



## BEIJING+15: REALIZING WOMEN'S RIGHTS

**Human rights, equality, the implementation of the BDPA and the achievement of the MDGs cannot move forward whilst particular groups are stigmatized, marginalized, and subjected to discrimination and violence. In opposing coercive tactics, including the promulgation of myths and fear-mongering, we must acknowledge, embrace and celebrate the diversity of human kind. To do less is an insult to the foundation of the UN system.**

Statement from the Diverse Sexualities Caucus to the 49th Session of the UN Commission on the Status of Women, 10 March 2005



### INTRODUCTION

At the Fourth UN World Conference on Women in Beijing, China, in September 1995, government delegates from 189 states adopted by consensus the Beijing Declaration and Platform for Action (BDPfA).<sup>1</sup> This was a statement of political commitment by participating governments to advance the goals of equality, development and peace for all women everywhere and to ensure the full implementation of the human rights of women and girls. The Platform for Action set strategic objectives and outlined

recommended actions to be taken across 12 “critical areas of concern”.<sup>2</sup>

The BDPfA was a culmination of the strong advocacy process and earlier successful steps for recognition of women’s rights as human rights in the 1980s and early 1990s by women human rights defenders and women’s groups worldwide. It reaffirmed the fundamental principles set forth in earlier human rights instruments<sup>3</sup> that the human rights of women are an inalienable, integral and indivisible part of universal human rights. The BDPfA aimed to promote and protect the full enjoyment of all human rights and fundamental freedoms of all women throughout their life cycle.<sup>4</sup>

The BDPfA remains the most comprehensive governmental agreement to date on what needs to be done to achieve women’s empowerment, the full realization of women’s rights and substantive gender equality. The BDPfA also advanced the concept of sexual rights as an international human rights principle.

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<sup>1</sup> The Beijing Declaration and Platform for Action was adopted by consensus on 15 September 1995 by governments participating in the Fourth World Conference on Women, and was subsequently endorsed by the UN General Assembly on 8 December 1995 (A/RES/50/42).

<sup>2</sup> The 12 “critical areas of concern” of the Beijing Platform for Action are: women and poverty; education and training of women; women and health; violence against women; women and armed conflict; women and the economy; women in power and decision-making; institutional mechanisms for the advancement of women; women’s human rights; women and the media; women and the environment; and the girl child.

<sup>3</sup> Such as the Universal Declaration of Human Rights (1948), Convention on the Elimination of All Forms of Discrimination against Women (1979), the Nairobi Forward-looking Strategies for the Advancement of Women (1985), the Vienna Declaration and Programme of Action (1993), and the Cairo Declaration on Population and Development (1994).

<sup>4</sup> Beijing Platform for Action, Mission Statement.

## THE BDPFA IMPLEMENTATION REVIEW PROCESS

The UN General Assembly (GA), the Economic and Social Council (ECOSOC) and its Commission on the Status of Women (CSW) constitute a three-tiered intergovernmental mechanism to follow up the BDPfA.<sup>5</sup> The CSW plays a central role in monitoring implementation of the BDPfA within the UN system and in advising member states on the BDPfA. The CSW's annual session is preceded by expert group meetings on one or more "critical areas" chosen for scrutiny. The CSW seeks adoption by consensus of agreed conclusions on the issues under review.

The regional preparatory meetings that took place in the run up to the Fourth World Conference in 1995 and its reviews in 2000, 2005 and 2010 permit broader participation by women's groups and in some cases, have created spaces for more nuanced and progressive interpretation of women's rights.<sup>6</sup>

The **Beijing+5 review**, *Women 2000: Gender Equality, Development and Peace for the Twenty-First Century*, was undertaken by the UN General Assembly meeting in Special Session in June 2000. It resulted in a Political Declaration and Outcome Document, in which UN member states reaffirmed their commitment to the BDPfA and adopted further actions and initiatives for its implementation.<sup>7</sup>

Amnesty International noted positive achievements at the international level in the five years after the adoption of the BDPfA, including the General Assembly's adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and of the Statute of the International Criminal Court, which explicitly recognizes that certain gender-related crimes, such as rape and other forms of sexual violence, are war crimes and also may amount to crimes against humanity.

However, Amnesty International and many other NGOs were dismayed at the roll-back of commitments to women's human rights when during the negotiations of the Beijing+5 Outcome Document, some states challenged the basic premise that women's rights are human rights and questioned the responsibility of states to protect them, irrespective of existing treaty obligations, and the widespread acceptance that discrimination against women is a breach of international human rights law.<sup>8</sup>

The **Beijing +10 review** culminated at the 49<sup>th</sup> session of the CSW in February and March 2005, and focused on implementation at the national level. The Declaration subsequently adopted by consensus stressed that full and effective implementation of the BDPfA "is essential to achieve the internationally agreed development goals, including those contained in the Millennium Declaration", and recognized that "the implementation of the [BDPfA] and the fulfilment of the commitments under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) are mutually reinforcing in achieving gender equality and the empowerment of women".<sup>9</sup>

At the review, Amnesty International welcomed the increased international recognition of the importance of including women and their experiences in peacekeeping processes and post-conflict reconstruction efforts, as demonstrated by the UN Security Council's landmark adoption of resolution 1325 on Women, Peace and Security in October 2000.<sup>10</sup> Nevertheless, many NGOs and development

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<sup>5</sup> See General Assembly resolution 50/203 (1995), paragraphs 21-25. The General Assembly, comprising all 192 UN member states, is the main deliberative organ of the UN. Its decisions are not legally binding, but represent the moral authority of the world community. The Economic and Social Council consists of 54 UN member states (<http://www.un.org/en/ecosoc/about/members.shtml>) and serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to UN member states and the UN system. The CSW is a functional commission of ECOSOC and comprises 45 member states ([www.un.org/womenwatch/daw/csw/CSW%20Membership%2054.pdf](http://www.un.org/womenwatch/daw/csw/CSW%20Membership%2054.pdf)).

<sup>6</sup> These meetings were undertaken by the UN's five regional commissions, the UN Economic Commissions for Africa, Europe, Latin America and the Caribbean, Asia and the Pacific, and Western Asia.

<sup>7</sup> General Assembly resolutions S-23/2 and S-23/3 on further actions and initiatives to implement the Beijing Declaration and Platform for Action, 10 June 2000.

<sup>8</sup> Amnesty International, *Beijing +5: No going back on women's human rights* (ACT 77/008/2000); *Beijing Plus Five - Not Minus Five!* (ACT 77/010/2000).

<sup>9</sup> Commission on the Status of Women, Report on the forty-ninth session, E/CN.6/2005/11.

<sup>10</sup> Amnesty International is a member of the NGO Working Group on Women, Peace and Security (NGOWG) which formed in 2000 to advocate the adoption of Security Council resolution 1325. The NGOWG now advocates the implementation of resolution 1325

professionals expressed their concern at insufficient state efforts to implement the BDPfA. Based on the research undertaken by its Stop Violence against Women Campaign, Amnesty International highlighted numerous cases of discrimination and violence against women impeding the implementation of the BDPfA and the fulfilment of women's rights under several of the "critical areas of concern".<sup>11</sup>

The final stage of the **Beijing+15 review** of the implementation of the BDPfA will take place during the 54<sup>th</sup> session of the CSW, 1-12 March 2010. The session will focus on the sharing of experiences and good practices, with a view to overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals. Amnesty International's focus areas for the CSW Session are the need to create a consolidated and strong UN women's entity, to remove obstacles to justice for survivors of sexual violence, and to fulfil the rights of critical concern to reducing maternal deaths improving maternal health.<sup>12</sup>

## CHALLENGES FOR BEIJING+15 REVIEW

The importance of the BDPfA lies in the fact that it is founded on international human rights law and was agreed by consensus by all 189 UN member states participating in the Fourth World Conference on Women. The BDPfA recognizes and reaffirms the reality that women's rights are human rights, based on the principles of non-discrimination and equality, indivisibility and universality. The BDPfA also builds on states' international obligations to respect, protect and fulfil all human rights for all and draws a map of what that means in practice to women.

However, the steps currently being taken to implement the principles and standards reiterated in the BDPfA are not sufficient to make a real difference in women's lives. The previous two comprehensive reviews of the BDPfA identified various gaps in implementation by governments. Despite some significant progress in women's human rights, 15 years since the adoption of the BDPfA, women experience inequality and discrimination on multiple and interlinking grounds in access to rights, opportunities and resources. Most people living in poverty are women. Participation in every level of public life is just an aspiration for the majority of the world's women. Where women can participate in public life, this often does not mean access to actual decision-making power. Moreover, women who actively engage and stand up for human rights, especially for the rights of women, are often targeted for gender-specific forms of discrimination and violence designed to dissuade other women from participation.<sup>13</sup> The high number of preventable maternal deaths occurring around the world is another manifestation of governments' failure to guarantee women's human rights.<sup>14</sup> Ignored behind these deaths lie multiple violations of women's human rights such as early marriage and discrimination resulting in restricted mobility and poor access to information and health services, as well as lack of control over important decisions in a woman's life such as whether and when to have children or when to seek medical help.

Moreover, the core principles on which human rights are based, especially women's right to equality, are still being challenged by various state and non-state actors and neglected or traded away for other concerns in the international arena. It is outrageous that 15 years on since the consensus in Beijing, governments are not doing enough to fulfil their existing legal obligations, which they affirmed in the BDPfA. Moreover, some states have even been undermining their commitment to women's human rights

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and subsequent Security Council resolutions aimed at advancing the protection and promotion of women's human rights in conflict situations. See more at [www.womenpeacesecurity.org](http://www.womenpeacesecurity.org)

<sup>11</sup> Amnesty International, *No turning back – full implementation of women's human rights now! Review and appraisal of the Beijing Declaration and Platform for Action and the 2000 Outcome Document (Beijing +10)* (Index: IOR 41/002/2005).

<sup>12</sup> See further in this document for information on reforming the UN's gender architecture. On 5 and 9 March, during the CSW session, Amnesty International will hold two panel events, with the participation of partner NGOs, to present recommendations for strengthening the implementation of the BDPfA and MDG efforts, by removing barriers to full realization of women's rights in relation to access to justice for women subjected to violence and reducing preventable maternal deaths.

<sup>13</sup> For example, in its report *Zimbabwe: Between a rock and a hard place - women human rights defenders at risk* (Index: AFR 46/017/2007), Amnesty International has documented the government's clampdown on women human rights defenders in Zimbabwe to crush dissent and prevent other women and men from becoming active.

<sup>14</sup> According to WHO estimates, 530,000 women die each year from causes related to pregnancy and childbirth. On top of this around 15 million women each year experience severe pregnancy-related complications leading to their long term disability: <http://www.who.int/features/qa/12/en/index.html>

by reaffirming during the five and ten year reviews also their reservations to the BDPfA. In addition, governments are not working on the firm basis of the BDPfA to develop new solutions and an improved understanding of discrimination against women and girls.

Amnesty International takes the opportunity of the Beijing +15 review and appraisal to draw attention to the urgent need for governments to acknowledge and respond to the critical gaps in the implementation of the BDPfA. The review by the CSW has to concentrate on addressing these gaps. Based on its body of work on women's rights in the context of its two global campaigns – Stop Violence against Women and Demand Dignity – Amnesty International has identified the following priorities for further action to ensure full realization of women's rights. They are of cross-cutting relevance to the effective implementation of several of the critical areas of concern of the BDPfA. They are also vital for ensuring meaningful progress on the Millennium Development Goals.<sup>15</sup>

## **ABOLISH LAWS THAT DISCRIMINATE AGAINST WOMEN AND GIRLS**

In the BDPfA, states committed themselves to working towards the ratification and implementation of international and regional human rights treaties to promote and protect women's human rights.<sup>16</sup> The principle of non-discrimination on all grounds is embodied in all international human rights instruments. With the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, states agreed on the codification in one treaty of the obligation to end discrimination against women in public life, family life, and in customs and social life.

The CEDAW has 186 state parties to date and a number of countries have adopted legal reforms prohibiting various forms of discrimination against women, such as removal of discriminatory provisions in civil, penal and personal status laws governing marriage and family relations, women's property and ownership rights and women's political, work and employment rights. However, the Beijing + 5 review concluded that discriminatory legislation, along with harmful traditional and customary practices and negative stereotyping of women, remain common in many countries. A recent report by the Office of the UN High Commissioner for Human Rights highlighted that even in states where the Constitution guarantees equality before the law, there are laws that discriminate against women.<sup>17</sup> Legal discrimination is often compounded by discriminatory customary laws, traditional practices and state policies.

For example, Amnesty International is concerned that in **Yemen**, women's rights are routinely violated because of laws, tribal and customary practices treating women as second-class citizens. Yemeni NGOs, the National Women's Committee and others have identified 27 discriminatory provisions in Yemeni law, which require amendment to ensure conformity with Yemen's international obligations. Discrimination against women is embodied in family law and manifested in the exercise of male authority, and the lack of respect for women's personal integrity. In some instances, discrimination amounts to gender-based violence, such as extreme restrictions on woman's freedom of movement, and forced marriage of women and girls by their male guardian (*wali*).<sup>18</sup>

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<sup>15</sup> The Millennium Development Goals (MDGs) are a set of eight goals to be achieved by 2015 that were adopted by governments in 2000. MDG1 is about eradication of extreme poverty and hunger, MDG2 aims for all boys and girls everywhere to complete a full course of primary education, MDG3 calls for gender equality and empowerment of women, MDG4 aims to reduce child mortality, MDG 5 to improve maternal health, MDG6 is about combating HIV, malaria and other diseases, MDG7 aims to ensure environmental sustainability and MDG8 is about partnership for development.

<sup>16</sup> Beijing Platform for Action, para. 230 (a).

<sup>17</sup> *Project on a mechanism to address laws that discriminate against women*, Office of the High Commissioner for Human Rights – Women's Rights and Gender Unit, March 2008.

<sup>18</sup> Amnesty International, *Yemen's dark side: Discrimination and violence against women and girls* (Index: MDE 31/014/2009).

Women in **Saudi Arabia** also face severe discrimination in law and practice. They are subordinated to men under family law based on the concept of male guardianship over women (*mehrem*). This severely limits women's rights, in particular in relation to their choice of marriage partner, divorce, child custody, inheritance, and choices about residency, education and employment. One shocking example is the case of Fatima A., a mother of two children. She was forcibly divorced from her husband following a court case initiated in 2005 by her brother who used his powers as her male guardian. The court in the northern part of Saudi Arabia ordered the divorce of Fatima on the grounds that her husband was from a tribe of a lower status than the status of her own tribe and because he didn't disclose this when he first demanded Fatima's hand. She and her husband opposed the verdict declaring that they were happily married. Nevertheless they were separated. In February 2010, the ruling was overturned and they were allowed to reunite as one family. However, the annulment was done on the grounds that their tribes were of equal status. This suggests that the discriminatory principle of parity of status based on class, ethnicity or both remains in force and could be used as a tool in the hands of male guardians. Women continue to be denied the freedom to exercise their right to choose a marriage partner, travel or make other decisions that affect their lives.<sup>19</sup>

In 2009, the Special Rapporteur on Violence against Women issued a report on her visit to Saudi Arabia in 2008.<sup>20</sup> The report noted modest reforms, but concluded that the high level of discrimination against women compromised their rights and dignity. It found too that various factors prevented many women from escaping abusive relationships including women's lack of autonomy and economic independence, practices surrounding divorce and child custody, the absence of a law criminalizing violence against women, and inconsistencies in law enforcement and the administration of justice.

## **REMOVE OBSTACLES TO JUSTICE FOR SURVIVORS OF VIOLENCE**

Violence against women is one of the 12 "critical areas of concern" identified in the BDPfA. Fifteen years after the Beijing Conference, violence against women remains one of the most pervasive and significant barriers to gender equality, impeding progress on all the Millennium Development Goals. The BDPfA calls on governments to exercise due diligence to prevent, investigate and punish acts of violence against women whether those acts are perpetrated by the state or by private persons.<sup>21</sup> Central to this is ensuring that women subjected to violence can access justice and remedies for the harm they have suffered.<sup>22</sup> However, Amnesty International has documented the many and varied obstacles that women worldwide face in seeking justice for the crimes committed against them, and the reparations to which they are entitled.

Despite many advances in relation to gender equality in the Nordic countries (**Denmark, Finland, Norway** and **Sweden**), Amnesty International has shown that women who report rape to the police have only a small chance of having their cases tried by a court of law. This results from gaps and flaws in laws, procedures and practices as well as stereotyped norms for men and women's sexual behaviour and gender bias at every step of the survivor's legal journey. The result is that many perpetrators of rape are never held to account for their crimes.<sup>23</sup>

In **Canada**, according to a government statistic, young Indigenous women are five times more likely than other women of the same age to die as the result of violence. Amnesty International is concerned that Canadian police and public officials have long been aware of a pattern of racist violence against Indigenous women but have done little to prevent, investigate and punish it. Indigenous women's organization have called for a comprehensive national plan of action - including police protocols - in keeping with the scale and severity of the threats.<sup>24</sup>

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<sup>19</sup> Amnesty International, *Saudi Arabia: Fear for Safety: Fatima A (f)* (Index: MDE 23/009/2007).

<sup>20</sup> Special Rapporteur on Violence against Women, Saudi Arabia, A/HRC/11/6/Add.3.

<sup>21</sup> Beijing Platform for Action, para. 124 (b).

<sup>22</sup> Beijing Platform for Action, para. 124 (h).

<sup>23</sup> Amnesty International, *Case Closed: Rape and human rights in the Nordic countries* (Index: ACT 77/001/2010).

<sup>24</sup> Amnesty International, *No More Stolen Sisters: the need for a comprehensive response to discrimination and violence against Indigenous women in Canada* (Index: AMR/20/012/2009).

## PROTECT WOMEN'S RIGHTS DURING AND AFTER CONFLICT

Under this critical area of concern of the BDPfA, governments are called upon to protect the rights of women living in situations of armed and other conflicts or under foreign occupation; reduce the incidence of human rights abuse in conflict situations; provide protection, assistance and training to refugee women and other displaced women; and increase the participation of women in conflict resolution at decision-making levels.<sup>25</sup> The six strategic objectives under this critical area of concern are firmly grounded in existing legally binding international human rights and humanitarian law treaties.

The efforts of women human rights defenders and women's groups worldwide, together with other pressure groups, have resulted in significant achievements such as the establishment of international criminal tribunals and a permanent International Criminal Court which is required to take action on gender-related crimes, the adoption of UN Security Council resolutions on Women, Peace and Security<sup>26</sup> and the UN Secretary-General's appointment of a Special Representative on Sexual Violence in Conflict.<sup>27</sup> However, in practice, many women suffer rape and other crimes of violence in conflict while perpetrators generally enjoy impunity; women are excluded from peace-building and post-conflict reconstruction processes and as a result their specific needs are not taken on board and they often do not have equal access to reparations.

Amnesty International has raised concern that the authorities in **Bosnia and Herzegovina** have failed to ensure justice and redress to the thousands of women who were subjected to rape and other forms of sexual violence during the war from 1992 to 1995. Fifteen years after its end, women still suffer mental and physical symptoms as a result of the untreated trauma caused by the sexual violence and the social stigma attached to it. Many lead impoverished lives at the margins of the society. Only a handful of the perpetrators have been brought to justice and the authorities have failed to ensure adequate reparations to the survivors of this violence.<sup>28</sup>

Thousands of women and girls did not participate in the disarmament, demobilization, rehabilitation and reintegration (DDRR) process, following **Liberia's** conflict that took place between 1999-2003, for reasons such as misinformation about the process, and manipulation by commanders. It is estimated that women and girls made up over 30 per cent of the fighting force, playing roles as commanders, spies, cooks and porters. Many were subjected to rape and other sexual violence. Some were forcibly impregnated with devastating consequences for their physical and mental health. Often widowed or abandoned, many women have found themselves having to shoulder considerable burdens with little support, few skills, and no job or education.<sup>29</sup>

Amnesty International documented that Darfuri refugee women and girls from neighbouring Sudan are exposed to various forms of violence outside and inside refugee camps in eastern **Chad**. When they leave the camps to fetch water or collect firewood, they are at serious risk of assault by armed opposition groups, bandits or local men. Their safety is not secured within the camps either, as abuses and violence perpetrated by male refugees and even camp workers are reported. Those responsible of rape and other violence against Darfuri refugee women in eastern Chad are rarely brought to justice and are enjoying almost total impunity. Survivors and their families hardly have access to adequate treatment, support and assistance.<sup>30</sup>

In March 2010, the UN Security Council will review implementation of resolution 1868 on the situation

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<sup>25</sup> Beijing Platform for Action, paras 142, 144, 145, and 147.

<sup>26</sup> UN Security Council Resolution 1325 (2000), 1820 (2008), 1888 (September 2009) and 1889 (October 2009).

<sup>27</sup> In February 2010, the UN Secretary-General appointed Margot Wallström of Sweden as his Special Representative on Sexual Violence in Conflict (<http://www.un.org/apps/news/story.asp?NewsID=33723&Cr=sexual+violence&Cr1>).

<sup>28</sup> Amnesty International, *Whose justice? Bosnia and Herzegovina's women still waiting* (Index: EUR 63/006/2009). On 1 January 2010, Bosnia and Herzegovina (BiH) became a non-permanent member of the UN Security Council for a two-year term. Amnesty International is therefore urging BiH to renew efforts to ensure justice and redress for sexual violence in BiH, in accordance with international law obligations and Security Council resolutions on Women, Peace and Security.

<sup>29</sup> Amnesty International, *Liberia: A flawed process discriminates against women and girls* (Index: AFR 34/004/2008).

<sup>30</sup> Amnesty International, *No place for us here - Violence against refugee women in eastern Chad* (Index: AFR 20/008/2009).

in **Afghanistan** (adopted 23 March 2009), which includes specific provisions for the protection and promotion of women's human rights in Afghanistan. Amnesty International is concerned that almost nine years on, following the international intervention in October 2001 in Afghanistan, the situation for Afghan women remains bleak. Afghan women and girls continue to experience serious human rights violations including domestic violence, abduction and rape by armed individuals, trafficking, forced marriage, and child marriage. There have been some advances in respect for women's rights since the fall of the Taleban, notably through the establishment of the Ministry for Women's Affairs, the National Action Plan for the Women of Afghanistan (NAPWA) and a constitution that grants women equal status to men, improved access to education and representation of women in parliament.

However, prevailing cultural attitudes and societal codes, invoked in the name of tradition and religion, are used as a justification for denying women the ability to enjoy their fundamental rights. The women human rights defenders who dare challenge the status of Afghan women and promote human rights by reporting abuses by local warlords, running safe houses, raising awareness of child and forced marriage, and providing education programs and family planning services are frequently targeted. They face intimidation and attacks, particularly by powerful elements in society, some of them members of the government, others allied with the Taleban and other anti-government forces. As a result, some have fled the country, while others have been killed for raising their voices against violations of women's human rights.<sup>31</sup> The Afghan government must ensure access to justice for women whose rights have been abused. Women victims and defendants have little recourse to justice and are discriminated against in both the formal and informal justice.

Furthermore, Afghan civil society groups, in particular women's groups, have voiced serious concerns about the prospect for human rights, including the hard won gains in women's rights, as the Government of Afghanistan and its international partners seek to reconcile and reintegrate so-called moderate elements of the Taleban.<sup>32</sup> Today in areas under their control, as when they were in government before 2001, the Taleban have severely curtailed the rights of women and girls, including the denial of education, employment, freedom of movement and political participation and representation. There is no reason to suppose a partially rehabilitated Taleban would behave any differently. It is essential that Afghan women are meaningfully represented in the planning stages and during the reconciliation talks. Their participation in any negotiation process, including future peace jirgas (tribal councils), must be genuine and meaningful and their concerns fully reflected. To this end, UN Security Council Resolution 1325 on Women, Peace and Security and related resolutions must be implemented through law, policy and practice.

## **GUARANTEE REPRODUCTIVE RIGHTS AND SEXUAL RIGHTS**

At the 1994 Cairo International Conference on Population and Development, governments committed to the principle of reproductive autonomy, recognizing the basic right of all couples and individuals to decide the number, spacing and timing of their children and to have the information and means to do so, their right to the highest attainable standard of sexual and reproductive health and their right to make decisions concerning reproduction free of discrimination, coercion and violence.<sup>33</sup> The BDPfA expanded this commitment to include individuals' right to have control over and decide on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence – a statement that, though it did not use the term, is recognized as a commitment to sexual rights.

At the Beijing Conference some governments tried to exclude sexual rights from the BDPfA. At both the Beijing+5 and Beijing+10 reviews, sexual rights were again in the focus of opposition and were cited by those state and non-state actors who sought to prevent reaffirmation of the BDPfA. However, these efforts were successfully countered by the language of the BDPfA and the 5-year review Outcome Document and the strong and unequivocal statements by many NGOs and governments on sexual rights

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<sup>31</sup> Amnesty International, *Afghan Women Human Rights Defenders under Attack* (ASA 11/006/2009)

<sup>32</sup> [http://www.unifem.org/news\\_events/story\\_detail.php?StoryID=1017](http://www.unifem.org/news_events/story_detail.php?StoryID=1017)

<sup>33</sup> A/CONF.171/13/Rev.1: Report of the ICPD (94/10/18) (385k), para 7.3.

and specifically the human rights of lesbians. Sexual rights encompass bodily integrity, autonomy, privacy and choice. They are also about freedom from discrimination, coercion and violence, as noted in Paragraph 96 of the BDPfA. Yet every day, women experience discrimination, are tortured, imprisoned, and even executed when governments fail to protect these human rights. States are obliged to respect, protect and fulfil the human rights of all women, regardless of whether they are lesbian, bisexual, transgender, intersex or heterosexual.

Amnesty International has documented police brutality against lesbians, bisexual and transgender women in the **USA**. There, as elsewhere, violence against these women is part of a spectrum of violence against women who depart from accepted codes of sexual behaviour and gender presentation. Amnesty International's research showed that discrimination on the basis of sexual orientation and gender identity means that lesbians, bisexual and transgender women are often blamed for the violence targeted at them. The violence is seen, by perpetrators and law enforcement officials, as a "punishment" for their failure to conform to social conventions. After being attacked by four men who slashed her with razor blades, one lesbian commented to Amnesty International of the police response: "They just think that I did it to myself... I think they're saying that, because I choose to look like this I deserve it or something. It's as if — if I want to look like a guy, I should get beat up like a guy."<sup>34</sup>

Reinforcing the analysis of unsafe abortion as a major public health concern, the BDPfA called not only for abortion services to be made accessible to women to the full extent of national law, but also for review of laws that criminalize women for undergoing illegal abortions. Amnesty International's research on **Nicaragua** highlights how the law of 2008, which criminalizes all forms of abortion in all circumstances, endangers the lives of women and girls and prevents health professionals from providing timely and effective life-saving treatment. The law imposes prison terms on health professionals who cause any harm to a foetus, regardless of intent, including in the course of providing life-saving treatment to a woman. The law can lead to punishments for women and girls who have suffered a miscarriage. Women and girls who become pregnant as a result of rape or incest are compelled to carry their pregnancy to term. The overwhelming majority of girls pregnant as a result of rape or incest in Nicaragua are young – between the ages of 10 and 14. These girls are denied their human rights. Their health and life are put at risk from unsafe clandestine abortion or childbirth at an early age.<sup>35</sup>

Violence against women and girls also jeopardizes their access to other human rights. As demonstrated by Amnesty International's research on violence against girls in schools, many girls drop out of school because of sexual harassment and violence, or fear of violence.<sup>36</sup> Access to education may also be impeded when girls are denied the right to freely determine their gender identity or sexual orientation. In 2006, Amnesty International took action after 12 young women students were expelled from a college in **Cameroon** after being accused of lesbianism. Three of the students and one friend, a young woman football player, were released after a court in Doula sentenced them to a three-year suspended prison sentence and a fine. The court ordered that they would be imprisoned for six months if they were found practising "homosexual acts".<sup>37</sup>

Women face a number of gender-specific factors which increase their risk of HIV infection. They are disproportionately exposed to sexual violence and rape, including coerced sex inside and outside marriage, as well as to harmful practices such as female genital mutilation, early marriage, and wife inheritance. Many women lack information and face barriers to access to HIV prevention measures and to health services, as well as to treatment and support after infection. Amnesty International and South African-based organizations have documented how women in **South Africa**, particularly black women from 15 to 34 years of age who are disproportionately infected and affected by the HIV pandemic, are unable to realise their right to health due to gender-based discrimination and poverty. Despite free anti-retroviral therapy provided by the government, women living in poor rural communities find it difficult to

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<sup>34</sup> Amnesty International, *USA: Stonewalled : Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the U.S.* (Index: AMR 51/122/2005).

<sup>35</sup> Amnesty International, *The total abortion ban in Nicaragua: Women's lives and health endangered, medical professionals criminalized* (Index: AMR 43/001/2009).

<sup>36</sup> Amnesty International, *Safe Schools, Every Girls' Right* (Index: ACT 77/001/2008).

<sup>37</sup> <http://www.amnestyusa.org/lgbt-human-rights/country-information/cameroon/page.do?id=1106557>



reach hospitals to begin or maintain their treatment under medical supervision because of transport costs. Many also do not have adequate food, which is essential for coping with the side effects of anti-retroviral medication. Women's low social status within the family compounds the impact of poverty as it means they may not receive their fair share of limited family resources.<sup>38</sup>

## **ENSURE WOMEN'S PARTICIPATION IN PUBLIC LIFE**

The BDPfA calls on governments to take measures to ensure women's access to and full participation in power structures and decision-making, and to increase women's capacity to participate in decision-making and leadership.<sup>39</sup> Crucial to meeting these objectives, aimed at increasing women's participation in public life, is the promotion and protection of the work of women human rights defenders.

Participation in public life is a woman's human right, and is guaranteed in international human rights law. Women's participation in public life is beneficial for communities as a whole because women have often driven social progress and human rights advancement for all. In some countries, women as active participants in the political process have taken significant strides towards political and economic equality. However in others, they face political forces seeking to reverse the gains women have made towards equality.

Moreover, women standing up for human rights, in particular the rights of women and lesbian, gay, bisexual, transgender and intersex people, are specifically targeted to dissuade others from speaking out and taking action. Due to their human rights activities, and the role they adopt in their communities, women human rights defenders may be stigmatized and accused of undermining religion, culture, values and traditions. They are frequently subjected to gender-specific forms of violence and abuse including acid attacks, rape and other sexual violence.<sup>40</sup>

Particularly targeted are women human rights defenders working to promote sexual rights, including the right to freely determine one's own sexual orientation and gender identity. Amnesty International has documented numerous cases of such attacks across the globe. For example, in **Serbia**, lesbian, gay, bisexual and transgender activists have been systematically subjected to homophobic attacks in the media, threats and physical assaults by right-wing and religious organizations, and discrimination and harassment by the authorities.<sup>41</sup>

Often governments are complicit in violence, discrimination and harassment experienced by women human rights defenders, either actively, or by not taking effective action to prevent it or investigate and prosecute the perpetrators. However, states have international obligations to ensure protection of human rights defenders and their activities. These obligations are affirmed and articulated in the UN Declaration on Human Rights Defenders (1998).<sup>42</sup> Although it is not a binding instrument, it has a legal authority grounded in the fact it is based on rights enshrined in other binding international human rights treaties<sup>43</sup> and was adopted by consensus by the UN General Assembly.

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<sup>38</sup> Amnesty International, *'I am at the lowest end of all'. Rural women living with HIV face human rights abuses in South Africa* (Index: AFR 53/001/2008); Amnesty International, *Human Rights Concerns in South Africa: Memorandum Sent to The South African Government August 2009* (Index: AFR 53/008/2009).

<sup>39</sup> Beijing Platform for Action, paras 190-195.

<sup>40</sup> Amnesty International is part of the International Campaign on Women Human Rights Defenders. The Campaign states that women human rights defenders are "women active in human rights defence who are targeted for who they are as well as all those active in the defence of women's rights who are targeted for what they do. Simply, it pertains to human rights activists who are women, as well as other activists (whether male, lesbian, gay, bisexual, transgender or any other sexes) who also defend the rights of women": <http://www.defendingwomen-defendingrights.org/pdf2007/book3NeoWithCover.pdf>.

<sup>41</sup> Amnesty International, *Serbia: Human Rights Defenders at Risk* (Index: EUR 70/014/2009).

<sup>42</sup> The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, (commonly known as the Declaration on Human Rights Defenders) was adopted by the UN General Assembly as Resolution 53/144 on 9 December 1998.

<sup>43</sup> Such as the International Covenant for Civil and Political Rights (ICCPR), the International Covenant for Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

## THE MILLENNIUM DEVELOPMENT GOALS MUST ENSURE WOMEN'S RIGHTS

The majority (more than 70 per cent) of the people living in poverty are women. Their poverty is often caused and exacerbated by the discrimination and other human rights violations they face. There is a consensus between women's rights activists, many international bodies and many donor governments that poverty reduction strategies cannot work unless they address women's inequality and the denial of their human rights.

Human development and poverty reduction policies globally are driven by the targets set by the Millennium Development Goals (MDGs). However, Amnesty International concurs with many human rights and women's rights activists who claim that the MDGs do not embrace the vision of the Millennium Declaration (2000) and CEDAW (1979) of a world of equal human rights for men and women. The MDGs contain no explicit requirement for states to identify and redress exclusion and discrimination, in stark contrast to the central requirement under international human rights law for all states to guarantee equality and non-discrimination. While the Millennium Declaration reiterated states' commitment to "combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women", gender equality and women's rights are only partly and very poorly reflected in the MDGs. Goal 3, to promote gender equality and empower women, has been reduced to a single target to eliminate gender disparity in education, ignoring all other areas where states have commitments to eliminate discrimination against women. This is complemented by two other indicators (share of women in wage employment in the non-agricultural sector and the proportion of seats held by women in national parliaments) as well as the goal on improving maternal health, but is still grossly inadequate in comparison to the legal obligations of states which require them to address discrimination against women and to guarantee equality under each of the goals and targets.

Unless structural human rights violations are addressed, the MDGs, even if met, will be met in a manner that masks unequal progress, retrogression and discrimination. For example, the goal on improving maternal health is considered to be the most off-track of all the MDGs. This lack of progress also reflects the failure of governments to address structural human rights issues, such as denial of sexual and reproductive rights, the right to be free from all forms of gender-based violence, discrimination against women, women's unequal status in law and practice and lack of women's participation in decision-making at various levels.

**Sierra Leone** is among the countries with the highest maternal death rates in the world, where 857 in 100,000 women risks dying during pregnancy or childbirth. Amnesty International's research found that financial barriers, combined with an inequitable distribution of health facilities within the country, limit women's access to life-saving health services. Mismanagement and corruption within health facilities, facilitated by the lack of monitoring and accountability mechanisms and processes, also block women's access to essential medicines, supplies and services.<sup>44</sup> However, there is a link between the high risk of pregnancy-related death of girls and the failure to enforce the legal minimum age of marriage, the prevalence of early marriages and early pregnancies, married girls' powerlessness to make decisions about their sexual and reproductive health and women's lack of access to education and information.

Amnesty International's research on **Peru** has shown that rural, poor and Indigenous women face particular barriers in accessing maternal health care in practice. These include lack of identity documents limiting women's access to health care and schemes for free health services, lack of information, language barriers and discriminatory attitudes of health professionals.<sup>45</sup>

MDG2 calls for gender parity in education. However, universal access to education for all boys and girls everywhere cannot be achieved if the root causes for girls' missing out on education are not addressed. Amnesty International research on **Tajikistan** highlighted that many families cannot afford the basic essentials needed for their children's schooling such as text books, clothes and transport. Driven by stereotypes about gender roles, they prioritize the education of boys as the future bread-winners for the family. As a result, about one in five girls are forced to drop out of school without completing their education. Many are expected to care for family members or work in the fields or at the market until

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<sup>44</sup> Amnesty International, *Out of reach – the cost of maternal health in Sierra Leone* (Index: AFR 51/005/2009).

<sup>45</sup> Amnesty International, *Peru: Deadly inequalities: Maternal mortality in Peru* (Index: AMR 46/002/2009).

they are married. This reinforces gender inequalities within the family and leads to the transmission of poverty to the next generation.<sup>46</sup>

In order for governments to achieve meaningful progress towards meeting any of the MDGs, they must put women's human rights at the centre of their efforts. Amnesty International is calling on the governments of both developing countries and donor states to ensure that their efforts towards the implementation of the MDGs are consistent with and further the implementation of their international human rights obligations. Governments should also collect disaggregated data (in particular by gender) and monitor implementation to ensure that MDG efforts are directed towards addressing discrimination and inequalities. Amnesty International is also calling on governments to set specific national targets, supplementing the MDG targets wherever possible, in relation to groups that face discrimination and barriers in access to their rights (in particular women and girls). Governments should also strengthen or establish national accountability mechanisms to ensure accountability for respecting, protecting and fulfilling human rights in MDG efforts and provide effective remedies for any human rights violations.

## **STRENGTHEN UN CAPACITY FOR WOMEN'S HUMAN RIGHTS**

The BDPfA identified three inter-related strategic objectives crucial for strengthening institutional structures and strategies in order to meet the goals identified: creating or strengthening national machineries; integrating gender perspectives in legislation, public policies, programmes and projects; and generating and distributing gender-disaggregated data and information for planning and evaluation.<sup>47</sup>

In the international arena, the UN is the driving force in setting new international standards and commitments to protect and promote women's human rights, especially the rights of women and girls at risk of violence or living in poverty. However, the UN's capacity to support national implementation of these international agreements is woefully underfunded and inadequate. The four small UN entities exclusively dedicated to women<sup>48</sup> lack the status, funding and country presence necessary to help the wider UN system and governments ensure the implementation of laws, policy and programmes aimed at advancing women's human rights.

In September 2009, after years of persistent campaigning by women and their allies from around the world, including Amnesty International, the UN General Assembly adopted Resolution 63/311, expressing strong and unanimous support for the creation of a UN women's entity to be headed by a new Under-Secretary-General.

Amnesty International and partners continue to campaign for sustained political commitment from all governments and immediate, substantial funding for the effective establishment of the agreed new UN women's entity early in 2010, during the Beijing+15 anniversary year.<sup>49</sup>

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<sup>46</sup> Amnesty International, *Women and Girls in Tajikistan: Facing Violence, Discrimination and Poverty* (Index: EUR 60/002/2009).

<sup>47</sup> Beijing Platform for Action, paras 199, 200, 201 and 203-211.

<sup>48</sup> The four UN entities are: the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), the Division for the Advancement of Women (DAW), the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW).

<sup>49</sup> *Make the United Nations more effective in realizing women's rights*, <http://www.amnesty.org/en/appeals-for-action/gear>. Further information available at: <http://www.cwgl.rutgers.edu/globalcenter/policy/unadvocacy/gea.html>

## RECOMMENDATIONS

The review and appraisal in March 2010 of the Beijing Declaration and Platform for Action and the 2000 Outcome Document is an opportunity to assess past achievements and to address continuing challenges. Amnesty International calls on all governments to fully reaffirm their commitment to respect women's human rights as expressed in the Beijing Declaration and Platform for Action and 2000 Outcome Document and reaffirmed in the 2005 political declaration. Amnesty International urges all governments and other relevant actors to implement urgently the following recommendations:

- **Legal discrimination:** Abolish all laws and policies that have the effect or purpose of impairing or nullifying women's equality before the law on the grounds of their gender, race, age, language, ethnicity, identity as Indigenous, culture, religion, or disability. In particular, abolish all laws and policies that impair or nullify women's equality within the family or undermine the rights of women who are targeted as victims of gender-based violence. Transform customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.
- **Violence against women:** End impunity for violence against women by addressing the obstacles in criminal justice systems that women face when seeking justice. Ensure that states guarantee women's security and strengthen efforts to prevent violence against women by tackling social and cultural patterns of conduct based on discriminatory gender stereotypes.
- **Conflict, peacekeeping and peace-building:** Ensure further implementation at national level of international law and UN Security Council Resolutions on Women, Peace and Security on the protection and promotion of women's human rights in conflict situations. Establish mechanisms for accountability and increase efforts to reduce the use of sexual violence in conflict and enhance the judicial and medical response to such violence. Ensure women's meaningful participation in all peace-making, peacekeeping and peace-building processes and ensure that women's rights are reflected in peace agreements.
- **Reproductive rights:** Ensure that women are able to make free and informed decisions regarding their sexuality and reproductive lives, and that all women have access to reproductive and maternal health information and services.
- **Sexual rights:** Create and sustain the necessary enabling conditions to ensure that all women are able to determine their own sexuality; to determine their own gender identity, regardless of the sex to which they were assigned at birth; to live in diverse family forms; to exercise their decision-making autonomy; to pursue a satisfying, safe and pleasurable sexual life; to work with social movements defending and promoting the rights of people whose sexual and gender expression do not conform to hetero-normative models; to enjoy gender equality and freedom from discrimination on the grounds of any aspect of their identity such as race, ethnicity, gender, age and so on.
- **Women human rights defenders:** Develop measures at national level to protect human rights defenders and their activities, in particular women human rights defenders. Ensure participation of the human rights defenders' in the development of adequate protection measures and ensure that the measures are enforced.
- **Millennium Development Goals:** Review international and national plans and policies to achieve the Millennium Development Goals to ensure their consistency with international human rights standards. Collect disaggregated data (in particular on the basis of gender) and monitor implementation to ensure that MDG efforts are directed towards addressing discrimination and inequalities. Strengthen national accountability mechanisms regarding the fulfilment of human rights obligations in MDG efforts. Ensure that people living in poverty participate in MDG planning, implementation and monitoring at all levels and in particular ensure equal participation of women.
- **New UN women's entity:** Create a new UN women's entity with world coverage and the necessary country presence and strong policy and programmatic mandate to effectively improve the lives of women worldwide. Ensure that the new entity is given the resources, personnel and authority it needs to make a real difference to women's lives around the world – it must be funded initially at a minimum level of US\$1 billion and its funds must increase over time, and it must operate under the leadership of an Under-Secretary-General.

*Front page:* A group of women in Burkina Faso expressing their support to Amnesty International's campaign on maternal mortality, wearing T-Shirts of the campaign, in Kaya, Burkina Faso. © Amnesty International