

Second memorandum to governments on the revised draft Platform for Action of the Fourth UN World Conference on Women

The Platform for Action will be adopted by the Fourth United Nations (UN) World Conference on Women, to be held in Beijing, China, in September 1995 and will set the agenda for the UN and governments' work for women from 1995 to 2000.

The draft of the Platform for Action discussed in this document is the advance, unedited text of 15 May 1995¹ which should reflect amendments to the text proposed or agreed at the 39th session of the UN Commission on the Status of Women, held in New York from 15 March to 7 April 1995. Some of the language was finalized at that meeting but substantial portions of the text are bracketed, indicating that their inclusion or wording has still to be agreed. A new section on the girl child has been added to the text. A Declaration, to accompany the Platform for Action, has still to be formulated and discussed.

Amnesty International has published two documents relevant to the Platform for Action. *Equality by the Year 2000? Amnesty International's recommendations for the Fourth UN World Conference on Women's Platform for Action*², September 1994, set out 10 key points for the text of the Platform for Action. *Memorandum to governments on the revised draft Platform for Action of the Fourth World Conference on Women*³ included comments on aspects of the strategic objectives on violence against women, women and armed conflict and human rights relevant to the mandate on which Amnesty International campaigns⁴.

¹ UN Document: Future A/CONF.177/L.1

² AI Index: IOR 41/06/94

³ AI Index: IOR 41/05/95

⁴ Amnesty International works to protect people from some of the gravest violations by governments of human rights. The main focus of its action is to work for the release of prisoners of conscience - people detained 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

Although this latest version of the Platform for Action is, in some respects, a major advance on earlier drafts, a number of essential points are still omitted or need clarification.

***"The Platform for Action is an agenda for women's empowerment"*⁵**

The Platform for Action will not enhance women's empowerment unless it reaffirms and builds on governments' existing commitments to women's rights, many of which have barely, if at all, been implemented. These include commitments made at UN global conferences which have been held since the Third UN World Conference on Women in 1985.

This is acknowledged in some paragraphs of the Platform for Action. For example, paragraph 8 recognizes "the importance of the agreements reached at the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the International Conference on Population and Development, and the World Summit for Social Development..". Paragraph 305 calls for "(a)n enhanced framework for international cooperation for gender issues must be developed during the period 1995-2000 in order to ensure the integrated and comprehensive implementation, follow-up and assessment of the Platform for Action taking into account the results of global United Nations summits and conferences. The fact that at all of these summits and conferences, governments committed themselves to the empowerment of women in different areas, makes coordination crucial to the follow-up strategies for this Platform for Action".

The 1993 UN World Conference on Human Rights was the conference most central to the rights on which Amnesty International campaigns. It is astounding that commitments made at that conference and set out in the Vienna Declaration and Programme of Action, and adopted by 171 governments just two years ago, are barely visible in the text of the Platform for Action. Most of the substantive references to key language from the Vienna Declaration and Programme of Action have still to be agreed.

all political prisoners; the abolition of the death penalty, torture and other cruel, inhuman or degrading treatment or punishment; and an end to extrajudicial executions and "disappearances". The organization opposes abuses committed by opposition groups which are contrary to minimum humanitarian standards such as hostage-taking, torture and killings of prisoners and other deliberate and arbitrary killings.

⁵ Paragraph 1 of the draft Platform for Action of 15 May 1995

These key points from the Vienna Declaration and Programme of Action should be a foundation on which the Platform for Action is built. These points should, therefore, be restated and developed in the Declaration and sections entitled Mission Statement, Global Framework, Critical Areas of Concern, the Strategic Objectives and Institutional Arrangements. These points include:

*"The human rights of women and the girl-child are an inalienable, integral and indivisible part of human rights... The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women. The World Conference on Human Rights urges Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the promotion and protection of human rights of women and the girl-child"*⁶

*"The World Conference on Human Rights reaffirms 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 relating to human rights and international law. The universal nature of these rights and freedoms is beyond question... Human Rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments."*⁷

*"All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis."*⁸

As Amnesty International has repeatedly emphasized, the themes of the Fourth World Conference on Women - equality, development and peace - will not be achieved unless governments commit themselves to ensuring that women fully enjoy all human rights. The rights to equality, development and peace are inextricably linked to the specific rights on which Amnesty International campaigns because any woman who faces arbitrary imprisonment, torture, "disappearance", judicial or extrajudicial execution stands no chance of exercising any other of her rights. If significant progress is to be made towards attaining the objective of "equality by the year 2000", the Platform for Action must refine and develop the commitments made at

⁶ Vienna Declaration and Programme of Action, paragraph I.18

⁷ Vienna Declaration and Programme of Action paragraph I.1

⁸ Vienna Declaration and Programme of Action paragraph I.5

Vienna and other global conferences which have taken place since the Third UN World Conference on Women. The conference in Beijing will be the first opportunity for the world's governments to spell out how these commitments can be implemented to achieve real and measurable change for women by the year 2000.

The universality and indivisibility of women's human rights was Amnesty International's first recommendation in its paper *Equality by the Year 2000?*. Several other of the organization's recommendations still need to be clarified or incorporated in the Platform for Action.

In particular, the urgency of governments ratifying, without limiting reservations, all international and regional human rights treaties which affect the lives of women and girls needs to be clearly stated. The current text of the Platform for Action proposes that governments "consider" ratification of or accession to, as well as implementation of, human rights treaties. Ratification or accession is a basic but fundamental step which all governments can take; implementation of their provisions is critical for women's enjoyment of their human rights.

Indeed, in Amnesty International's view, the minimum commitment which all governments should make in Beijing should be to the prompt ratification of, or accession to, all international and regional human rights treaties, without limiting reservations, that affect the lives of women and girls. Every government should undertake to implement immediately the provisions of these human rights treaties, non-treaty standards and the final documents of UN global conferences, in law and in practice, so that the human rights of women and girls are fully promoted and protected in every state, regardless of its political, economic and cultural system. If this were the only result of the Fourth World Conference on Women, it would be a major step forward.

Of course, women expect much more than this from the Platform for Action. Amnesty International's comments, below, focus on the strategic objectives that are particularly relevant to those human rights on which the organization campaigns.

Strategic objective D: violence against women

Amnesty International welcomes the explicit reference to state violence against women (paragraph 114), training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women (paragraph 122).

Amnesty International welcomes the call to governments in paragraphs 125 (a) and (b) to condemn violence against women, refrain from engaging in it and punish those who do. Paragraph 125 (c) needs to be clarified so that it clearly calls on governments to abide by the Universal Declaration of Human Rights and to ratify or accede, without limiting reservations, and implement, the UN International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights as they relate to violence against women. A similar clarification is needed for paragraph 125(d) on the UN Convention on the Elimination of All Forms of Discrimination against Women.

The only reference to compensation is in paragraph 125 (d) and in brackets. It should be strengthened by adding reference to the relevant provisions in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (the Convention against Torture) and the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

Other welcome improvements to the text, which are agreed, include paragraphs 125 (q) and 125 (r). The first calls on governments to include information on steps taken to implement the Declaration on the Elimination of Violence against Women in reports to UN treaty monitoring bodies, such as the Human Rights Committee which monitors implementation of the International Covenant on Civil and Political Rights. The second calls for cooperation with the UN Special Rapporteur on violence against women and other mechanisms such as the Special Rapporteurs on torture and on extrajudicial, summary and arbitrary execution.

Overall, this strategic objective has been strengthened considerably although it still lacks reference to the appropriate range of human rights treaties and non-treaty standards relevant to preventing violence against women such as the Convention against Torture, the UN Declaration on the Protection of All persons under Any Form of Detention or Imprisonment, the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials.

Strategic Objective E: Advance peace, promote conflict resolution and reduce the impacts of armed or other conflict on women

This section needs a clear statement that women are disproportionately victims of human rights violations and abuses - including rape and other forms of torture and other cruel, inhuman or degrading treatment or punishment, "disappearances" and summary or arbitrary executions - by all parties during armed conflict.

Paragraph 134 should be clarified so it clearly states that governments are bound by human rights law although, in situations of armed conflict, both governments and their opponents must observe legally binding obligations laid down by international humanitarian law. Either this paragraph or 136 should clearly state the necessity for governments to uphold standards set out in international humanitarian and human rights law which prohibit violations such as rape and other forms of torture or cruel, inhuman or degrading treatment or punishment, as well as hostage taking, extrajudicial execution and "disappearance".

It is important to note that rape or sexual abuse amounts to torture or cruel, inhuman or degrading treatment or punishment in violation of international humanitarian and human rights law when committed by state agents in the context of armed conflict. When committed by armed opposition groups, it is already a violation of international humanitarian law. This should be reflected in paragraphs 147(e) and (h). This former paragraph should also call on governments to recognise and publicly declare that rape committed by members of armed forces of any party to an armed conflict, whether national or international, violates international humanitarian law.

The final section, paragraphs 149 and 150, concerns refugee and displaced women. There is disagreement about the use of "internal" before displaced. While this section should have the broadest possible interpretation, it should also be clear that its provisions cover internally displaced women. A similar point can be made about the alternative texts in paragraph 149(h). The final formulation should be clear in allowing claims for refugee status based on persecution for gender, rather than just gender-specific violations.

Strategic objective I: [Lack of awareness of an commitment to [internationally and nationally] recognized human rights of women. [The enjoyment of [all] [universal] human rights by women]

A high proportion of text, as exemplified by the title, is bracketed in this strategic objective. Amnesty International hopes that this was the result of the fatigue of delegates, as this strategic objective was discussed very late, rather than any unwillingness by governments to reaffirm well established language on the human rights of women much of which was included in the Vienna Declaration and Programme of Action.

Much of the opening paragraph, 213, and the first sentence in paragraph 216, all of which are bracketed, contain vital wording from the Vienna Declaration and Programme of Action which should not be controversial.

Amnesty International welcomes the opening language of paragraph 215 "(G)overnments must not only refrain from violating the human rights of women but must actively work to promote and protect these rights" and paragraph 217 on the gap between the existence of rights and their effective enjoyment. The bracketed wording in paragraph 218, on limiting reservations to international human rights instruments, should be amended to read "or otherwise contrary to international treaty or customary law" and added to the text. In paragraph 219, the bracketed language on factors that undermine women's full enjoyment of their human rights should be put back in the text. The language in the second paragraph numbered 221 on the integration of the equal status and human rights of all women and girls in to the work of the UN is an important advance over the previous wording.

There are now three alternate texts for paragraph 225 concerning violence against women. Only the first of these is compatible with paragraph 114 in the strategic objective on violence against women, in that it includes reference to the responsibility of governments for combatting and eliminating violence against women. This reference should be maintained in the final text.

The agreed language in paragraph 227 on women's access to the legal system and recourse mechanisms is extremely useful, although it seems strange that similar language applicable to refugee women in both versions of paragraph 226 are bracketed.

Paragraph 228 contains important new language on the responsibility of governments to protect women engaged in the defence of human rights, although in the corresponding section on action to be taken by governments, alternative paragraphs 232 (o) are in brackets. As Amnesty International has pointed out, a serious omission in early versions of the Platform for Action was the lack of reference to women as activists. The agreed text in paragraph 228 should be reflected in paragraph 232 (o).

Other proposals for government action also need to be strengthened. Paragraphs 230(a) and (b) should be a clear exhortation to governments to ratify or accede and implement international and regional human rights treaties and, by the year 2000, the Convention on the Elimination of All Forms of Discrimination against Women. Paragraphs 230 (c) and (d), both of which are bracketed, concern reservations to the Convention on the Elimination of All Forms of Discrimination against Women. While Amnesty International believes that governments should withdraw all limiting reservations, or refrain from making them when ratifying or acceding to human rights treaties, the call to governments in paragraph 230(d) could also be useful. A reference to customary law should be added to this paragraph. This section should be strengthened by adding reference to other human rights treaties, in addition to the Convention

on the Elimination of All Forms of Discrimination against Women, which would be compatible with the language in paragraph 218.

A similar point should be made in respect of paragraph 230(h), currently, bracketed, concerning implementation of the Convention on the Elimination of All Forms of Discrimination against Women through reviewing laws, policies and practices. This wording should be confirmed in the text and broadened to include other international and regional human rights treaties and standards.

The bracketed language in paragraph 230(k) should be confirmed and call for the Committee on the Elimination of Discrimination against Women (CEDAW) to be given sufficient resources to fulfil their mandate. Similarly, paragraph 230(l) should call for the Commission on the Status of Women and CEDAW to implement the proposal included in the Vienna Declaration and Programme of Action that they should "quickly examine the possibility of introducing the right of petition through the introduction of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women"⁹.

Paragraph 231 should be clarified so that its provisions apply to the widest number of UN bodies to take action on the human rights of women. The alternative formulations of paragraph 231(h), on refugee and displaced women, could be merged to include reference to the Commission on Human Rights. The reference to the human rights situation must be retained. Much of the language in paragraph 232 is useful but the word "consider" should be deleted from sub-paragraph (d).

As pointed out above, paragraph 232 (o) needs to be amended so it is a clear statement that governments will ensure the full enjoyment of all rights set out in the Universal Declaration of Human Rights and the international covenants on Economic, Social and Cultural Rights and on Civil and Political Rights by women activists working peacefully in a personal or organizational capacity for the promotion and protection of human rights.

Sub-paragraphs 233 (d) and (g) should be confirmed in the text. Both refer to the inclusion of international and regional standards in important areas of human rights education.

Institutional Arrangements

⁹ Vienna Declaration and Programme of Action, II.40

This penultimate section deals with the implementation of the Platform for Action by the year 2000. It is an ambitious program that will need the full commitment of both governments and the UN if it is to succeed. It is also an important opportunity to advance the call for the equal status and the human rights of women to be integrated into the mainstream of UN system wide-activity made in the Vienna Declaration and Programme of Action. This specified that "...steps should be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Programme and other UN agencies. In this context, cooperation and coordination should be strengthened between the Centre for Human Rights and the Division for the Advancement of Women"¹⁰.

This important proposal should be incorporated in paragraphs 318 to 321, dealing with the Commission on the Status of Women, which still have to be agreed. Paragraph 318 makes brief reference to other related UN Commissions. However, it would be regrettable if, for example, the increased attention given by the Commission on Human Rights to the human rights of women was not noted and their attention drawn to the Platform for Action, which contains references to significant parts of their activities through the work of the Special Rapporteur on violence against women and other thematic mechanisms. If the Fourth World Conference on Women is to advance the implementation of the Vienna Declaration and Programme of Action in this respect, it must spell out in the Platform for Action how the equal status and the human rights of women are to be given the attention they need and deserve throughout the UN system.

¹⁰ Vienna Declaration and programme of Action, paragraph II.37