

EQUALITY BY THE YEAR 2000?

Amnesty International's recommendations for the Fourth UN World Conference on Women's Platform for Action

Introduction

The Fourth United Nations (UN) World Conference on Women will be held in Beijing, China, in September 1995ⁱ. The first such conference was held in Mexico City in 1976 and marked the beginning of the UN Decade of Women. The second conference, in Copenhagen, Denmark, in 1980, adopted a Programme of Action for the Second Half of the Decade. The third, hosted by Kenya in 1985, at the end of the Decade, produced the Nairobi Forward-Looking Strategies for the Advancement of Women to the Year 2000.ⁱⁱ

The Fourth UN World Conference on Women will produce a Platform for Action, on the themes of equality, development and peace, which is being drafted under the auspices of the UN Commission on the Status of Womenⁱⁱⁱ, as the preparatory body for the conference. Contributions to the final document will come from regional preparatory meetings^{iv} and other meetings of governments and intergovernmental organizations. Many of these meetings, and the conference itself, will have parallel activities for non-governmental organizations (NGOs).

The contribution of non-governmental organizations

Amnesty International believes that it is of paramount importance that the contributions of NGOs are taken into full account in the preparatory process and the conference. It urges the world's governments to seize this opportunity to work more closely with NGOs: women's groups, human rights bodies, indigenous organizations and many others. This should include NGOs who are entitled to attend the preparatory meetings and the conference because they have consultative status with the UN's Economic and Social Council as well as NGOs, often working at the national level, who do not have consultative status but offer expertise and a genuine commitment to human rights and who bear witness to the reality of women's human rights. The contribution made by NGOs to the UN World Conference on Human Rights held in Vienna in June 1993, including its preparatory process, was of crucial importance. If the Fourth UN World Conference on Women is to improve significantly the situation of

women around the world, NGOs must have full access to the conference and its preparatory process.

Violations of human rights against women

Violations of women's and the girl-child's human rights are extensive and severe and occur under every aspect of Amnesty International's mandate⁵. Indeed, certain violations, such as rape, are primarily directed at women. Many women are targeted because they are leaders in the struggle for freedom and justice. Others are victimized because they are seen as vulnerable, because they can be used to put pressure on male relatives, or because of the inferior status of women in their societies. Some are imprisoned, tortured or killed because they were in the wrong place at the wrong time.

Most women whose human rights are violated during wars have taken no active part in the conflict. They are often from the most marginalized and vulnerable sectors of society: indigenous and peasant women living in rural zones of conflict, refugee and displaced women fleeing from war, the urban dispossessed. The growth of conflict around the world has seen governments unable or unwilling to prevent - or actively engaged in - abuses to which women are most vulnerable. Rape by soldiers is widespread, either because women are seen as second-class citizens or because soldiers are allowed to regard the rape of women as part of the legitimate spoils of war. Rape is also used systematically as a deliberate tactic to intimidate and undermine the "enemy".

It might seem that the themes of the Fourth UN World Conference on Women - equality, development and peace - concern different human rights from those on which Amnesty International campaigns. However, human rights are universal and indivisible and the specific rights which are the focus of Amnesty International's mandate are inextricably linked to other human rights. Any woman who is the victim, or who is at risk, of imprisonment, torture, summary or arbitrary execution, or "disappearance" stands no chance of exercising her rights to equality, development or peace. Women who are working to promote development, equality and peace must not be at risk of imprisonment, torture or other human rights violations. In many contexts, equality means giving women the same access to resources and decision-making as men, but from Amnesty International's perspective it also means that no woman, child or man is subjected to the human rights violations within its mandate.

Recent developments in the UN relevant to women's human rights

The Platform for Action is being formulated at a time when the international community is becoming increasingly aware of the need to improve women's enjoyment of their human

rights. The Vienna Declaration and Programme of Action, the final document of the UN World Conference on Human Rights made important commitments. These included urging governments and the UN to make the full and equal enjoyment by women of all human rights a priority and proposing that "the equal status and the human rights of women should be integrated into the mainstream of UN system-wide activity"^{vi}.

In December 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women^{vii} which states that violence against women is a violation of human rights and is a manifestation of the historically unequal power relations which have led to the domination over, and discrimination against, women and the prevention of their full advancement. Violence against women is stated to include physical, sexual and psychological violence occurring in the family, the community and perpetrated or condoned by the state.

In March 1994, the UN Commission on Human Rights appointed a Special Rapporteur on violence against women to seek and receive information on violence against women, its causes and consequences; recommend measures at the national, regional and international levels to eliminate violence against women; work with other mechanisms of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on the Status of Women; and to report to the next session of the Commission on Human Rights^{viii}.

This resolution of the Commission on Human Rights also addressed the integration of the rights of women into the human rights mechanisms of the UN and called for increased cooperation and coordination between UN bodies concerned with women. The Commission on the Status of Women adopted a resolution on mainstreaming the human rights of women^{ix} which stressed the importance of cooperation and coordination between the Commission on the Status of Women and the Commission on Human Rights and, among other provisions, requested the UN Secretary-General to prepare an annual joint work plan for the secretariats to the Commissions, respectively the Division for the Advancement of Women and the Centre for Human Rights, on women's human rights.

The Platform for Action

The Platform for Action, which will be the final document of the Fourth UN World Conference on Women will set the agenda for the international community's work for women's human rights until the next world conference. The draft Platform for Action is divided into six sections^x. The *critical areas of concern*, which are described in section III, cover the following topics:

- A. The persistent and growing burden of poverty on women

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- B. Inequality in access to education, health and related services and means of maximizing the use of women's capacities
 - C. Violence against women
 - D. Effects of armed or other kinds of conflict on women
 - E. Inequality in women's access to and participation in the definition of economic structures and policies and the productive process itself
 - F. Inequality between men and women in the sharing of power and decision-making at all levels
 - G. Inefficient mechanisms at all levels to promote the advancement of women
 - H. Lack of awareness of, and commitment to, internationally and nationally recognized women's rights
 - I. Insufficient use of mass media to promote women's positive contributions to society
 - J. Lack of adequate recognition and support for women's contribution to managing natural resources and safeguarding the environment.

Section IV of the draft contains the *strategic objectives derived from the critical areas of concern and action to be taken*. In the current draft these overlap with, but do not directly correspond to, the *critical areas of concern*.

At the last session of the Commission on the Status of Women it was decided that the Secretary-General of the conference, in consultation with the officers of the Commission, would convene informal open-ended consultations to exchange views on the draft prior to the next session of the Commission^{vi}.

Amnesty International's recommendations

The Platform for Action should include a clear statement of the current impediments to women's enjoyment of their human rights but, above all, focus on practical steps which governments will implement to ensure a real and measurable advance in the situation of women in every region of the world. The following are essential points which Amnesty International believes must be included in the text.

1. The universality and indivisibility of women's human rights

The Platform for Action must reflect throughout the text the commitment made by governments in the Vienna Declaration and Programme of Action that "[t]he human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights"^{vii}. The Vienna Declaration and Programme of Action confirmed the universality of all

human rights; the Platform for Action is the place to spell out what this means for women and how governments will improve women's enjoyment of all human rights.

2. Ratification of human rights instruments

There is a need for a clear articulation in the Platform for Action of the urgency of governments ratifying, without reservations, all international (and, where appropriate, regional) human rights treaties which affect the lives of women and the girl-child. As a minimum this should include the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child^{xiii}. Regional standards should include the Inter-American Convention on the Forced Disappearance of Persons and the Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa.

The Vienna Declaration and Programme of Action recommended that the UN should encourage the universal ratification of the Convention on the Rights of the Child by the year 1995 and of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000. The Platform for Action should confirm this commitment and, in particular, remind any government that has not ratified or acceded to the Convention on the Rights of the Child that they should do so by the end of that year. It should also include dates for the universal ratification of other human rights instruments that affect the lives of women.

The Platform for Action should encourage governments who have already ratified human rights instruments to examine any reservations that were made at the time of ratification with a view to their withdrawal. This is particularly important in the case of the Convention on the Elimination of All Forms of Discrimination against Women, where the commitment of many State Parties is seriously undermined by the extent of their reservations.

The Platform for Action should also encourage the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women in their efforts to prepare an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women allowing for the right of individual petition, as recommended in the Vienna Declaration and Programme of Action.

The Platform for Action should call on governments to establish programs to inform officials and the public about the content and practical implications of international treaties which they have ratified.

3. Implementation of international human rights standards

The Platform for Action should urge governments to implement fully all international human rights standards through measures that ensure the elimination of gender bias in law and in practice.

The Vienna Declaration and Programme of Action recommended that the treaty monitoring bodies should disseminate information to enable women to make more effective use of their procedures. The Platform for Action should propose practical measures for governments to help disseminate this information and call on governments to ensure that their reports to the treaty monitoring bodies include detailed information on the situation of women and the girl-child.

Programs for implementation of international human rights standards should be widely disseminated and take due account of non-treaty instruments, particularly the Declaration on the Elimination of Violence against Women and the Declaration on the Protection of All Persons from Enforced Disappearance. This should be reflected in the Platform for Action.

4. Women activists

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. The Nairobi Forward-Looking Strategies stated that "[t]o promote their interests effectively, women must be able to enjoy their right to take part in national and international decision-making processes, including the right to dissent publicly and peacefully from their Government's policies, and to mobilize to increase their participation in the process of peace within and between nations"^{xiv}.

The Platform for Action should explicitly guarantee the full enjoyment of all rights, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, by women activists and non-governmental organizations working peacefully for the promotion and protection of women's human rights.

5. Violence against women

The Platform for Action should fully reflect the international community's growing awareness of and concern about violence against women. In particular, the Platform for Action must address the question of government responsibility for violence against women. In many countries of the world, governments and their agents are responsible for the torture, including rape, "disappearance" and extrajudicial execution of women. Amnesty

International also views the death penalty as another form of violence inflicted on women by the state. Governmental responsibility for these violations must be reflected in the text and governments should be urged in the strongest terms to take immediate action to condemn such violations and halt their occurrence.

At the international level, the Platform for Action should urge governments to observe the Declaration on the Elimination of Violence against Women and fully cooperate with the Special Rapporteur on violence against women as well as the other mechanisms of the UN Commission on Human Rights which are relevant to the human rights of women. These include the Special Rapporteurs on torture, extrajudicial, summary or arbitrary executions, religious intolerance, racism and the UN Secretary-General's Special Representative on the internally displaced; the Working Groups on "disappearances" and arbitrary detention; and the special rapporteurs appointed on particular countries. Governments should include full information on the situation of women and the girl-child in response to inquiries from any of these mechanisms.

6. Women and armed conflict

The human rights of women and the girl-child in situations of armed conflict needs careful attention in the Platform for Action. Governments should be urged to uphold standards set out in international humanitarian and human rights law and designed to prevent rape and other forms of torture, hostage-taking, extrajudicial execution and "disappearance". The situation of women, both as subjects of these violations and as survivors when their family or community are the victims of such violations, should be taken into full account.

The gender dimension in UN peace-keeping and other field operations should not be overlooked in the Platform for Action. UN personnel should receive information on local cultural traditions and should observe the highest standards of humanitarian and human rights law. They should respect the rights and dignity of women at all times, both on and off duty. Human rights components of UN field operations should include experts in the area of violence against women, including rape and sexual abuse, to ensure that prisons and places of detention where women are held are located and properly investigated and that victims of rape and other violence have suitable and confidential facilities to meet investigators who are specially trained and experienced in this area.^{xv}

7. Refugee and internally displaced women

Human rights violations are a major cause of women becoming refugees or internally displaced. Women and girl-children in such situations are particularly vulnerable. Not only is the physical integrity of women, particularly unaccompanied women, frequently at risk in refugee camps, where rape and other forms of torture or ill-treatment by other refugees as well as officials can be widespread, but as well, their vulnerable position is often exploited so

that they will not get basic commodities, such as food rations, except in exchange for sexual favours. The Platform for Action should urge governments to take effective preventive measures and hold impartial and thorough investigations of all such incidents within their territory and bring those responsible to justice.

The Platform for Action should also urge governments to take into account the special protection needs of women and girl-children, and train officials to be aware of and sensitive to these needs, both as regards the physical safety of women within the camps and the processing of their asylum claims. The conclusions endorsed by the Executive Committee of the UN High Commissioner for Refugees's Programme on the protection of refugee women^{xvi} should be supported and reiterated in the text.

The Platform for Action should state that women will be given the opportunity to present their individual asylum claims on an equal footing with men and specially trained officials, including female officials, should be available as needed to interview women about experiences that can be particularly painful for them to recount, such as sexual assaults. The experience of gender-specific violations has not always been met with sufficient understanding in asylum procedures. Women fleeing state-tolerated violence, women persecuted for violating dress codes or other social mores, and women persecuted solely for family or other connections to political opponents of regimes, are all groups that have not enjoyed adequate protection in the past.

8. Human rights education

Governments should not just refrain from violating women's human rights but should work actively to promote and protect their rights. To this end, 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. Education in, and public information on, human rights play an important role in the promotion and respect of human rights for all.

The Platform for Action should call on governments to give particular emphasis to gender education, to make women aware of their rights and to make society at large conscious of their duty to respect the human rights and fundamental freedoms of all, including women. Information on human rights should be integrated in all educational and training policies, including the training of officials and educators responsible for the formulation and implementation of these policies. Specialized programs in human rights education with particular attention to the rights of women and the girl-child should be developed for groups such as the military, law enforcement personnel, police, legal and health professions to ensure their understanding and application of international human rights standards.

9. Development assistance

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, both as individuals and as a social group. The Commission on Human Rights and its secretariat, the Centre for Human Rights, should also 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 program. The Centre for Human Rights should be able to respond fully and promptly to requests for assistance in establishing educational programs to combat gender discrimination.

10. Integration across the UN system

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" has been taken up by the Commissions on Human Rights and on the Status of Women^{vii} but the Platform for Action should encourage further development in this area particularly by making practical recommendations to maximize resources and expertise in implementing the recommendations above and taking other steps to promote and protect the human rights of women and the girl-child. The work plan which the Commission on the Status of Women has requested the UN Secretary-General to draw up will be an important step towards ensuring that both Commissions and their secretariats work together to ensure that the relevant provisions of the Vienna Declaration and Programme of Action are fully implemented.

In addition, Amnesty International hopes that the role of the recently-appointed High Commissioner for Human Rights in advancing women's human rights and achieving their full integration across the UN system will be fully articulated and supported in the Platform for Action, particularly as he stated at a press conference in the UN in February 1994 that strengthening the human rights of women would be a "central concern" in his work.

Notes

i. The NGO Forum will be held from 30 August to 8 September and the Fourth World Conference on Women from 4 to 15 September 1995.

ii. This 89-page document, which was adopted by consensus by the 157 countries attending the Conference and by the 1985 regular session of the UN General Assembly, set out "concrete measures to overcome the obstacles to the Decade's goals and objectives for the advancement of women. Building on the principles of equality also espoused in the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of

Discrimination against Women, and the Declaration on the Participation of Women in Promoting International Peace and Co-operation, the Forward-looking Strategies reaffirm the international concern regarding the status of women and provide a framework for renewed commitment by the international community to the advancement of women and the elimination of gender-based discrimination". (Nairobi Forward-Looking Strategies, paragraph 6)

iii. Established in 1946 by the Economic and Social Council (ECOSOC), the Commission now comprises 45 members and meets annually in New York. Representatives of many other governments attend the meetings as observers, as do representatives of UN specialized agencies and non-governmental organizations. The Commission's original mandate was to "prepare recommendations and reports to the Council on promoting women's human rights in political, economic, civil, social and educational fields" and "make recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights with the object of implementing the principle that men and women shall have equal rights, and to develop proposals to give effect to such recommendations" (ECOSOC resolution 11 (II) of 21 June 1946). This was later expanded to include the functions of promoting the objectives of development, equality and peace, monitoring the implementation of measures for the advancement of women, and reviewing and appraising the progress made at the national, subregional, regional, sectoral and global levels (ECOSOC resolution 1987/22 of 26 May 1987). Most governments send delegations to meetings of the Commission; the members of the Commission itself until the end of 1994 are Algeria, Australia, Austria, Bahamas, Bangladesh, Belarus, Bulgaria, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Guinea, Guinea-Bissau, India, Iran, Italy, Japan, Kenya, Libya, Madagascar, Malaysia, Mexico, Namibia, Netherlands, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Rwanda, Slovakia, Spain, Sudan, Thailand, Tunisia, USA, Venezuela, Zaire, Zambia. The membership of the Commission from 1 January 1995 will be Algeria (1996*) Angola (1998), Australia (1996), Austria (1996), Belgium (1998), Belarus (1996), Bolivia (1997), Bulgaria (1998), Chile (1995), China (1995), Colombia (1996), Congo (1998), Costa Rica (1997), Cuba (1996), Cyprus (1997), Ecuador (1997), Guinea (1997), Guinea Bissau (1996), Finland (1995), France (1996), Greece (1998), India (1997), Indonesia (1998), Iran (1997), Japan (1996), Kenya (1997), Korea (Republic of) (1997), Libya (1997), Madagascar (1995), Malaysia (1997), Mexico (1998), Namibia (1997), Pakistan (1995), Peru (1995), Philippines (1998), Portugal (1998), Russian Federation (1998), Slovak Republic (1995), Spain (1995), Sudan (1996), Thailand (1996), Togo (1998), Tunisia (1997), Venezuela (1995), Zambia (1995).(* expiry of membership)

iv. The first such regional preparatory meeting, for Asia and the Pacific, was held in Jakarta, Indonesia, in June 1994. The other regional preparatory meetings will be held in Mar del Plato, Argentina, for Latin America and the Caribbean in September 1994; Vienna, Austria for Europe and North America in October 1994; Amman, Jordan for Western Asia; and in Dakar, Senegal for Africa, both in November 1994

v. The main focus of Amnesty International's action is to work for the release of all prisoners of conscience - those people detained anywhere for their beliefs or because of their ethnic origin, gender, colour or language who have not used or advocated violence; fair and prompt trials for all political prisoners; the abolition of the death penalty, torture and other cruel, inhuman or degrading treatment of prisoners; and an end to extrajudicial executions and "disappearances". The organization opposes abuses committed by opposition groups which are contrary to minimum international standards, such as hostage-taking, torture and killings of prisoners and other deliberate and arbitrary killings. A worldwide voluntary movement, Amnesty International is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, or the views of victims whose rights it seeks to protect. It is concerned solely with the protection of human rights.

vi. Vienna Declaration and Programme of Action Section IIB3, paragraph 37

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- vii. UN General Assembly resolution 48/104, 20 December 1993
- viii. Commission on Human Rights resolution 1994/45, 4 March 1994.
- ix. Commission on the Status of Women, resolution 38/2, 18 March 1994.
- x. I. Statement of Mission; II. Global Framework; III Critical Areas of Concern IV. Strategic Objectives Derived from the Critical Areas of Concern and Action to be Taken; V. Financial Arrangements; VI Institutional Arrangements for Implementation and Monitoring of the Plan of Action.
- xi. Commission on the Status of Women resolution 38/10, 18 March 1994
- xii. Vienna Declaration and Programme of Action, Section I, paragraph 18
- xiii. In this respect, the Plan of Action produced by the Asia and Pacific regional preparatory meeting established an important precedent by stating:
- "(i) Governments are urged to ratify the Convention on the Elimination of All Forms of Discrimination against Women and withdraw substantive reservations to the Convention.
- (ii) Governments are urged to ratify the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child and related conventions relevant to women's lives and to implement these through legal, administrative and other forms.
- (iii) Governments should promote International Conventions through community education, legal literacy programs, legal aid and counselling." (Section IV.D)
- xiv. The Nairobi Forward-looking Strategies, paragraph 32
- xv. See Peace-keeping and human rights, AI Index: IOR 40/01/94, January 1994
- xvi. Conclusions of the Executive Committee of UNHCR no 39 on refugee women and international protection; no 54 on refugee women; no 60 on refugee women; no 64 on refugee women and international protection; and no 73 on refugee protection and sexual violence.
- xvii. See *Recent developments in the UN relevant to women's human rights*, above.