

## **BACKGROUND PAPER**

### **THIRD MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS**

**7<sup>th</sup> to 9<sup>th</sup> SEPTEMBER 1998, JAKARTA**

**ITEM:                    REGIONAL ISSUES  
THE ROLE OF NATIONAL INSTITUTIONS IN ADDRESSING  
DISCRIMINATION AGAINST WOMEN**

#### **PURPOSE**

The purpose of this paper is to recommend to Forum members a range of activities to protect and promote the rights of women.

#### **BACKGROUND**

The Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration without distinction of any kind, including distinctions based on sex. States Parties to the International Covenants on Human Rights have an obligation to ensure the equal right of women to enjoy all economic, social, cultural, civil and political rights.

The Convention on the Elimination of All Forms of Discrimination Against Women condemns discrimination against women in all its forms and requires States Parties to pursue a wide range of policies to eliminate such discrimination.

Despite the above measures, widespread discrimination against women continues to exist in most States, if not all. This has been recognised in many forums. The equal status and rights of women became one of the pillars of the Vienna Declaration and Programme of Action which emerged from the 1993 World Conference on Human Rights. It urged recognition of the full enjoyment by women of all human rights, as well as their equal participation in political, civil, economic, social and cultural life as a priority for Governments and the United Nations.

The Fourth World Conference on Women was held in Beijing in 1995. The Beijing Declaration and Platform for Action renewed the impetus to eliminate discrimination against women. The Beijing Declaration reaffirmed the commitment of the participating Governments to “the equal rights and inherent dignity of women and men...” and to “Ensure the full development of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms”.

The United Nations High Commissioner for Human Rights, Mary Robinson, has called for increased efforts to promote women’s rights and to eliminate discrimination

against women and girls. In her statement to the 54<sup>th</sup> Session of the Commission on Human Rights she said “As High Commissioner, I have a responsibility to adopt and foster a rights based approach across the whole spectrum of civil, cultural, political and social rights, to promote and protect the realisation of the right to development and to include women’s rights as human rights”. She has drawn attention to the continuing wide disparities in favour of men in most parts of the world across many dimensions including access to education, employment opportunities and health services. The majority of the world’s refugees are female, poverty impacts more seriously on women, and women are the victims of much violence, including domestic violence and sexual abuse. On this last issue the High Commissioner said to the Commission on Human Rights “I am deeply conscious of the scale of violence perpetrated against women and children world wide, in the family, in the community and in time of armed conflict. My office will prioritise the efforts we are making to support and work with the rapporteurs, treaty bodies, agencies and programmes, together with the NGOs, who are tackling different facets of this huge problem”.

In her statement to the 42<sup>nd</sup> Session of the Commission on the Status of women on 3 March this year the High commissioner spoke specifically about the mainstreaming of the human rights of women in the activities of the United Nations, about violence against women, in all its forms, being an obstacle to women’s full enjoyment of human rights, about the realization of economic and social rights of women being of the highest importance, about the integration of a gender-perspective in the enjoyment of the right to development and about the vital importance of human right education, including education about the human rights of women.

## **NATIONAL INSTITUTIONS AND THE RIGHTS OF WOMEN**

At the Fourth World Conference on Women held in Beijing and in other forums the message that “women’s rights are human rights” has been proclaimed loudly and clearly. The Beijing Conference also recognised the role of national institutions in the protection and promotion of women’s rights. The Beijing Platform for Action calls on Governments to “create or strengthen independent national institutions for the protection and promotion of these rights, including the human rights of women, as recommended by the World Conference on Human Rights”. It urges Governments to “strengthen and encourage the development of programmes to protect the human rights of women in the national institutions on human rights that carry out programmes, such as human rights commissions or ombudspersons, according them appropriate status, resources, and access to the Government to assist individuals, in particular women, and ensure that these institutions pay adequate attention to problems involving the violation of the human rights of women.”

The Asia-Pacific region is far from immune from these problems. Not only do women experience barriers to their equal participation in society with men in all countries in our region, there have been a number of incidents involving serious abuses of women’s rights.

The promotion and protection of the rights of women, and in particular, the elimination of discrimination against women, is an integral responsibility of national human rights institutions. Some Commissions in the Asia-Pacific Forum have come

about largely through the efforts of the women's movement which has viewed national institutions with effective and accessible enforcement mechanisms and human rights education responsibilities as a key element in the process of eliminating discrimination against women.

Progress has been made in many jurisdictions but a great deal more needs to be done before true equality is achieved. Clearly, national institutions have a leading role to play within their jurisdictions in promoting the advancement of women towards equal status with men and in eliminating discrimination against women.

At the regional level too, progress may be made through cooperation among national institutions to address discrimination against women. The Concluding Statement of the Second Asia-Pacific Workshop of National Human Rights Institutions in New Delhi noted that "The Workshop considered that the anniversary of the Universal Declaration was also an appropriate opportunity to emphasise the rights of all members of society, including women and children".

It is trite to say that women comprise a little more than half the people in the Asia Pacific region. However, it is not trite to observe that women suffer a disproportionate amount of discrimination and other human rights abuses compared to men and that rectifying the current unequal status of women is one of the most important human rights challenges. It is therefore appropriate and desirable for Forum Members to give special prominence to the issue of addressing and eliminating discrimination against women both within their national jurisdictions and in concert.

#### **RECOMMENDATIONS:**

1. That Forum Members accord high priority to addressing and eliminating discrimination against women within their operations.
2. That Forum Members recognise CEDAW as the basis upon which actions to address discrimination against women should be founded and take all steps to the maximum of their capacities to ensure that their Governments ratify CEDAW and work concretely towards its effective implementation, as urged in the Vienna Declaration and Plan of Action.
3. That Forum Members acknowledge violence against women as a serious, pervasive and continuing human rights problem and encourage their Governments to work towards eliminating violence against women consistently with the UN Declaration on the Elimination of Violence Against Women.
4. That the Forum Secretariat collate and circulate resource materials on eliminating discrimination against women, compliance with CEDAW and eliminating violence against women.
5. That the Forum Secretariat be requested to report back to Forum members on options for regional activity to protect and promote the rights of women.