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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Equality Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Creation of a new mechanism by the Human Rights Council on women's equality before the law

The Human Rights Council has recognised the important role it has already played in addressing the issue of discrimination against women in both law and practice¹ and has reaffirmed “its commitment to effectively integrate the human rights of women as well as a gender perspective in its work and that of its mechanisms in a systematic and transparent manner”².

The report³ of the Office of the United Nations High Commissioner for Human Rights on integrating the human rights of women throughout the United Nations system submitted pursuant to Human Rights Council resolution 6/30 of December 2007 identifies, as requested, obstacles and challenges to such integration in the work of the Human Rights Council and its mechanisms. Included in these is “how to ensure in practical terms that the Council addresses the rights of women and girls directly”⁴. The report suggests “[i]n paragraph 58 (d) of resolution 5/1, the Human Rights Council signals its intention to address thematic gaps in the context of the review of mandates. As part of that task, the Council could consider the creation of additional special mechanisms addressing other areas of women's rights, such as equality before the law.”⁵

While the Human Rights Council has welcomed “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”⁶ it has also called “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;”⁷ and recognised “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”⁸.

Fifteen years ago at the Fourth World Conference on Women held in Beijing, governments committed among other things to “ensure equality and non-discrimination under the law and in practice”⁹. This promise has been echoed several times including through ratification of international and regional conventions and its principles are enshrined in many constitutions around the world. However in no country in the world do women enjoy equality in law and in practice.

¹ A/HRC/RES/12/17, para 11, 2 October 2009

² Resolution 6/30, 14 December 2007

³ A/HRC/12/46, 27 August 2009, Integrating the human rights of women throughout the United Nations system Report of the Office of the United Nations High Commissioner for Human Rights

⁴ Ibid, para 53

⁵ Ibid, para 64

⁶ A/HRC/RES/12/17 *ibid*, OP3

⁷ Ibid, para 5

⁸ Ibid, para 6

⁹ Beijing Platform for Action, Strategic Objective I.2

At the 45th session of the Committee on the Elimination of Discrimination against Women (CEDAW) in early 2010 the CEDAW Committee issued a statement noting the “strong linkages among the [CEDAW] Convention, the [Beijing] Platform for Action and the Beijing+5 outcomes.” The Committee recognised that the Platform for Action and the Beijing+5 outcome document “provide guidance for States on the steps they must take to realise their legal obligations set out in the [CEDAW] Convention so that women enjoy their rights both in law and fact.” The Committee further noted that “[t]he full implementation of the Platform [for Action], the Beijing+5 outcomes, the Millennium Development Goals and the [CEDAW] Convention is required to make human rights a reality for individual women”¹⁰.

The Human Rights Council is responsible within the UN system for strengthening the promotion and protection of human rights around the globe and ending discrimination against women falls squarely within this mandate. One very concrete action that could be taken by the Human Rights Council to promote women’s equality would be creation of a new special mechanism to focus on women’s equality with men before the law. Such action would demonstrate respect for the commitment made in the Beijing Platform for Action, as well as for the many other treaties, declarations, and statements that have been made recognising and affirming women’s equality and their right not to be subjected to discrimination in law or in practice. Equality Now strongly encourages the Human Rights Council to lead by example in accordance with its mandate and the pledges made in Beijing by creating, in this 15th anniversary year of the Platform for Action, a new mechanism to assist member states to achieve women’s equality before the law.

¹⁰ http://www2.ohchr.org/english/bodies/cedaw/docs/Beijing_Declaration.pdf