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Promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development

Albania*, Andorra*, Argentina, Austria*, Bolivia (Plurinational State of)*, Bosnia and Herzegovina*, Brazil, Burundi*, Cameroon, Canada*, Chile, Colombia*, Congo*, Costa Rica*, Croatia*, Cyprus*, Czech Republic*, Denmark*, Djibouti, Dominican Republic*, Ecuador, France, Germany*, Guatemala, Haiti*, Hungary, Ireland*, Italy*, Kenya*, Latvia*, Liechtenstein*, Lithuania*, Luxembourg*, Mauritania, Mexico, New Zealand*, Norway, Panama*, Paraguay*, Peru*, Poland, Portugal*, Rwanda*, Serbia*, Slovakia, Slovenia*, Somalia*, Spain, Switzerland, the former Yugoslav Republic of Macedonia*, Turkey*, Ukraine, United States of America, Uruguay: draft resolution

15/... Elimination of discrimination against women

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights,¹ the Beijing Declaration and Platform for Action adopted on 15 September 1995 by the Fourth World Conference on Women,² and their 2005 and 2010 reviews, and the Durban Declaration and Programme of Action adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,³

Noting the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women, known as UN Women,

* Non-Member State of the Human Rights Council.

¹ A/CONF.157/24 (Part I), chap. III.

² See A/CONF.177/20/Rev.1, chap. I.

³ See A/CONF.189/12 and Corr.1, chap. I.

Bearing in mind the challenges still faced by all countries throughout the world to overcome inequality between men and women,

Recalling the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”, the declaration adopted by the Commission on the Status of Women at its forty-ninth session and the outcome document of the Durban Review Conference,

Recalling also Commission on Human Rights resolutions 2000/13 of 17 April 2000, 2001/34 of 23 April 2001 and 2003/22 of 22 April 2003, as well as Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system and Council resolution 12/17 of 2 October 2009 on the elimination of discrimination against women,

Bearing in mind that international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, prohibit discrimination on the basis of gender and include guarantees to ensure the enjoyment by women and men, and girls and boys, of their civil, political, economic, social and cultural rights on a basis of equality,

Deeply concerned by the fact that women everywhere are still subject to significant disadvantage as the result of discriminatory laws and practices and that de jure and de facto equality has not been achieved in any country in the world,

Recognizing that women, in particular those belonging to vulnerable groups, face multiple forms of discrimination,

Reiterating the need to intensify efforts to eliminate all forms of discrimination against women throughout the world,

Recognizing that the full and equal participation of women in all spheres of life is essential for the full and complete economic and social development of a country,

Recognizing also that the elimination of discrimination against women, in law and in practice, is primarily the responsibility of States, and that the United Nations human rights system plays an important role in contributing to these efforts,

Mindful of the fact that the elimination of discrimination against women requires the consideration of women’s specific socio-economic context, and recognizing that laws, policies, customs and traditions that restrict women’s equal access to full participation in development processes and public and political life are discriminatory and may contribute to the feminization of poverty,

Recalling its resolution 5/1 on institution-building of the Council and resolution 5/2 on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

2. *Welcomes* the commitments made by the international community to fully implement the Millennium Development Goals, and stresses, in that context, the resolve of Heads of State to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable;

3. *Also welcomes* the efforts made by States around the world to reform their legal systems in order to remove obstacles to women's full and effective enjoyment of their human rights;
4. *Expresses concern* at the fact that, despite the pledge made at the Fourth World Conference on Women and the review conducted by the General Assembly at its twenty-third special session to modify or abolish remaining laws that discriminate against women and girls, many of these laws are still in force and continue to be applied, thereby preventing women and girls from enjoying the full realization of their human rights;
5. *Calls upon* States to fulfil their international obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account the fact that those laws violate the human right of women to be protected against discrimination;
6. *Recognizes* that women's inequality before the law has resulted in the lack of equal opportunities for women in education, access to health, economic participation and access to labour markets and disparities in, inter alia, salaries and compensation, public and political participation, access to decision-making processes, inheritance, ownership of land, financial services, including loans, and nationality and legal capacity, as well as increased vulnerability to discrimination and violence, and that all countries face challenges in these areas;
7. *Acknowledges* the work undertaken by the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Special Rapporteurs of the Council on violence against women, its causes and consequences, on trafficking in persons, especially in women and children, and on contemporary forms of slavery and other relevant United Nations bodies, agencies and mechanisms to eliminate discrimination in law and in practice throughout the world;
8. *Emphasizes* the significant role that women play in economic development and in the eradication of poverty, and stresses the need for promoting equal pay for equal work or work of equal value and for promoting the recognition of the value of women's unremunerated work, as well as for developing and promoting policies that facilitate the reconciliation of employment and family responsibilities;
9. *Calls upon* States to ensure full representation and full and equal participation of women in political, social and economic decision-making as an essential condition for gender equality and the empowerment of women and girls and a critical factor in the eradication of poverty;
10. *Welcomes*, in particular, the work undertaken by the Committee on the Elimination of Discrimination against Women on women's equality before the law;
11. *Recognizes* the important role played by the Council in addressing the issue of discrimination against women, both in law and in practice;
12. *Welcomes* the convening of a panel on equality before the law during the eleventh session of the Council;
13. *Notes* that, although human rights treaty bodies and special procedures do, to some extent, address discrimination against women within their mandates, their attention to such discrimination is not systematic;
14. *Also notes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights on the issue;

15. *Welcomes* the thematic study on discrimination against women, in law and in practice, and on how the issue is addressed throughout the United Nations human rights system, prepared by the Office of the High Commissioner;⁴

16. *Also welcomes* the half-day panel discussion on discrimination against women in law and in practice;

17. *Calls upon* States to pay particular attention to discrimination against women in situations of vulnerability, such as migrant women, women with disabilities, women belonging to minorities and women facing multiple forms of discrimination;

18. *Decides* to appoint, for a period of three years, an independent expert on the issue of human rights commitments related to the discrimination against women based on law, whose tasks will be:

(a) To develop a dialogue with Governments, including parliamentarians and the judiciary, the relevant United Nations entities, national human rights institutions and civil society organizations to identify, promote and exchange views on best practices related to the elimination of legislation that discriminates against women or is discriminatory to women in terms of implementation or impact and, in that regard, to prepare a compendium of best practices;

(b) To undertake a study, in cooperation with and reflecting the views of Governments and relevant United Nations entities, national human rights institutions and civil society organizations, on the ways and means in which the mandate holder can cooperate with States to fulfil their commitments to eliminate discrimination against women in law and in practice;

(c) To make recommendations on the improvement of legislation and the implementation of the law, to contribute to the realization of the Millennium Development Goals, in particular goal 3 on the promotion of gender equality and the empowerment of women;

(d) To work in close coordination with other special procedures and subsidiary organs of the Council, relevant United Nations entities, in particular UN Women, the Committee on the Elimination of Discrimination against Women and other treaty bodies, and to take all measures necessary to avoid unnecessary duplication with those mechanisms;

(e) To take into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions and civil society organizations;

(f) To submit an annual report to the Council, starting at its eighteenth session, on laws that discriminate against women or are discriminatory to women in terms of implementation or impact, and on good practices in eliminating such laws, drawing upon the findings of the United Nations human rights machinery and the broader United Nations system;

19. *Calls upon* all States to cooperate with and assist the independent expert in his or her task, to supply all necessary information requested by him or her and to give serious consideration to responding favourably to the requests of the independent expert to visit their countries, to enable him or her to fulfil his or her mandate effectively;

⁴ A/HRC/15/40.

20. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the independent expert in the fulfilment of his or her mandate;

21. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Council.
