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HUMAN RIGHTS COUNCIL
Twelfth session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Albania*, Austria*, Bolivia (Plurinational State of), Brazil, Canada*,
Chile, Colombia*, Costa Rica*, Denmark*, Ecuador*, France,
Hungary, Israel*, Liechtenstein*, Luxembourg*, Mexico, Norway,
Slovenia, Spain*, Switzerland*, Ukraine, Uruguay: draft resolution**

12/... Elimination of discrimination against women

The Human Rights Council,

Guided by the Charter of the United Nations, its Purposes and Principles,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the Beijing Declaration and Platform

* Non-Member State of the Human Rights Council.

for Action, adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20/Rev.1, chap. I), and the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Bearing in mind the challenges still faced by all countries throughout the world to overcome inequality between men and women,

Recalling the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”, the declaration adopted by the Commission on the Status of Women at its forty-ninth session and the outcome document of the Durban Review Conference,

Recalling also Commission on Human Rights resolutions 2000/13 of 17 April 2000, 2001/34 of 23 April 2001 and 2003/22 of 22 April 2003, as well as Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system,

Bearing in mind that international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights prohibit discrimination on the basis of gender and include guarantees to ensure equality of women and men, girls and boys, in the enjoyment of their civil, political, economic, social and cultural rights on a basis of equality,

Recognizing that women face multiple forms of discrimination,

Recognizing also that the full and equal participation of women in all spheres of life is essential for the full and complete economic and social development of a country,

Mindful of the fact that the elimination of discrimination against women requires the consideration of women’s specific socio-economic context, and recognizing that laws, policies,

customs and traditions that restrict women's equal access to participate fully in development processes and public and political life are discriminatory and may contribute to the feminization of poverty,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
2. *Welcomes* the commitments made by the international community to fully implement the Millennium Development Goals and stressing, in that context, the resolve of Heads of State to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable;
3. *Also welcomes* the efforts made by States around the world to reform their legal systems in order to remove obstacles to women's full and effective enjoyment of their human rights;
4. *Expresses concern* at the fact that, despite the pledge made at the Beijing World Conference on Women and the review by the General Assembly at its twenty-third special session to modify or abolish remaining laws that discriminate against women and girls, many of these laws are still in force and continue to be applied, thereby preventing women and girls from enjoying the full realization of their human rights;
5. *Calls upon* States to fulfil their international obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account that those laws violate their human right to be protected against discrimination;

6. *Recognizes* that women's inequality before the law has resulted in the lack of equal opportunities for women in education, access to health, economic participation, access to labour and disparities in salaries and compensation, public and political participation, access to decision-making processes, inheritance, ownership of land, financial services, including loans, and nationality and legal capacity, among others, as well as increased vulnerability to discrimination and violence, and that all countries face challenges in these areas;

7. *Acknowledges* the work undertaken by the Commission on the Status of Women, the Committee on the Elimination of all Forms of Discrimination against Women, the special rapporteurs of the Council on violence against women, its causes and consequences, and trafficking of persons, including women and children, contemporary forms of slavery and other relevant United Nations bodies, agencies and mechanisms to eliminate discrimination in law and practice throughout the world;

8. *Welcomes* particularly the work undertaken by the Committee on the Elimination of All Forms of Discrimination against Women on women's equality before the law;

9. *Recognizes* the important role played by the Council in addressing the issue of discrimination against women, in both law and practice;

10. *Welcomes* the convening of a panel on equality before the law during the eleventh session of the Council;

11. *Notes* that, although human rights treaty bodies and special procedures do, to some extent, address discrimination against women within their mandates, their attention to such discrimination is not systematic;

12. *Takes note* of the report commissioned by the Office of the United Nations High Commissioner for Human Rights on the issue of a mechanism to address laws that discriminate against women;

13. *Decides* to appoint, for a period of three years, an independent expert on women's equality before the law, based on international obligations and commitments by States, whose tasks will be:

(a) To develop a dialogue with States, relevant United Nations bodies and funds, national human rights institutions and civil society organizations, in order to identify, promote and exchange views on best practices related to women's equality before the law and, in that regard, to prepare a compendium of best practices;

(b) To advance the work by undertaking a study, in cooperation with and reflecting the views of Governments and relevant United Nations bodies, funds and mechanisms, national human rights institutions and civil society organizations on ways and means to cooperate with States in fulfilling their commitments to eliminate legalized discrimination against women;

(c) To make recommendations on the improvement of laws that could contribute to the realization of the Millennium Development Goals, in particular of Goal 3 to promote gender equality and empower women, and to identify, in this regard, areas where technical assistance will be required by States and to identify which agencies can provide such assistance in a timely and effective manner;

(d) To elaborate thematic reports on ways to overcome laws that discriminate against women with regard to their civil, cultural, economic, political and social rights;

(e) To work in close coordination with other special procedures and subsidiary organs of the Council, other relevant international bodies and the treaty bodies, in particular the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and the composite United Nations gender entity, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions and civil society organizations;

(f) To report annually, including with conclusions and recommendations, to the Council in accordance with its programme of work, the first time no later than at its sixteenth session.
