



MODEL UN

HLF 2021

PROTECTION OF WOMEN'S RIGHTS IN THE CONTEXT OF
INTERNATIONAL LAW

HUMAN RIGHTS COUNCIL:

EXPERT REPORT

The Human Rights Council is the main intergovernmental part of the United Nations for the promotion and protection of human rights. The Council, which is composed of 47 States elected by the General Assembly, has regularly held special expert discussions on women's rights and gender mainstreaming since its establishment in 2006. The Council and its predecessor, the Commission on Human Rights, have also adopted numerous resolutions calling on States to comply with their human rights obligations. These discussions and resolutions are important if women's rights are to remain on the international agenda.

The Human Rights Council is also authorized to hold special sessions to address human rights violations and emergencies in this area. Sometimes this allows us to bring up issues of violations of women's rights. For example, a special session on the situation in Darfur, Sudan, resulted in the preparation of a report by the High-level Mission on the situation of human rights in the region, which specifically expresses concern about rape, sexual violence, and lack of access to justice for victims of such crimes (A/HRC/4 / 80, para.39). As a result of the special session on the situation in the Democratic Republic of the Congo, the situation in that country was also the subject of reports expressing particular concern about sexual violence and gender inequality (A/HRC/10/59, paras.35-42, and A/HRC/13/63, paras. 26-34). Besides, the Human Rights Council has recently established commissions of inquiry into the events in Libya and the Syrian Arab Republic, called upon to investigate violations of international humanitarian and human rights law committed by all parties to the conflict during the period of civil unrest that began in both countries in 2011. Commissions of inquiry often include an expert on sexual and gender-based violence, and the reports of such commissions provide evidence on gender-based violence and recommendations on gender-based.

The universal periodic review (UPR) procedure, introduced since the establishment of the Council, also provides a significant opportunity to assess States' compliance with their international obligations relating to women's human rights. Under this mechanism, the human rights situation in the Member States of the United Nations is reviewed every four and a half years, and women's rights include: the most frequently asked questions in the recommendations are UPR. Special procedures mandate holders are appointed by the Human Rights Council to address specific thematic aspects of the human rights situation in a country.¹⁰ They conduct case studies, undertake country visits, engage in dialogue with Governments on both individual cases and more general structural issues, conduct advocacy, and participate in the development of international legal norms in the field of human rights. The mandates of some special procedures directly related to women's rights: these include the Special Rapporteur on violence against women, its causes and consequences, Special Rapporteur on trafficking in persons, especially women and children, and Working Group on Discrimination against women in law and

practice. Women's rights are also being addressed in other mandates, this includes conducting case studies on specific human rights as applied to women, drawing attention to women's rights during country visits, and addressing specific alleged violations of women's human rights to Governments. The work of the special procedures helps to deepen the understanding of international human rights norms so that the evolution of their interpretation better takes into account the specific situation of women and situations where their human rights are denied.

Gender equality is at the very heart of human rights and United Nations values. A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is "equal rights of men and women", and protecting and promoting women's human rights is the responsibility of all States. The High Commissioner for Human Rights recently pledged to be a Geneva Gender Champion committing to advance gender equality in OHCHR and in international fora.

Yet millions of women around the world continue to experience discrimination:

- Laws and policies prohibit women from equal access to land, property, and housing
- Economic and social discrimination results in fewer and poorer life choices for women, rendering them vulnerable to trafficking
- Gender-based violence affects at least 30% of women globally
- Women are denied their sexual and reproductive health rights
- Women human rights defenders are ostracized by their communities and seen as a threat to religion, honour or culture
- Women's crucial role in peace and security is often overlooked, as are the particular risks they face in conflict situations

Moreover, some groups of women face compounded forms of discrimination -- due to factors such as their age, ethnicity, disability, or socio-economic status -- in addition to their gender.

Effectively ensuring women's human rights requires, firstly, a comprehensive understanding of the social structures and power relations that frame not only laws and politics but also the economy, social dynamics and family and community life.

Harmful gender stereotypes must be dismantled, so that women are no longer viewed in the light of what women "should" do and are instead seen for who they are: unique individuals, with their own needs and desires.

The international framework

Discrimination based on sex is prohibited under almost every human rights treaty - including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which under their

common article 3 provide for the rights to equality between men and women in the enjoyment of all rights.

In addition, there are treaties and expert bodies specifically dedicated to the realization of women's human rights:

The Convention on the Elimination of Discrimination Against Women (CEDAW)

Considered the international bill of rights for women, the Convention defines what constitutes discrimination against women and sets an agenda for national action to end such discrimination. It was adopted by the United Nations in 1979 and came into force on 3 September 1981.

The CEDAW Committee

Oversight of the Convention is the task of the Committee on the Elimination of Discrimination against Women, a group of 23 independent experts on women's rights from different States that have ratified the Convention. Countries that are parties to the Convention must submit reports detailing their compliance with its provisions every four years. The Committee (the treaty body) reviews those reports and may also hear claims of violations and inquire into situations of grave or systemic contraventions of women's rights.

The Special Rapporteur on violence against women

In 1994 the United Nations resolved to appoint a Special Rapporteur - an independent expert -- on the causes and consequences of violence against women. The Special Rapporteur investigates and monitors violence against women, and recommends and promotes solutions for its elimination.

The Working Group

In 2010 the Human Rights Council established a Working Group on the issue of discrimination against women in law and in practice to promote the elimination of laws that discriminate against women and/or have a discriminatory impact on them.

Meeting the Needs of the World's Women

Over many decades, the UN has made significant progress in advancing gender equality, including through landmark agreements such as the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Gender equality is not only a basic human right, but its achievement has enormous socio-economic ramifications. Empowering women fuels thriving economies, spurring productivity and growth. Yet gender inequalities remain deeply entrenched in every society. Women lack access to decent work and face occupational segregation and gender wage gaps.

They are too often denied access to basic education and health care. Women in all parts of the world suffer violence and discrimination. They are under-represented in political and economic decision-making processes. For many years, the UN has faced serious challenges in its efforts to promote gender equality globally, including inadequate funding and no single recognized driver to direct UN activities on gender equality issues. UN Women was created to address such challenges. It will be a dynamic and strong champion for women and girls, providing them with a powerful voice at the global, regional and local levels. Grounded in the vision of equality enshrined in the UN Charter, UN Women, among other issues, works for the:

- elimination of discrimination against women and girls;
- empowerment of women; and
- achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security.