint annual work plan and strengthen cooperation and coordination in human rights activities, in particular:
 - (a) By collaborating in the writing of reports for the Commission on the Status of Women and the Commission on Human Rights, the first initiative of this type being welcomed;
 - (b) Through sharing information systematically on the Committee on the Elimination of Discrimination against Women, its sessions and documentation, in order to ensure that its work will be better integrated into the work of the other treaty bodies and United Nations human rights activities;
 - (c) Through capacity-building to implement agreed conclusions 1997/2 of the Economic and Social Council on mainstreaming a gender perspective into all policies and programmes in the United Nations system, in particular training and gender-sensitization especially of human rights monitors;
- Take further steps to increase cooperation and promote integration of objectives and goals among the Commission on the Status of Women, the Commission on Human Rights and the

Committee on the Elimination of Discrimination against Women, as well as the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the United Nations Development Programme, the United Nations Children's Fund and other United Nations funds and programmes;

- Cooperation, communication and exchange of expertise should be enhanced between the Commission on the Status of Women and other functional commissions of the Economic and Social Council, including the Commission on Human Rights, in order to more effectively promote women's human rights;
- The treaty bodies within their mandates should continue to promote a better understanding of the rights contained in international human rights instruments and their particular significance to women;
- Given the importance of general comments in clarifying the provisions of human rights treaties, the Committee on the Elimination of Discrimination against Women is invited to draw up joint general comments with other treaty bodies, within their respective mandates, on the universality, indivisibility, interdependence and interrelatedness of human rights and should discuss these and other collaborative activities at the annual chairpersons meeting;
- The treaty bodies should continue to develop working methods that facilitate communications between non-governmental organizations, treaty bodies and the States parties;
- The Office of the United Nations High Commissioner for Human Rights is commended for establishing a gender team for studying, within the mandate of the Office, the human rights of women; the team should be given the necessary support by the most senior levels of management and decision-making to carry out its work effectively;
- Specialized agencies and other bodies of the United Nations system, as well as other international financial and national trade organizations, should develop innovative ways of integrating the promotion of women's enjoyment of their human rights in all their policies and programmes. ■

Source: United Nations document E/1998/27