



International Advocacy Reports and Statements

15th SESSION OF THE HUMAN RIGHTS COUNCIL IN GENEVA Geneva, 13 Sep – 1 Oct 2010

Sessions in relation with IFUW's topics

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In the Opening Session of the 15th Session of the Human Rights Council, Navanethem (Navi) Pillay, the United Nations High Commissioner for Human Rights, spoke of the need for protection of individuals, both in emergencies and in chronic human rights situations. She said that the Human Rights Council (HRC) should squarely and vocally support human rights defenders and ensure their protection. She also mentioned the need to expand and make optimal use of the contributions of civil society. She encouraged the HRC to reflect on how far it has mainstreamed gender into its work.

In the general debate that followed, about 30 State Parties took the floor. Many countries, affected by the financial crisis and natural disasters, reported difficulties in realizing the Millennium Development Goals (MDGs) and asked for international cooperation.

CHILDREN

The Special Rapporteur (SR) for Children and Armed conflict, Radhika Coomaraswamy, reported that she has witnessed some important positive development over the last year with regard to children and armed conflict, but challenges still remain. Women and children have to be protected against sexual violence and harassment and the perpetrators for these acts must be held responsible. She noted that not all harmful practices against children took place in the developing world and that the problem of children in detention has become a new challenge. Education for these children as a basic service should be guaranteed. She also mentioned that a campaign, "Zero under 18", was being jointly launched with UNICEF, the High Commissioner of Human Rights and the Committee on the Rights of the Child to ensure universal ratification of the Convention on the Rights of the Child and its Optional Protocols.

Interactive dialogue comments stressed the increase of children being used in conflict situations. Mainstreaming child rights issues related to armed conflict into the work of human rights mechanisms was seen important.

WOMEN

A panel on the elimination of discrimination against women, was introduced by the Deputy High Commissioner for Human Rights, *Kyung-Wha Kang*. She said that, as discrimination against

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women persists in both private and public spheres, at times of peace and conflict, women's rights and their promotion and protection were key priorities of the OHCHR.

She said that looking at the most visible forms of discrimination was not enough, but the underlying parameters had to be taken into consideration. Dropping out of school affects the whole future of a girl. The same for female farmers with no right to property. Kang added that some progress has been made, but further improvement was needed to set equal possibilities for women in law and practice.

Victoria Popescu, CEDAW Committee member, mentioned that the Convention pursue the objective of eliminating discrimination in laws and barriers for women's access to justice. During the constructive dialogues held with state parties, the Committee stress the need to assess the impact of laws, policies and action plans and as well evaluate progress made.

Rashida Manjoo, Special Rapporteur on violence against women (its causes and consequences), said that there are three legal obstacles to eradicating discrimination against women: 1. explicit sex discrimination laws; 2. the impact of neutral laws and; 3. the lack of laws. De jure (legal) and de facto (customary) discrimination against women are the norm rather than the exception in all parts of the world. The problem presents multiple challenges that are interlinked in laws, policies and custom. She said that the multiple forms of discrimination requires a multi-prong approach. Women need to be seen as rights holders, and not approached as victims needing assistance and care.

Human Rights Advisor, UNIFEM/UN WOMEN, *Lee Waldorf*, said that a real challenge is the lack of authentic, detailed guidance on laws and norms. Cross-country sharing is potentially huge but remains ad-hoc. Unfortunately, ability to tap countries' experiences in order to reform remains limited. There is not enough guidance from the UN system to support change and this leads to the duplication of efforts by states and benefits from collaboration with other countries are thus missed.

Vitit Muntarbhorn, Professor of Law in Thailand, mentioned the importance of the three tools human rights tools/instruments, CEDAW, Beijing Platform of Action and the MDGs, to inform each other on developments when addressing the issue of discrimination against women. She also advocated for women's rights to be better integrated into the MDGs. Her recommendations were:

- More attention paid to women affected by economic crisis and climate change.
- Women's participation in the political field and in spiritual life should be encouraged together with human rights education from an early age to reach gender equality
- Gender equality in education and greater linkage between different educational levels
- Legal equality on family matters
- More activities to bring boys on board i.e programmes for both girls and boys about sensitivity to women's rights

YWCA General Secretary, *Nyaradzayi Gumbonzvanda*, referred to the experience of her association which dealt with everyday discrimination of women. She stressed the importance of

how to continue building norms on the rights of women and applying them to women on the ground. She congratulated Kenya for its new constitution which make explicit reference to the rights of women.

In the interactive dialogue that followed it was mentioned that laws alone are not sufficient to eliminate discrimination against women. They need to be translated to norms and everyday practices. Ms Gumbonzvanda stressed the importance of constitutional support as this sets the basis for the removal of discrimination and for overcoming cultural and religious challenges. Law reform commissions are looking for precedents and good examples. They need a good, interactive dialogue with civil society. Economic rights should not be at the forefront yet as the issue of family rights needs to be addressed first. A positive dialogue around culture and faith is needed because this is where women's experiences and lives take place. The intersection of laws and values would allow women to live in dignity and in right practice with the law.

The Rights of Women and Cultural Relativism

At a session on women rights, a joint statement by the Association for World Education and the World Union for Progressive Judaism called for the elimination of all discrimination and violence against women and for the elimination of rape as a war weapon. It said "differences in the interpretation of human rights are recognized as cultural relativism and this is unacceptable to democratic States... the greatest challenge to women's rights and the elimination of discriminatory laws and harmful practices comes from the doctrine of cultural relativism".

PEACE

The International Day for Peace on September 21 was celebrated by a panel organized by the Spanish Society for the International Human Rights Law (AEDIDH).

C. Molinier, UNDP, stressed that peace was the major base for development and achievement of MDGs. *Y. Bertholet*, OMCT, said there was a link between peace and development, but that development did not prevent war. Development on behalf of minorities or the pours, led automatically to conflict. *C. Villa Duran*, AEDIDH, mentioned that 800 NGOs had joined the Alliance of Human Rights. The idea of the Alliance is to propose a "human right on peace" to be added to the Universal Declaration. The HRC has already asked its Advisory Committee to prepare a draft on a "Human Right on Peace". He regretted that the "culture of violence is stronger than a Culture of peace".

DOMESTIC WORK

At an interactive dialogue on contemporary forms of slavery and on mercenaries, it was said that domestic work is the single largest source of employment for girls. Domestic servitude disproportionately affects women and children who suffer many grave violations of their rights. Unfortunately, victims of domestic abuse are often unaware of their rights.

The root causes of domestic servitude are related to social exclusion, poverty and cultural practices which require profound changes. Promoting decent work for domestic workers and

combating labour exploitation is a key strategy to eliminate domestic servitude. Enacting national legislation is critical in order to regulate the sector of domestic workers. Domestic work is real work and hence social policies and labour protection should be extended to cover it. Domestic workers should be entitled to enjoy fair and decent working conditions.

Due to diplomatic immunity, exploited domestic workers of diplomatic personnel have no recourse to legal channels. National legislation is needed to regulate domestic work as well as preventative activities to make officials accountable where needed.

OTHER SIDE EVENTS

“Combating forced labor” (by OHCHR)

In Brasil, the first report on forced labor (FL) was published in the seventies, while recognition and creation of an inspection section focusing on its eradication came to force in 1990. In 2003 the government launched a National Action Plan to combat FL, but farmers, for example, are against the eradication of FL. The government is aware that “slavery” is included in the economy and that all sectors are touched and/or implicated. Conventions need to be adapted by national law as no state survey exists and impunity is common. Eradication of FL is possible only with a global international action.

The ambassador of Mauritania talked about the after-math of FL (abolished in 1981) which consists of exclusion from social politics, poverty, lack of education, etc. The state has to take measures in order to facilitate the integration of those who has been subject to FL and their families. In the Constitution all citizens have equal rights, but it is not mentioned anywhere how to proceed with the implementation.

Romana Cacchioli, Anti-Slavery International, added that in Mauritania many ethnic groups were born into “casts” of slavery with no possibility to get out. These people could be sold or exchanged, just as any goods. Often, they had no name as they were seen as “less than nothing”.

The Special Rapporteur on contemporary forms of slavery, *Gulnara Shahinian* concluded the session by saying that equality and human dignity were the basic values underlying all human rights. Slavery is not a dark chapter of history, it is the shocking reality of today and continues to affect all regions of the world.

“Acid burning attacks –victimization, survivors, support” (Worldwide Organization for Women)

Dr. John Morrison, founder of Acid Survivors Trust International ASTI, presented a short film showing the effects of acid burning. He said that acid attacks happened across all regions, and that the victims were mostly women and girls. The reasons for acid attacks were property and money disputes, but as well men’s spurned advances. The victims are rejected from society (schools, employment, etc) and live in continuous fear. His organization is active in medical care, legal advocacy, prevention and rehabilitation.

Ms Monira Rahman, Acid Survivors Foundation ASF, mentioned that four million women in low income countries are severely burnt or forced to drink acid, even school aged children. 57 % of the women suffer from violence in these areas. In order to eradicate this “premeditated crime” statistics were needed as well review of laws.

“Human Rights Education and Learning”(NGO Working Group on Human Rights Education and Learning)

In 2004, the UN General Assembly proclaimed the World Programme for Human Rights Education (WPHRE). The first phase (2005-2009) focused on Human Rights Education (HRE) in the primary and secondary school systems. This programme is still ongoing in many countries.

Recently, the Platform for Human Rights Education and Learning (HREL) has prepared a draft resolution on the second phase of the WPHRE. The second phase (2010-2014) focuses on HRE for higher education and human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel.

The draft resolution is to be adopted during the 15th session of the Human Rights Council. *Elena Ippoliti*, OHCHR, presented the Plan of Action which is based on relevant UN instruments and documents. It is structured in two parts: the first is general, containing the context and definition of HRE, its fundamental principles for HRE activities; the second part details the Plan of Action: scope and objectives; process for national implementation; international cooperation and support. Higher education includes vocational training and academic freedom. It is to be seen as a public good of responsibility of the state and its function is not only educating but also generating global knowledge to meet current human rights challenges.

Florence Simbiri-Jaoko, Kenya National Commission on Human Rights, stressed that states had to fulfill their commitments in informing their citizens about their rights. Kenya had anticipated in that direction in its newly adopted constitution. The citizens must take responsibility and be part of HRE and work hand in hand with traditional chiefs.

Kazunari Fujii NGO WG on HREL stated that the ultimate goal of HRE should be the full realization of Human Rights for all through building a universal culture of Human Rights in all nations. This could be achieved by prevention of human rights violence and promotion and respect for human rights. Relevant actors were those who design, develop and implement HRE activities. Challenges would be the definition and principles of HRE, the formulation of national criteria or standards, and to raise awareness to the WPHRE. Not to forget translation to national languages of the WPHRE.

Peter Kirchschräger University Lucerne Switzerland, considered the draft as efficient. It provides concrete actions for HRE implementation. HRE ought to be integrated in all studies at the universities. “Higher Education goes together with Human Rights Education; HRE is the basis to human rights which leads to human dignity and tolerance”.