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WOMEN'S RIGHTS ARE HUMAN RIGHTS

Commitments made by Governments
in the Beijing Declaration and the
Platform for Action

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1. Introduction

“The platform for Action establishes a set of actions that should lead to fundamental change. Immediate action and accountability are essential if the targets are to be met by the year 2000. Implementation is the primary responsibility of Governments, but also dependent on a wide range of institutions in the public, private and non-governmental sectors at the community, national, subregional/regional and international levels” (paragraph 286).

Women's rights are human rights was the clear message from the Fourth UN World Conference on Women held in Beijing (the Conference), 4 - 15 September 1995. The Conference adopted the Beijing Declaration and Platform for Action which among other things seek to safeguard women's human rights. This document will aim at highlighting the commitments, made by governments in Beijing, which are of most concern to Amnesty International. It is now up to the governments to implement their commitments.

Amnesty International participated actively in preparation for the Conference. The early drafts of the Platform for Action which was to be adopted by the Conference, barely mentioned human rights and it failed to refer to governments' responsibility to prevent and stop human rights violations suffered by women and girls. In its paper, *Equality by the year 2000?*, Amnesty International had set out 10 recommendations on how human rights should be incorporated in the final Platform for Action. The recommendations covered three main themes 1) women's human rights, 2) violence against women and 3) women in armed conflict.

During the last preparatory meeting to the Conference held in New York in March 1995, most of these recommendations were fully or partly incorporated, but with crucial paragraphs left in square brackets to be negotiated during the Conference itself. During the Conference, Amnesty International lobbied on the text of the Platform which was still open for negotiation. The final Beijing Declaration and Platform for Action contains most of the recommendations originally made by Amnesty International.

The international community is becoming increasingly aware of the need to improve women's enjoyment of human rights. The Beijing Conference was an opportunity to consolidate and reaffirm commitments made at other UN conferences in a single document focused on the role of women. In particular, it reaffirmed the commitments on women's rights made in the Vienna Declaration and Programme of Action.

Amnesty International emphasizes the importance of the principle agreed in Beijing that “women rights are human rights” and urges for this principle to be put into action by governments developing national plans of action for the promotion and protection of women's human rights.

The Beijing Declaration and Platform for Action advanced several concepts such as the principle that women's rights are human rights; the need to take action to curb all forms of violence against women including a clear reference to state responsibility for violence against women; and the condemnation of female genital mutilation as a form of violence. However, in its chapter on human rights of women the Platform for Action did not identify many human rights violations against women which are prevalent throughout the world, in peace as well as in conflict, such as rape or sexual abuse and other forms of torture and cruel, inhuman and degrading treatment or punishment. There was insufficient attention to all international human rights treaties and, in particular non-treaty standards, which are important for the full protection of women's human rights. It failed to make specific recommendations, particularly at the international level. Nevertheless, in many respects it represents an important step forward by governments towards acknowledging the reality of human rights violations against women and girls.

2. The Beijing Declaration and the Platform for Action

The governments participating in the Conference committed themselves to implement the Platform for Action unless they have made a reservation in which they state their disagreement, or a statement of interpretation, giving a particular meaning to a specific paragraph. As at the end of the Conference, no reservations or interpretive statements were made on those paragraphs on which Amnesty International had made recommendations. However, some governments announced that they would submit their reservations later in writing. Amnesty International will examine any reservations made to the human rights sections in the Beijing Declaration and Platform for Action.

2.1. The Declaration

The Declaration, which was a late addition to the Platform for Action, was intended to be a concise text summarizing the key messages of the lengthy Platform for Action. After several days of intense and difficult discussions at the Conference, it became clear that it would be considerably longer than expected and there were widespread doubts that it would serve a useful purpose. The final version has 38 paragraphs and contains some useful language on human rights, including the clear statement that "women's rights are human rights" in paragraph 14.

In paragraph 8 governments reaffirm their commitment to the UN Charter, and to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the

Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development.

In paragraphs 9 and 23, they commit themselves to ensuring "the full implementation of the human rights of women and the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms, to which is added in paragraph 23 a pledge to "take effective action against violations of these rights and freedoms".

2.2. The Platform for Action

The final version of the Platform for Action contains over 350 paragraphs. It is divided into five chapters: I Mission Statement, II Global Framework, III Critical Areas of Concern, IV Strategic Objectives and Actions and V Institutional Arrangements. The 13 critical areas of concern, each of which is developed in chapter IV through an analysis and action to be taken by governments, the UN or others, 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;
- human rights of women;
- women and the media;
- women and the environment; and
- the girl child.

Amnesty International was primarily concerned with the sections on violence against women, women and armed conflict and the human rights of women. The following comments on the Platform for Action are based on the recommendations made in the three documents published by Amnesty International in the run up to the Conference.¹ The recommendations were divided into the following main areas:

- Universality and indivisibility of all human rights;
- ratification and implementation of human rights standards;
- women activists;

¹Equality by the Year 2000? Amnesty International's recommendations for the Fourth UN World Conference (AI Index IOR 41/06/94, September 1994); Memorandum to governments on the revised draft Platform for Action of the Fourth World Conference on Women (IOR 41/05/95, March 1995); and the Second Memorandum to governments on the revised draft Platform for Action of the Fourth UN World Conference on Women (IOR 41/10/95, June 1995).
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- violence against women;
- women and armed conflict;
- refugee and internally displaced women;
- human rights education;
- development assistance;
- integration across the UN system.

2.2.1. The universality and indivisibility of all human rights

Amnesty International's major concern at the beginning of the Conference was that the Platform for Action should at least restate the principle of universality and indivisibility of all human rights, reaffirmed in the Vienna Declaration and Programme of Action adopted at the 1993 UN World Conference on Human Rights. This was achieved. The Platform for Action does, in numerous references, express support for this principle.

The Platform reaffirms in its Mission Statement (paragraph 2) the fundamental principle set forth in the Vienna Declaration and Programme for Action **"that human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights"**. This principle is again referred to in the Global Framework (paragraph 10) and in the chapter on Human Rights of Women (paragraphs 213 and 216).

Paragraph 213 further reaffirms **"that all human rights - civil, cultural, economic, political and social, including the right to development - are universal, indivisible, interdependent and interrelated."**

Paragraph 10 and paragraph 211 contains a reference that **"The World Conference on Human Rights reaffirmed the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments related to human rights and international law. The universal nature of these rights and freedoms is beyond question."**

Paragraph 9 was much debated because a number of governments wished to retain a reference to religious and regional particularities. The final text states that **"[t]he objective of the Platform for Action, which is in clear conformity with the purposes and principles of the Charter of the UN and international law, is the empowerment of all women. The full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of women"** and incorporates the language from paragraph 5 of the 1993 Vienna Declaration and Programme of Action:

"while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms".

Finally, the Platform in paragraph 212 reaffirms **"the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues"** after having established that promotion and protection of all human rights and fundamental freedoms should be considered as a priority objective of the United Nations and that the promotion and protection of all human rights is a legitimate concern of the international community.

Amnesty International believes that the strong support, in numerous references in the Platform for Action, for the principle of the universality of human rights is of crucial importance for ensuring governments live up to their obligations to protect and promote human rights of women. Too often in the past, governments have hidden behind arguments of culture or tradition to justify blatant disregard for women's human rights. Using the formulation adopted in the Vienna Declaration and Programme for Action, the Platform for Action, while not dismissing the relevance of "historical, cultural and religious backgrounds" clearly states that obligations to respect women's human rights transcend such backgrounds.

2.2.2. Ratification and implementation of human rights standards

Amnesty International recommended that the Platform for Action should clearly articulate the urgency of governments ratifying, without limiting reservations, all international human rights treaties. The platform for Action should also urge governments to implement fully all human rights standards.

In the Chapter on Human Rights of Women it was established that **"[t]he full and equal enjoyment of all human rights and fundamental freedoms by women and girls is a priority for Governments and the United Nations and is essential for the advancement of women."** (paragraph 213). It also states that **"[i]f the goal of full realization of human rights for all is to be achieved, international human rights instruments must be applied in such a way as to take more clearly into consideration the systematic and systemic nature of discrimination against women"** (paragraph 222).

The language on ratification or accession to international treaties was strengthened during the Conference, although it is still not entirely satisfactory. Governments are to **"work actively towards"** the ratification or accession and implementation of international and regional human

rights treaties (paragraph 230(a))². Governments are to **"take urgent measures"** to ensure universal ratification of the Convention on the Rights of the Child before the end of 1995 (paragraph 230(1)). Only in the case of the Convention on the Elimination of All Forms of Discrimination against Women is it clearly spelled out that governments are to **"ratify or accede and ensure implementation"** (paragraph 230(b)). There is also a call to consider ratifying international instruments containing provisions relative to the protection of women and children in armed conflicts. Especially, the II Protocol on the Protection of Victims of Non-Armed Conflicts has relatively few state parties and the call by the Beijing Conference should be seen to remedy this.

In paragraph 230 the governments committed themselves to:

- work actively towards ratification of or accession to and implement international and regional human rights treaties (230 (a)) which was further spelled out to include to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (paragraph 124 (e));
- ratify or accede to and to ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratification of the Convention can be achieved by the year 2000 (230(b));
- limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women (230(c));
- take urgent measures to achieve universal ratification of or accession to the Convention on the Rights of the Child before the end of 1995 and to realize universal implementation of the Convention on the Rights of the Child by the year 2000 (230(1));
- consider ratification of or accession to international instruments containing provision relative to the protection of women and children in armed conflicts, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, the protocols Additional to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) and to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

Paragraphs 218 and 230 (c)/(d) call for any reservations to the Convention on Elimination of All Forms of Discrimination against Women to be limited in their extent, formulated "as precisely and as narrowly as possible" and compatible with the object and purposes of the Convention and international treaty law. Governments are to review reservations periodically, with a view to

²The World Conference on Human Rights strongly recommended that "a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols" (Vienna Declaration and Programme of Action, section II, para.4)
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withdrawing them (paragraph 230(c/d)) and implement the Convention and international human rights obligations by reviewing all national laws, policies, practices and procedures.

Paragraph 217 firmly puts the blame on governments for lack of implementation of human rights instruments with the formulation "**[t]he gap between the existence of rights and their effective enjoyment derives from a lack of commitment by Governments to promoting and protecting those rights**". Governments committed themselves to give "priority to promoting and protecting the full and equal enjoyment by women and men of all human rights and fundamental freedoms without distinction of any kind." (paragraph 232(a)).

Among the measures governments committed themselves to take to strengthen the implementation of all human rights instruments and to ensure equality and non-discrimination in law and in practice were to address impunity for violations of women's human rights, draw up national plans of action, create and strengthen national institutions, undertake reviews of national laws, policies and practices, develop human rights education (see under separate chapter on human rights education), and strengthen international mechanisms for the protection of human rights.

As measures to address impunity governments committed themselves to:

- establish effective mechanisms for investigating violations of the human rights of women perpetrated by any public official and take "necessary punitive legal measures in accordance with national laws" (paragraph 232(k)).

As a means of implementing the commitments on human rights governments are to draw up national plans of action:

- consider drawing up national action plans to improve the promotion and protection of human rights, including the human rights of women (paragraph 230(d)).

Governments also committed themselves to create or strengthen national institutions:

- to create or strengthen independent national institutions for the promotion and protection of these rights (paragraph 230(e));
- to strengthen and encourage the development of programs to protect the human rights of women through national institutions (paragraph 232(e)).

Governments undertook a commitment to review national legislation, policies and practices:

- implement the Convention on Elimination of All Forms of Discrimination against Women by reviewing all national laws, policies, practices and procedures to ensure that they meet the obligations set out in the Convention, all States should undertake to a review of all national laws,

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policies, practices and procedures to ensure that they meet international human rights obligations in this matter (230(g)) and also review national law and legal practice to ensure the implementation of all relevant international human rights instruments (paragraph 232(d));

- provide constitutional guarantees to prohibit discrimination and ensure equality (paragraphs 232(b) and (c));
- review and amend criminal laws and procedures to eliminate discrimination against women and "ensure that women defendants, victims and/or witnesses are not revictimized or discriminated against in the investigation and prosecution of crimes" (paragraph 232(l)).

To strengthen international standards and mechanisms for the protection of women's human rights governments committed themselves to:

- include gender aspects in their reports under all human rights conventions and instruments, including conventions of the International Labour Organisation (paragraph 230(h));
- report on schedule to the Committee on the Elimination of Discrimination against Women (CEDAW), involving or taking into account the contribution of NGOs (paragraph 230(i));
- enable CEDAW to fulfill its mandate by allowing adequate meeting time (paragraph 230(j));
- support the swift elaboration of an optional protocol on a right of petition procedure to the Convention on the Elimination of All Forms of Discrimination against Women (paragraph 230(k));
- consider elaborating, with the participation of indigenous women, a declaration on the rights of indigenous people during the International Decade of the World's Indigenous People (paragraph 230(o)).

Amnesty International believes that governments, as soon as possible, should draw up national plans of action to improve the promotion and protection of human rights, including women's human rights. Such national plans of action should include time-bound targets for implementing the commitments made in the Beijing Declaration and Platform for Action on human rights, including the ratification or accession, to and implementation of, international human rights instruments, and measures the governments commit themselves to take to strengthen the implementation of all human rights instruments and to ensure equality and non-discrimination in law and in practice. These practical measures in the national plans of action should include: addressing impunity for violations of women's human rights; creating and strengthening national institutions for the promotion and protection of human rights; undertaking to review national laws, policies and practices; developing a comprehensive human rights education programme; and strengthening international mechanisms for the protection of human rights by reporting on the implementation of a state's obligations under international human rights instruments.

Amnesty International supports the drafting of a strong Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women creating a procedure for individual complaints. The Convention provides more specific guarantees with regard to women's human rights than any other treaty and the Committee has the most experience with gender issues of any

UN expert body. An optional protocol would provide a remedy for victims who have nowhere else to turn.

The protocol would create a mechanism for redress of individual grievances and add a new, very practical application of the Convention for victims and their families. It would also bring the Convention into line with other international human rights treaties which already include individual complaints procedures such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 22), the International Convention on the Elimination of All Forms of Racial Discrimination (Article 14), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Art. 77) and the International Covenant on Civil and Political Rights (First Optional Protocol). The proposed protocol would also allow the CEDAW to investigate systematic violations, similar to the existing provision in the Committee against Torture (Article 20).

The organization calls on governments and the Commission on the Status of Women to make a firm commitment to draft and adopt an optional protocol, giving serious consideration to the Committee's proposed text and to proceed to drafting without further delay. Governments must follow through on the commitments made in Vienna and Beijing and both support and actively participate in the drafting process.

2.2.3. Women activists

Amnesty International recommended that the Platform for Action should give full recognition to women's role in the forefront of the struggle for human rights and to the fact that many women become victims of human rights violations as a result of these activities, whether they act in a personal capacity or represent an organization.

Paragraphs 228 firmly acknowledged the role of women activists and the need to protect them:

"[w]omen engaged in the defence of human rights must be protected. Governments have a duty to guarantee the full enjoyment of all rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by women working peacefully in a personal or organizational capacity for the promotion and protection of human rights. Non-governmental organizations, women's organizations and feminist groups have played a catalytic role in the promotion of the human rights of women through grass-roots activities, networking and advocacy and need encouragement, support and access to information from Governments in order to carry out these activities".

Governments committed themselves to "[e]nsure that all women and non-governmental organizations and their members in the field of protection and promotion of all human rights - civil, cultural, economic, political and social rights, including the right to development - enjoy fully all human rights and freedoms in accordance with the Universal Declaration of Human Rights and all other human rights instruments and the protection of national laws" (paragraph 232(o))³.

Increasingly, women are standing up for their rights as political activists, trade unionists, human rights activists, lawyers, and community activist. Amnesty International emphasizes the importance of women human rights activists, the risks they face, and of what can be achieved by putting international pressure on governments that do not respect fundamental rights. The organization welcomes the commitment by governments to protect and to support those activists. The organization hopes that this commitment also will manifest itself in support for a rapid completion and adoption of a strong UN declaration on human rights defenders.

2.2.4. Violence against women

Amnesty International's main concern on the issue of violence against women was that the Platform for Action would fully reflect the international community's growing awareness of and concern about violence against women. The organization recommended that the Platform for Action should address the question of government responsibility for violence against women.

The Platform includes in its definition of violence against women that it includes "**[p]hysical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.**" (Paragraph 113). Other areas of violence against women were mentioned including violations of human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy (paragraph 114) and forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection (paragraph 115).

Paragraph 224 takes up the issue of violence against women again and states that "**[v]iolence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms**" and continues "**[g]overnments should take urgent action to combat and eliminate all forms of violence against women in private and in public life,**

³ Compare with para.28 of section I of the Vienna Declaration and Programme of Action: "NGOs and their members genuinely involved in the field of human rights should enjoy the rights and freedoms recognized in the Universal Declaration for Human Rights, and the protection of the national law. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations. NGOs should be free to carry out their human rights activities, without interference, within the framework of national law and the Universal Declaration of Human Rights".
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whether perpetrated or tolerated by the State or private persons".

Paragraph 121 establishes that women may be vulnerable to violence perpetrated by persons in position of authority in both conflict and non-conflict situations and continues "**[t]raining of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces.**"

Paragraph 124 contains 19 sub-paragraphs detailing steps that governments should take to end violence against women. Among other steps, governments should address impunity for violence against women, adopt, implement and review national legislation, ratify or accede to and implement international human rights norms and instruments and strengthen international mechanisms.

Governments committed themselves to take immediate action against violence against women by:

- condemning violence against women (para 124(a));
- refraining from engaging in violence against women (124(b)).

The question of impunity for violence against women whether perpetrated by the state or by private persons is addressed by governments committing themselves to:

- exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons" (paragraph 124(b)).

Governments committed themselves to adopt, strengthen, implement and review national legislation, policies and practices to end violence against women:

- adopt, implement or periodically review national legislation to ensure its effectiveness in eliminating violence against women and emphasizing the prosecution of offenders (124(d));
- adopt or strengthen laws to punish state agents who use violence against women and take effective action against such perpetrators (124(o));
- prohibit female genital mutilation wherever it exists and give vigorous support to efforts among non-governmental and community organizations and religious institutions to eliminate such practices" (paragraph 232(h);
- enact and enforce legislation against the perpetrators of practices and acts of violence, including female genital mutilation (124(i));
- provide women with access to the mechanisms of justice for effective remedies (124(h));

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- create or strengthen institutional mechanisms so women can safely report acts of violence (124(l));
- promote policies against violence against women, including with law enforcement officers, police personnel and judicial, medical and social workers among others (124(g)).

Governments also committed themselves to ratify and/or implement human rights norms and instruments:

- work "actively to ratify and/or implement" international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights and the Convention against Torture (124(e));
- implement the Convention on the Elimination of All Forms of Discrimination against Women (124(f))

Governments committed themselves to strengthen the international mechanisms dealing with violence against women:

- include in reports submitted in accordance with the provisions of relevant UN human rights instruments, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women (124(q));
- cooperate with the UN Special Rapporteur on violence against women and other mechanisms, particularly the Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions (124(r));
- recommend that the Commission on Human Rights renew and, if warranted, strengthen the mandate of the Special Rapporteur on violence against women (124(s)).

Amnesty International welcomes that governments take clear responsibility for violence against women and that they commit themselves to refrain from engaging in violence against women. It is essential that governments exercise due diligence to prevent, carry out prompt and thorough investigations into allegations of violence against women and to bring perpetrators to justice, whether those acts are perpetrated or tolerated by the State. Impunity will only fuel the cycles of violence.

2.2.5. Armed Conflict

Amnesty International recommended that the human rights of women and the girl child needed careful consideration by the Platform for Action and that governments should be urged to uphold standards set out in international humanitarian law and human rights law and designed to prevent rape and other forms of torture, hostage-taking, extrajudicial executions and “disappearances”. The organization also recommended that

the gender dimension in UN peace-keeping and other field operations should not be overlooked, especially, with regard to UN personnel respecting the rights and dignity of women at all times.

Paragraph 131, which opens the section on women and armed conflict, includes a strong statement:

"[g]ross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detention, all forms of racism and racial discrimination, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law. International humanitarian law, prohibiting attacks on civilian populations, as such, is at times systematically ignored and human rights are often violated in connection with situations of armed conflicts, affecting the civilian population, especially women, children, the elderly and the disabled. Violations of the human rights of women in situations of armed conflicts are violations of the fundamental principles of international human rights and humanitarian law. Massive violations of human rights, especially in the form of genocide, "ethnic cleansing" as a strategy of war and its consequences, rape, including systematic rape of women in war situations, creating mass exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned and must be immediately stopped, while perpetrators of such crimes must be punished"⁴.

Paragraph 132 reaffirms the Vienna Declaration and Programme of Action and paragraph 133 contains a similar formulation that **"[v]iolations of human rights in situations of armed conflict and military occupation are violations of the fundamental principles of international human rights and humanitarian law as embodied in international human rights instruments and the Geneva Conventions of 1949 and the Additional Protocols thereto"**.

The section on women and armed conflict is the only section to spell out that gross and systematic human rights violations include torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, "disappearances", arbitrary detention, all forms of racism and racial discrimination, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights.

Governments committed themselves among others things to:

- take action to investigate and punish members of the police, security and armed forces and

⁴Much of this language is taken from the Vienna Declaration and Programme of Action, section I, para. 28 to 30

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others who perpetrate acts of violence against women, violations of international humanitarian law and violations of the human rights of women in situations of armed conflict (paragraph 143 (c));

- respect fully the norms of international humanitarian law in armed conflict and take all measures required for the protection of women and children (paragraph 144 (b)).

Other measures are to be taken by governments and international and regional organizations to:

- urge the identification and condemnation of systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing and take steps to ensure that full assistance is provided to victims of such abuse for the physical and mental rehabilitation (paragraph 145 (c));

- reaffirm that rape in the conduct of armed conflict constitutes a war crime and under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crimes of Genocide; take all measures required for the protection of women and children from such acts and strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice (paragraph 145 (d));

- uphold and reinforce standards set out in international humanitarian law and international human rights instruments to prevent all acts of violence against women committed in situations of armed and other acts of conflict; undertake a full investigation of all acts of violence against women during war (...) prosecute all criminals responsible for war crimes against women and provide full redress to women victims"(paragraph 145(e));

- take into account gender-sensitive concerns in developing training programmes for all relevant personnel on international humanitarian and human rights awareness and recommend such training for those involved in United Nations peace-keeping and humanitarian aid (paragraph 145(g)).

Amnesty International welcomes the strong commitment by governments to end impunity for gross violations of human rights in situations of armed conflict by taking action to investigate and punish members of the police, security and armed forces and others who perpetrate acts of violence against women, violations of international humanitarian law and violations of human rights law.

Amnesty International also commends the commitment to reaffirm that rape in the conduct of war constitutes a war crime and in certain circumstances constitutes a crime against humanity and an act of genocide. The Statutes of the International Criminal Tribunals for Rwanda and for the former Yugoslavia provide that these two tribunals have jurisdiction over rape as a crime against humanity and the tribunal for Yugoslavia has confirmed an indictment charging rape. Unfortunately, however, only 15 states have enacted legislation permitting cooperation with the tribunal for former Yugoslavia and only six have done so for the Rwanda tribunal.

Amnesty International is calling upon all states which have not yet done so to pass the necessary legislation and to provide the tribunals with the support needed to bring to justice those responsible for human rights violations, including violations against women. Amnesty International also hopes that the commitment to end impunity for such violations will manifest itself in support for the establishment of a permanent international criminal court.

2.2.6. Refugees and internally displaced women

Amnesty International was concerned that human rights violations should be recognized as a major cause of women becoming refugees or internally displaced and that women and girl-children are particularly vulnerable in such situations. The organization recommended that the Platform for Action should urge governments to take into account the special protection needs of women and girl-children.

The link between gross human rights violations and policies of "ethnic cleansing" and the mass flow of refugees and displaced persons is established in Paragraph 133. Paragraph 136 recognizes that 80% of the world's refugees and displaced persons, including the internally displaced, are women and children, and that they are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity.

Paragraph 136 also refers to "**sexual violence or other gender-related persecution**" as constituting a well-founded fear of persecution under the Convention relating to the Status of Refugees and its 1967 Protocol, and notes that in some countries of asylum women experience difficulty in being recognized as refugees when their claim is based on such persecution.

On protection and assistance to refugees and displaced persons governments committed themselves among other things to:

- offer adequate protection and assistance to women and children displaced within their country and find solutions to the root causes of their displacement with a view to preventing it and, when appropriate, facilitate their return or resettlement (147(b));
- take steps to protect the safety and physical integrity of refugee women, other displaced women in need of international protection and internally displaced women during their displacement and upon their return to their communities of origin, (...);take effective measures to protect from violence women who are refugees or displaced; hold impartial and thorough investigation of any such violations and bring those responsible to justice (147(c));
- ensure that the human rights of refugee and displaced women are protected and that refugee and displaced women are made aware of these rights; ensure that the vital importance of family reunification is recognized (147(k));

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- contribute adequately to assistance programmes for refugee women, and recognise the effects of large number of refugees on host countries and the need to share this burden.

With regard to lasting measures to end displacement governments committed themselves to:

- while fully respecting and strictly observing the principle of non-refoulement of refugees, take all necessary steps to ensure the right of refugees and displaced women to return voluntarily to their place of origin in safety and dignity, and their right to protection after their return (147(d));
- take measures, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced women, including their right to voluntary and safe return to their home of origin (147(e)).

With regard to the application of international norms the governments committed themselves to:

- apply international norms to ensure equal access and equal treatment of women and men in refugee determination procedures and the granting of asylum, including full respect and strict observation of the principle of non-refoulement, through *inter alia*, bringing national immigration regulations into conformity with relevant international instruments, and consider recognizing as refugees those women whose claim to refugee status is based upon a well-founded fear of persecution, including when those claims are based on gender-related persecution; and provide access to officers specially trained to interview women (147(h));
- support and promote efforts by States towards the development of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application (147(i)).

The relevant organs, bodies and agencies of the UN were requested to:

- establish effective cooperation between the UN High Commissioner for Human Rights and the UN High Commissioner for Refugees and other relevant bodies, within their mandates, taking into account the close link between massive violations of human rights, especially in the form of genocide, "ethnic cleansing", systematic rape of women in war situations and refugee flows and other displacements, and the fact that refugee, displaced and returnee women may be subject to particular human rights abuse.

Amnesty International welcomes that the link between violations of human rights and mass flow of refugees and displaced persons is recognized in the Beijing Declaration and Platform for Action. Governments have to take effective action to end human rights violations which lead to mass exodus. Protection of those who have fled is also essential in seeking solutions for the growing number of refugees and displaced persons in the world. The organization believes that

putting an end to impunity for such violations will have a positive effect on preventing human rights violations against women and therefore welcomes the strong commitment by governments to take effective measures to impartial and thorough investigation of any such violations and bring those responsible to justice.

Amnesty International also commends the clear statement that "sexual violence or other gender-related persecution" constitutes a well-founded fear of persecution under the Convention relating to the Status of Refugees and its 1967 Protocol. The organization urges governments who are not already doing so to grant protection to women seeking asylum who are at risk of human rights violations as a result of gender-related persecution.

2.2.7. Human rights education

Amnesty International believes that governments should not just refrain from violating women's human rights but should actively work to promote and protect their rights. To this end the organization recommended that the Platform for Action should encourage governments to make information widely available about women's human rights and mechanisms for seeking redress when they are violated.

Paragraphs 227 and 233 deal with this issue in some detail. Paragraph 227 states "**[provision of human rights education is essential for promoting an understanding of the human rights of women, including knowledge of recourse mechanisms to redress violations of their rights. It is necessary for all individuals, especially women in vulnerable circumstances, to have full knowledge of their rights and access to legal recourse against violations of their rights]**".

Governments committed themselves to:

- develop a comprehensive human rights education programme to raise awareness among women of their human rights (paragraph 230(f));
- encourage the development of gender-sensitive human rights programmes (paragraph 232(q));
- strengthen training for judicial, legal, medical, social, educational, police and immigration personnel as a mean to end violence against women (124(n));
- provide gender-sensitive human rights education and training to public officials, including, inter alia, police and military personnel, corrections officers, health and medical personnel, and social workers, including people who deal with migration and refugee issues, and teachers at all levels of the educational system, and make available such education and training also to the judiciary and members of parliament in order to enable them to better exercise their public responsibilities (paragraph 232 (i));
- encouraging, coordinating and cooperating with women's groups, relevant NGOs, educators and the media to implement human rights education programs (paragraph 233(f));

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- promoting education on the legal and human rights of women in school curricula and public information campaigns on women's rights in national and international law (paragraph 233(g));
- promoting education on human rights and international humanitarian law for members of the national security and armed forces, including those assigned to UN peace-keeping operations (paragraph 233(h));
- taking appropriate measures to ensure that refugees and displaced women, migrant women and women migrant workers are made aware of their human rights and recourse mechanisms (paragraph 233(i));
- in reviewing the implementation of the plan of action for the UN Decade for Human Rights Education (1995 - 2004), take into account the results of the Fourth World Conference on Women (231 (k)).

Paragraph 233 includes also action by governments, NGOs, the UN and other international organizations to publicize and disseminate information on human rights. Its provisions include:

- translation into local and indigenous languages and other appropriate formats of information relating to the equal status and human rights of women, including the major treaties and some non-treaty standards and the outcomes of relevant UN conferences (paragraph 233(a));
- disseminating information on the national judicial system (paragraph 233(b));
- including information on international and regional instruments and standards in public information and training programmes, particularly for public officials (paragraph 233(d));
- publicizing fully information about national, regional and international recourse mechanisms (paragraph 233(e)).

Relevant organs, bodies of the UN system were requested to:

- provide training the human rights of women for all UN personnel and officials, especially those in human rights, humanitarian relief activities and peacekeeping, and promote their understanding of the human rights of women so that they can prevent, recognize and deal with violations of the human rights of women and can fully take into account the gender aspect in their work (paragraphs 231 (k) and 145 (g)). They were also requested to organize, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights (paragraph 125(e)).

Amnesty International urges governments to allocate resources for the translation and dissemination of international human rights instruments, the Vienna Declaration and Programme of Action and the Beijing Declaration and Platform for Action. The organization also urges governments to allocate resources for the development of a comprehensive human rights education program.

2.2.8. Development and technical assistance

Amnesty International recommended that the Platform for Action should encourage donor agencies and governments to give high priority in development assistance projects to the implementation of human rights particularly as they affect women and the girl child. The organization also recommended that the Commission on Human Rights and its secretariat, the Centre for Human Rights, should be encouraged to ensure that the human rights of women are always given full attention in projects carried out under the Advisory Services and Technical Assistance Programme.

While there is no specific provision giving high priority in development assistance projects to the implementation of human rights, commitments are made to mobilize funds for the implementation of the Platform for Actions from all possible sources (see below under “Ways forwards”). Several paragraphs deal with ensuring that human rights of women are always given full attention in projects under advisory services programmes of the UN (eg. see paragraphs 231 (c) and (i)).

Amnesty International urges governments, through bilateral aid, regional and international organizations to allocate resources for development assistance projects to the protection and promotion of human rights. Resources should in particular be allocated to the development of national plans of action for the protection and promotion of human rights, including women's human rights.

2.2.9. Integration across the UN system

Amnesty International recommended that the call in the Vienna Declaration and Programme of Action for “the equal status and human rights of women to be integrated into the mainstream of UN system-wide activity” should be further developed in the Platform for Action.

Paragraph 221 is the main paragraph dealing with the integration of human rights of women into all parts of the UN human rights activities:

“The human rights of all women and the girl child must form an integral part of United Nations human rights activities. Intensified efforts are needed to integrate the equal status and the human rights of all women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms. This requires, *inter alia*, improved cooperation and coordination between the Commission on the Status of Women, the United Nations High Commissioner for Human Rights, the Commission on Human Rights, including its special and thematic rapporteurs, independent experts, working groups and its Sub-Commission on Prevention

of Discrimination and Protection of Minorities, the Commission on Sustainable Development, the Commission for Social Development, the Commission on Crime Prevention and Criminal Justice, and the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and all relevant entities of the United Nations system, including the specialized agencies. Cooperation is also needed to strengthen, rationalize and streamline the United Nations human rights system and to promote its effectiveness and efficiency, taking into account the need to avoid unnecessary duplication and overlapping of mandates and tasks.”

In the Chapter on Institutional Arrangements it is further spelled out that the Committee on the Elimination of Discrimination against Women should increase its coordination with other human rights treaty bodies (paragraph 324) and that other treaty bodies, within their mandate, should take due account of the implementation of the Platform for Action and ensure the integration of the equal status and human rights of women in their work (paragraph 225).

Paragraph 231 calls on relevant organs, bodies and agencies of the UN to:

- give full, equal and sustained attention to the human rights of women to promote universal respect for and protection of all human rights (paragraph 231(a));
- ensure the implementation of the World Conference on Human Rights for the full integration of the human rights of women (paragraph 231(b));
- develop a comprehensive program for mainstreaming the human rights of women in, among other programs, advisory services and technical assistance (paragraph 231(c));
- include information on gender-based human rights violations (231(e));
- ensure the collaboration and coordination of the work of all human rights bodies and mechanisms (231(f));
- strengthen cooperation and coordination between all the UN Commissions, the treaty monitoring bodies, UN agencies and the Division for the Advancement of Women and the Centre for Human Rights (paragraph 231(g));
- establish effective cooperation between the High Commissioners for Human Rights and for Refugees and other relevant bodies (paragraph 231(h));
- encourage a gender perspective in national programmes of action, within the advisory services programme (paragraph 231(i));
- provide training in the human rights of women for all UN personnel and officials (paragraph 231(j)).

3. Ways forward

The Beijing Declaration and Platform for Action sets out objectives which it envisages should be implemented by the year 2000 or, as it is formulated in paragraph 286,:

“The platform for Action establishes a set of actions that should lead to fundamental change. Immediate action and accountability are essential if the targets are to be met by the year 2000. Implementation is the primary responsibility of Governments, but also dependent on a wide range of institutions in the public, private and non-governmental sectors at the community, national, sudregional/regional and international levels.”

Amnesty International believes that the human rights components and commitments which have been highlighted in this document should be well integrated in the overall implementation of the Beijing Declaration and Platform for Action and the monitoring of this implementation. Some of the commitments made are easily implemented and action can be taken immediately, such as the commitment to condemn and refrain from engaging in violence against women. Others require more careful consideration, resources, change of mentality or considerable preparation.

Governments committed themselves to developing, as soon as possible, implementation strategies or national plans of action in consultation with relevant institutions and non-governmental organizations. These national plans should be comprehensive, have time-bound targets and benchmarks for monitoring, and include proposals for allocating or reallocating resources for implementation (paragraph 297). Governments, through bilateral aid, and regional and international organizations were requested to provide financial and advisory assistance to developing countries for the development of such national plans of action (paragraph 5 and the UN General Assembly resolution on the follow-up to the Fourth World Conference on Women adopted at the 50th session of the General Assembly). Governments are also requested, with the assistance of non-governmental organizations, to disseminate widely the Beijing Declaration and Platform for Action (paragraph 233(a) and the General Assembly resolution on the follow-up to the Fourth World Conference on Women adopted at the 50th session of the General Assembly).

Within the UN system, the Secretary-General is requested to assume responsibility for the coordination of policy within the UN for implementation of the Platform for Action and the mainstreaming of a system-wide gender perspective in all activities of the UN (paragraph 326 and the General Assembly resolution on the follow-up to the Fourth World Conference on Women adopted at the 50th session of the General Assembly). The Secretary-General has also requested to disseminate as widely as possible the Beijing Declaration and Platform for Action.

The Commission on the Status of Women has been given the central role in monitoring the implementation of the Platform for Action (paragraph 318 and the General Assembly resolution on the follow-up to the Fourth World Conference on Women adopted at the 50th session of the General Assembly). The General Assembly has to review the implementation of the Platform for Action in 1996, 1998 and 2000 as part of its continuing work on the advancement of women (paragraph 312).

The Committee on the Elimination of Discrimination against Women has to take into account the

Platform for Action when considering the reports submitted by State Parties (paragraph 322), and State Parties to the Convention are invited to include information on measures taken to implement the Platform for Action, when reporting to the Committee (paragraph 323).

There are no other obligations on states to report on the implementation of the Platform for Action. This will make monitoring across the globe of implementation at the national level almost an impossible task. Non-governmental organizations will therefore have an extremely important role in monitoring this implementation and to draw attention to any case where governments are failing to implement their commitments.

3.1. Recommendations to Governments

Immediate action

Governments should immediately:

- condemn violence against women;
- refrain from engaging in violence against women;
- take action to investigate allegations of violence against women by members of the police, security and armed forces and others acting with the acquiescence of the state and bring to justice those responsible for violations of international human rights and international humanitarian law and standards;
- translate and disseminate as widely as possible the Beijing Declaration and Platform for Action;
- take measures to report on the implementation of their obligations under international human rights instruments and to include information on measures taken to implement the commitments made in the Beijing Declaration and Platform for Action;
- support and actively participate in the elaboration of a draft optional protocol to CEDAW and the elaboration of a strong declaration on human rights defenders.

National Plans of Action

Governments should as soon as possible, and latest by the end of 1996, draw up national plans of action to improve the promotion and protection of human rights, including women's human rights. Such national plans of action should include time-bound targets for implementing the commitments made in the Beijing Declaration and Platform for Action on human rights, including the ratification of or accession to and implementation of international human rights instruments, and the measures the governments committed themselves to take to strengthen the implementation of all human rights instruments and to ensure equality and non-discrimination in law and in practice, such as:

- addressing impunity for violations of women's human rights;
- creating and strengthening national institutions for the promotion and protection of human

rights;

- undertaking to review national laws, policies and practices;
- undertaking to review reservations made to international human rights instruments;
- developing a comprehensive human rights education program;

The national plans of action should also address the issue of allocation or reallocation of resources for the implementation of such action plans.

3.2. Recommendations to the UN human rights bodies

The challenge is for the international community to ensure the implementation of the provisions on human rights of women in the Vienna Declaration and Programme of Action and the Beijing Declaration and Platform for Action. The Commission on Human Rights will need to look at how it can implement the recommendations made in the Beijing Declaration and Platform for Action, especially, with regard to the provisions on violence against women, women in armed conflict and women's human rights.

The High Commissioner on Human Rights stated in his report to the 50th session of the UN General Assembly that high priority is attached in the UN human rights program to the equal status of women and human rights of women. The World Conference on Human Rights called for the integration of women's human rights into the mainstream of system-wide activities. The main issues identified in the High Commissioner's report are: (a) obstacles to the realization of the human rights of women; (b) elimination of gender-based violence against women in public and private life; (c) traditional practices affecting the health of women and girl children; (d) cooperation and coordination between relevant organs and bodies, in particular with the Division for the Advancement of Women of the Secretariat; (e) reflection of problems related to the human rights of women in the reporting guidelines and procedures of various human rights treaty bodies; (f) the equal status and rights of women in the mainstream of the Centre of Human Rights' activities (including the programme of technical cooperation and publications) and the establishment of a related focal point in the Centre; and (g) coordinating activities related to women's rights system wide, with the aim, *inter alia*, of developing a strategy for ensuring the provision of more comprehensive information system-wide and for greater media coverage on women's issues.

Amnesty International welcomes the fact that the High Commissioner's office and the UN Centre for Human Rights are carrying out an evaluation and assessment of all activities of the human rights program with a view to mainstreaming the gender-perspective; placing increased emphasis on training programs and technical assistance for the promotion and protection of human rights of women and developing a network with UN agencies, member states, and NGOs to publish data and information on violence against women

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and the violation of women's rights. Amnesty International hopes that more attention will be given to include delegates with expertise in women's issues, who should preferably be women, as full members of delegations on on-site visits and, wherever possible, use of female interpreters to facilitate the collection of information from victims of rape and sexual abuse or in circumstances where women may not feel able to speak freely to male delegates. It would be very appropriate for the Special Rapporteur on violence against women to undertake joint missions with other thematic or country rapporteurs to investigate situations where women are at risk.

Amnesty International attended an expert meeting on the development of guidelines for the integration of gender perspectives into UN human rights activities and programmes, held in Geneva in July 1995 under the auspices of the High Commissioner for Human Rights and organized by the Centre for Human Rights and the UN Development Fund for Women. Amnesty International regretted the fact that the treaty bodies, thematic mechanisms and country rapporteurs were sparsely represented. The report of the expert group should therefore be endorsed by the Commission on Human Rights and submitted to the treaty bodies, the country rapporteurs and thematic mechanisms of the Commission for their consideration of how to implement them and to elaborate them further. The expert group should meet before the next session of the Commission so it can take such comments into consideration and submit a final report to the 53rd session of the Commission.