

45th session of the Human Rights Council

Annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms

Theme: Gender and diversity: strengthening the intersectional perspective in the work of the Human Rights Council

Concept note (draft as of 11 September 2020)

Date and venue: 28 September 2020, 4 - 6 p.m., Room XX, Palais des Nations, Geneva
(will be broadcast live and archived on <http://webtv.un.org>)

Objectives: Equality and non-discrimination are the bedrock of the international human rights system. The Human Rights Council is mandated to make these principles a reality in peoples' lives, and to ensure protection and promotion of human rights for all.

It is increasingly recognized that multiple and intersecting forms of discrimination create intricate webs of deprivation, undermine participation and lead to the denial of rights and perpetuation of oppression. Women and girls from minority and marginalized groups are more likely to face violations across the spectrum of human rights, including with regard to economic exclusion and poverty, education, health, violence, participation, equality before the law and access to justice. In conflict and migration settings, their risk of suffering human rights violations will often be further exacerbated. The ongoing COVID-19 pandemic has put the spotlight on this reality: women and girls have been and are particularly affected, including by a rise in domestic violence, poverty, in the unequal division of household tasks and carework. The situation of women and girls from already marginalized and minority groups has been additionally exacerbated. The gravity of this situation has also been emphasized by the Human Rights Council in its resolution 44/17, underlining the particular importance to address the compounded impact of intersectional discrimination. The anti-racist protests and solidarity movements that we have seen recently throughout the world have shown how women and girls are affected by racial injustice and discrimination.

The panel discussion will focus on the importance of a closer examination of gender-based discrimination with respect to other dimensions of the human condition, such as race, ethnicity, nationality, location, religion, socio-economic status, indigenous, minority, migration status, profession, disability and/or age. It will provide a platform to exchange good practices and to discuss how to strengthen existing measures and overcome challenges to identify and address intersectional discrimination in the work of the Human Rights Council and genuinely promote substantive gender equality for everyone.

The panel discussion aims:

- **To enhance understanding** of the ways in which gender-based discrimination intersects with other forms of discrimination to create distinct circumstances.
- **To discuss new approaches** to integrate a gender and intersectional perspective in the work of the Human Rights Council and its mechanisms, including in the analysis of human rights situations in the formulation of recommendations, in informing policies and programmes and in developing more inclusive prevention and response measures to comprehensively tackle gender-based discrimination in all its forms.

Chair: H.E. Ms. Elisabeth Tichy-Fisslberger, President of the Human Rights Council

Opening statement: Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights

Panellists:

- **Ms. Winnie Byanyima**, Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS)
- **Dr. Joia Crear Perry**, President of the National Birth Equity Collaborative (*video message*)

- **Ms. Pragna Patel**, Founding member and current director of Southall Black Sisters (*video message*)

Outcome: The expected outcomes of this discussion are:

- The Human Rights Council, States and relevant stakeholders will learn from shared experiences, new initiatives and successful practices that have applied an intersectional approach to effectively and sustainably combatting discrimination based on gender.
- The Human Rights Council, States and relevant stakeholders will have enhanced understanding of the impact of intersecting forms of discrimination for the enjoyment of human rights by all and based on this, will be enabled to make recommendations on concrete measures to tackle gender-based discrimination in an inclusive manner and strengthen a gender perspective in the prevention of and response to discrimination.

Mandate: In 2007, the Human Rights Council adopted resolution 6/30 on integrating the human rights of women throughout the United Nations system, in which it decided to incorporate into its programme of work an annual discussion on the integration of a gender perspective throughout its work and that of its mechanisms, including the evaluation of progress made and challenges experienced.

In this resolution the Council recognized the importance of examining, from a gender perspective, the intersection of multiple forms of discrimination and conditions of disadvantage, their root causes and consequences and their impact on the advancement of women and the enjoyment by women of all human rights, in order to develop and implement strategies, policies and programmes aimed at the elimination of all forms of discrimination against women and to increase the role that women play in the design, implementation and monitoring of gender-sensitive anti-discrimination policies.

The Council further requested all special procedures and other human rights mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee regularly and systematically to integrate a gender perspective into the implementation of their mandate including when examining the intersection of multiple forms of discrimination against women and to include in their reports information on and qualitative analysis of human rights of women and girls.

Format: The panel discussion will be limited to two hours. The opening statement and initial presentations by the panellists will be followed by an interactive discussion divided into two slots. A maximum of one hour will be set aside for the podium, including opening statements, panellists' presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two slots of interventions from the floor for States and observers (2x12), national human rights institutions (2x1) and non-governmental organizations (2x2).

The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet.

Background: Effectively addressing intersectional forms of discrimination requires addressing multiple factors which contribute to its persistence, including lack of awareness of the problem and of its extent; the absence of data; the absence of legal frameworks addressing intersectional forms of discrimination; the inadequate allocation of resources to programmes and policies that meaningfully address intersectional discrimination, the existence of patriarchal systems, practices and norms and weak involvement of women and girls – especially from marginalized groups – in decision-making processes.

In its resolution 44/17, the Council also recognized that women and girls are subject to multiple, intersecting and systemic forms of discrimination throughout their life based on,

inter alia, gender, age, race, ethnicity, indigeneity, religion or belief, physical and mental health, disability, civil status, socioeconomic background and migration status, in private and public spaces, both online and offline, and that substantive equality requires the elimination of the root causes of structural discrimination against them, including deep-rooted patriarchal and gender stereotypes, negative social norms, sociopolitical and economic inequalities and systemic racism, as well as traditional understandings of gender roles that perpetuate unequal power relations, discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage.

The Council acknowledged in this resolution that States should consider recognizing intersecting and systemic discrimination in law and in practice, review existing and proposed legislation with an intersectional approach, adopt policies and programmes that take into consideration multiple and intersecting forms of discrimination, and include an understanding of multiple and intersecting forms of discrimination in any training on combating gender bias for State officials. The Council also called upon States to modify social and cultural patterns of conduct in order to prevent and eliminate racist, xenophobic, patriarchal, disability, age and gender stereotypes and any other negative social norms, attitudes or behaviours, or unequal power relations that view women and girls as subordinates or that underlie and perpetuate multiple and intersecting forms of discrimination and violence against women and girls.

Referring to the current COVID-19 pandemic, the Council also called upon States to take a human rights-based, gender-responsive and intersectional approach in their responses to the COVID-19 pandemic and to pay special attention to women and girls, in particular those in vulnerable situations, and their specific needs, including protection from xenophobia, social stigma, sexual and gender-based violence, and domestic violence; equal access to livelihood and socioeconomic opportunities, health-care services, including testing, treatment and vaccines, timely, adequate and accurate information about the pandemic; and access to testing and treatment, and to other necessities, including food, education, adequate housing, safe drinking water and sanitation, and essential health services, including sexual and reproductive health information and services.

The following topics were covered during the previous Council annual discussions on gender integration:

- Integrating a gender perspective into the work of the special procedures of the Human Rights Council (2008);
- Integrating a gender perspective in the universal periodic review (2009);
- Integrating a gender perspective in the work of the Human Rights Council: lessons learned, shortcomings and future challenges – 2007-2010 (2010);
- Promoting gender equality as institutional practice: from policy to action (2011);
- Economic, social and cultural rights of women (2012);
- Civil society's contribution to the integration of a gender perspective in the work of the Human Rights Council and its mechanisms (2013);
- Gender integration in the country-focused work of the Council (2014);
- Gender parity and its contribution to gender integration in the work of the Human Rights Council (2015);
- Gender integration in the resolutions and recommendations of the HRC (2016);
- The universal periodic review and the 2030 Agenda for Sustainable Development: Achieve gender equality and empower all women and girls (Goal 5) (2017);
- Gender integration and human rights investigations: strengthening a victim-centred approach (2018).

Background documents:

- Gender-responsive initiatives to accelerate gender equality (2019)
- [Human Rights Council resolution 6/30](#) entitled “Integrating the human rights of women throughout the United Nations system” (*adopted by consensus on 14 December 2007*)
- [General Assembly resolution 69/151](#) entitled “Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly” (*adopted by consensus on 18 December 2014*)
- [General Assembly resolution 70/1](#) entitled “Transforming our world: the 2030 Agenda for Sustainable Development” (*adopted by consensus on 25 September 2015*)
- [Human Rights Council resolution 41/6](#) entitled “Elimination of all forms of discrimination against women and girls” (*adopted by consensus on 11 July 2019*)
- [Human Rights Council resolution 44/17](#) entitled “Elimination of all forms of discrimination against women and girls” (*adopted by consensus on 17 July 2020*)
- [Human Rights Council resolution 43/1](#) entitled “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers” (*adopted by consensus on 19 June 2020*)
- Report of the United Nations High Commissioner for Human Rights - Intersection of race and gender discrimination in sport ([A/HRC/44/26](#))
- [Human Rights Council resolution 41/17](#) entitled “Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to violence against women and girls in the world of work” (*adopted by consensus on 12 July 2019*)
- [Human Rights Council resolution 41/18](#) entitled “Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity” (*adopted by vote on 12 July 2019*)
- [Human Rights Council resolution 40/5](#) entitled “Elimination of discrimination against women and girls in sport” (*adopted by consensus on 21 March 2019*)
- [Human Rights Council resolution 32/17](#) entitled “Addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls” (*adopted by consensus on 1 July 2016*)
- Report of the United Nations High Commissioner for Human Rights - Impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls ([A/HRC/35/10](#))
- Report of the United Nations High Commissioner for Human Rights - Summary report on the panel discussion of the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls ([A/HRC/37/28](#))
- [Living Free and Equal](#): What States are doing to tackle violence and discrimination against lesbian, gay, bisexual, transgender and intersex people
- [Born Free and Equal](#): Sexual Orientation and Gender Identity in International Human Rights Law (revised edition)
- [CEDAW](#) general recommendation No. 26 (2008) on women migrant workers
- [CEDAW](#) general recommendation No. 27 (2010) on older women and protection of their human rights

- [CEDAW general recommendation No. 28 \(2010\)](#) on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women
- [CEDAW general recommendation No. 30 \(2013\)](#) on women in conflict prevention, conflict and post-conflict situations
- [CEDAW general recommendation No. 32 \(2014\)](#) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women
- [CEDAW general recommendation No. 34 \(2016\)](#) on the rights of rural women
- [CEDAW general recommendation No. 35 \(2017\)](#) on gender-based violence against women, updating general recommendation No. 19
- [CERD general recommendation No. 25 \(2000\)](#) on gender-related dimensions of racial discrimination
- [CRPD general comment No. 3 \(2016\)](#) on women and girls with disabilities