



Round Table of National Human Rights Institutions and National Machineries for the Advancement of Women * Ouarzazate, Morocco, 15-19 November 2004 *****

PROMOTING AND PROTECTING THE RIGHTS OF WOMEN

I. Background

The objectives of the Office of the High Commissioner for Human Rights (OHCHR) relating to national human rights institutions (NIs) include: to develop the expertise of NIs in areas of their mandates; to ensure the sharing of best practices and comparative analysis; to facilitate consultations with NIs by treaty monitoring bodies and protection mechanisms established by the Commission on Human Rights; and to provide assistance to, and participate in, international and regional NI meetings.

The Division for the Advancement of Women (DAW) works with national machineries for the advancement of women to enhance their capacity in follow-up to, and implementation of the Beijing Declaration and Platform for Action, as well as in implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It also serves as the Secretariat of the Committee on the Elimination of Discrimination against Women (CEDAW) and the Commission on the Status of Women (CSW).

The link between gender equality and human rights is well recognized. The Beijing Declaration and Platform for Action and the Vienna Declaration and Programme of Action confirmed that the human rights of women and girls are an inalienable and indivisible part of universal human rights. National machineries for the advancement of women and NIs should thus have in common the goal of promotion and protection of the human rights of women. To that end, they should maintain institutional links and develop joint strategies for the realization of women's human rights.

II. Objective

OHCHR and DAW will hold a Round Table for national machineries for the advancement of women and NIs hosted by the Conseil consultatif des droits de l'homme

du Maroc (CCDH) in Ouarzazate, Morocco, 15-19 November 2004. The objective of the meeting is to build the capacity of national machineries for the advancement of women and NIs to more effectively promote and protect women's human rights by contributing to a better understanding of the linkages between gender equality and human rights. The activity is part of the joint work-plan of OHCHR and DAW.

III. National machineries for the advancement of women

The role of national machineries for the advancement of women was discussed in a recommendation of the 1975 World Conference on the International Women's Year held in Mexico City. Since then, the subject of national machineries has been taken up systematically by the subsequent World Conferences on Women in 1980 (Copenhagen), 1985 (Nairobi) and 1995 (Beijing), as well as several sessions of the Commission on the Status of Women. One of the twelve critical areas of concern of the Beijing Platform for Action deals with institutional mechanisms for the advancement of women, including national machineries. The Platform for Action considers such machineries as the primary institutional mechanism entrusted with promoting and supporting all aspects of the implementation of the strategic objectives contained in the Platform for Action at the national level.

The Platform for Action identifies necessary conditions, and thereby defines them, for an effective functioning of national machineries including:

- (a) Location at the highest possible level in the government, falling under the responsibility of a Cabinet minister;
- (b) Institutional mechanisms or processes that facilitate, as appropriate, decentralized planning, implementation and monitoring with a view to involving non-governmental organizations and community organizations from the grassroots upwards;
- (c) Sufficient resources in terms of budget and professional capacity;
- (d) Opportunity to influence development of all government policies.¹

The significance of national machineries in promoting equality between women and men and gender mainstreaming was reiterated at the twenty-third special session of the General Assembly (2000) which reviewed the Beijing Platform for Action, and adopted an outcome document entitled "Women 2000: gender equality, development and peace for the twenty-first century."

As of March 2004, national machineries for the advancement of women have been established in 165 Member States of the United Nations.² In most countries, national machineries are mandated to both implement women-specific activities, and ensure that gender perspectives are integrated in all government legislation, policy, programmes, and budgetary processes. National machineries facilitate and support

¹ Beijing Declaration and Platform for Action of the Fourth World Conference on Women, para. 201.

² DAW maintains a Directory of National Machineries for the Advancement of Women which is regularly updated and made available to Governments, entities of the United Nations system, and civil society.

gender mainstreaming and play a role in ensuring that Government fully considers the gender implications in laws, programmes and policies in all areas of responsibility.

Although national machineries for the advancement of women vary considerably, they largely tend to be located within government and are recognized as the official bodies responsible for promoting gender mainstreaming and gender equality across different government sectors. In some countries, bodies outside government, such as an equality commission or office of the ombudsman, also form part of the national machinery to promote gender equality.

In many States which are parties to the Convention on the Elimination of All Forms of Discrimination against Women (the Convention),³ national machineries for the advancement of women are entrusted with the responsibility of coordinating the preparation of reports to be considered by CEDAW under article 18 of the Convention. More generally, national machineries serve as catalysts for the implementation of the Convention, and disseminate information to encourage use of the Optional Protocol.

CEDAW, in the constructive dialogue with reporting States, regularly raises questions concerning the capacity and role of national machineries in regard to the implementation of the Convention and makes recommendations to States for the strengthening of such machineries.

IV. National Human Rights Institutions

NIs are a cornerstone of the work of the international community to ensure the promotion and protection of human rights at the national level. The Secretary General of the United Nations in his report of 9 September 2002 (A/57/387) placed priority on the United Nations developing the capacity of NIs and noted that "... building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner...."

The establishment of NIs has been discussed since 1948. However, the Principles regarding their functioning and mandate were only recognized in 1993, when the Vienna World Conference on Human Rights encouraged the establishment and strengthening of NIs. Subsequently, the "Principles relating to the status of NIs," known as the Paris Principles, were adopted unanimously by the United Nations General Assembly on 20 December 1993 (48/134) following their earlier adoption in 1992 by the United Nations Commission on Human Rights (resolution 1992/54). The Principles note that NIs shall be vested with the competence to promote and protect human rights. In summary the six key criteria in the Paris Principles are:

- ◆ independence guaranteed by statute or constitution

³ As of 1 April 2004, there were 177 States parties to the Convention on the Elimination of All Forms of Discrimination against Women. The list of States parties to the Convention can be found on the website of DAW at <http://www.un.org/womenwatch/daw/cedaw/states.htm>.

- ◆ autonomy from government
- ◆ pluralism, including in membership
- ◆ a broad mandate based on universal human rights standards
- ◆ adequate powers of investigation
- ◆ adequate resources

In this sense, NIs can act as monitoring bodies and as follow-up mechanisms on issues related to adherence to international human rights instruments, including their ratification and effective implementation by States parties. In their role as monitoring bodies, NIs in some instances submit parallel reports to human rights treaty monitoring bodies on issues of concern regarding the situation of women in the country, and scrutinize the State's attention to gender perspectives when implementing policies.

Strict compliance by NIs with the Paris Principles empowers them, if specified in legislation, to carry out independent investigations of human rights violations and to deal with individual complaints - a competence that can be particularly valuable in situations of gender-based discrimination and violence against women. Moreover, a specific role of NIs is the submission of recommendations to the government, parliament or other bodies. In this regard, the competence of NIs can prove to be an important asset in contributing to expert opinions, recommendations, reports and drawing the attention of the government to reported cases of abuse or discrimination. Many NIs are legislatively mandated to be able to make appropriate recommendations on existing discriminatory legislation and administrative provisions including on those that impinge on the enhancement of the status of women.

NIs may also work together in regional mechanisms in a spirit of sharing experiences to enhance efficiency. They can further be drawn upon for technical cooperation and contribute to consultation and coordination between civil society, including non-governmental organizations, and international institutions. NIs are active in areas of dissemination of information on human rights education, and address issues such as sustainable development, poverty, multiple discrimination, disability, cultural rights, access to food and potable water, and education and health care: all areas that are also critical to women's enjoyment of human rights.

In their capacity to undertake research on women's human rights situations at the country level, NIs can encourage the collection of data disaggregated by sex. They can be consulted on programmes for the empowerment of women and the adoption of a rights-based approach to development.

The Beijing Platform for Action, referring to the World Conference on Human Rights, called for the creation or strengthening of NIs, including the human rights of women, as well as for the development of programmes to protect the human rights of women by such institutions⁴. As of April 2004 the International Coordinating Committee of National Institutions (ICC) has accredited 50 NIs as in compliance with the

⁴ Platform for Action, paras 230 (e), and 232 (e).

Paris Principles. There are approximately an additional 50 institutions which are moving towards compliance with the Principles.⁵

V. Expected outcomes

The Round Table will seek to identify opportunities for national machineries to enhance a rights-based approach to the advancement of women through more systematic use of the Convention and other international human rights instruments which give effect to gender equality. It will also seek to identify opportunities for NIs to increase attention to gender perspectives in all human rights-related work, as well as the elimination of discrimination against women and the promotion of gender equality. It will provide an opportunity for NIs to engage in dialogue and information exchange with national machineries for the advancement of women and members of CEDAW.

The Round Table aims to enhance cooperation between representatives of NIs and national machineries for the advancement of women in support of gender equality and women's human rights. It is expected that cooperation between these mechanisms will contribute to better implementation of the Beijing Platform for Action, the outcome document of the twenty-third special session of the General Assembly, the Convention and its Optional Protocol.

Participants will have a greater awareness of the links between gender equality and the promotion and protection of human rights. Representatives of NIs will have an enhanced capacity to apply and mainstream a gender perspective in their work and to address discrimination against women and promote gender equality. Representatives of national machineries for the advancement of women will be able to more systematically use a rights-based approach in their work on gender issues and the advancement of women. Both national machineries and NIs will, respectively, gain a better appreciation of the relevance of women's human rights to their mandates.

The Round Table is expected to develop a strategy and formulate recommendations for NIs and national machineries for the advancement of women to more effectively strengthen the links between gender equality and human rights in order to achieve the full promotion and protection of women's human rights. It is hoped that this Round Table will serve as a catalytic event in ensuring full cooperation between the two types of institutions.

VI. Methodology

Representatives of NIs and national machineries for the advancement of women will share experiences and good practices, as well as challenges and constraints, in the implementation of the Convention and its use as a framework for all Government action to eliminate discrimination against women. Members of CEDAW will discuss the roles, from the Committee's experience, of national machineries and NIs in the effective implementation of the Convention and its Optional Protocol.

⁵ Ref www.nhri.net for information on NIs and the ICC

The Round Table will be as informal as possible, with all participants having an opportunity to exchange experiences and practices around a table. Two initial interventions shall be made by DAW and OHCHR providing information on women's national machineries and NIs, respectively. One member of CEDAW will make a short presentation on the Committee's practice in regard to the role of national machineries and NIs. Each session of the Round Table will be guided by two short papers on experiences and good practices prepared by participants, for presentation and discussion. The focus will be on creating a participatory environment to enable full engagement by all present. Documentation will be in English, French and Spanish and the Round Table will be conducted in English, French and Spanish with simultaneous interpretation.

VII. Profile of Participants

The meeting will be attended by approximately 32 representatives of NIs and national machineries for the advancement of women (i.e. 2 participants from 16 countries – including the host country - from both institutions) and up to 3 members of CEDAW. Participating institutions will be selected from those States which are parties to the Convention. The United Nations will provide travel and daily subsistence allowance for the participants. In selecting participants, the criteria of geographical and gender balance will be respected. All participants will be expected to be familiar with the Convention and its Optional Protocol.

Annex I

Proposed list of participants

Africa

Cameroon, National Commission on Human Rights and Freedoms*
Morocco, Conseil consultative des droits de l'homme
Uganda, National Human Rights Commission*
Zambia, National Human Rights Commission*

Americas

Bolivia, Defensor del Pueblo*
Costa Rica, Defensor de los Habitantes*
Panama, Defensor del Pueblo*
Paraguay, Defensor del Pueblo*

Asia-Pacific

Afghanistan, National Human Rights Commission*
Malaysia, National Human Rights Commission*
New Zealand, Human Rights Commission

Europe

Germany, Deutsches Institut für Menschenrechte
Ireland, National Human Rights Commission
Kyrgyz Republic, Ombudsman*
Lithuania, Ombudsman for Equal Opportunities*