



## Reports on the 45<sup>th</sup> session of the UN 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*

28 September 2020

The panel is held pursuant to the Human Rights Council [resolution 6/30](#), adopted in 2007.

The panel discussion aims to enhance understanding of the ways in which gender-based discrimination intersects with other forms of discrimination, as well as to discuss new approaches to integrate a gender and intersectional perspective in the work of the Human Rights Council and its mechanisms.

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

*"There is no such thing as a single-issue struggle because women do not live single-issue lives."*

*Audre Lorde*

#### Opening Statement:

##### ***Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights:***

Women and girls suffer the worst from the health and socio-economic impacts of COVID-19, not due to any inherent vulnerability, but because of longstanding **discrimination** and **inequality**. The most affected are women who suffer **multiple layers of discrimination**, including because of their race, age, disability, migration, socio-economic status, sexual orientation, gender identity, nationality or religion. UN Women and the UNDP warned that the pandemic will dramatically increase the **poverty rate** for women.

The intersection of discrimination between **race and gender** increases the risk for women of African descent to be victims of police brutality, including sexual and gender-based violence as highlighted by the Special Rapporteur on contemporary forms of racism. The Special Rapporteur on the rights of persons with disabilities has stressed the intersection between **older age, gender and disability**, as a result of which, older women with disabilities are often pushed into economic dependency and are likely to be subject to violence, abuse and neglect. The Working Group on Discrimination against Women and Girls has expressed concern that women from **racial minorities** are more at risk of **incarceration**. Together with the Working Group of Experts on People of African Descent, it also highlighted how African-American women are more at risk of **maternal mortality and morbidity**. Worldwide, **indigenous** women are also at particular risk.

Several **resolutions** have been adopted by the Council that recognize the importance of considering the intersection of intersectionality. The Human Rights Council and its mechanisms have a critical role in promoting **prevention and response measures** that tackle intricate systems of oppression, such as sexism, racism, ageism, ableism, homophobia, and others.

#### Statements by the Panellists:

##### ***Mr Felipe Gonzáles Morales, Special Rapporteur on the human rights of migrants (video message):***

The number of migrant women reached **48% of the migrant population** in 2017. They are uniquely and disproportionately affected by discrimination, abuse, and gender-based violence. A situation of vulnerability due to their status as women and migrants is exacerbated by multiple and **intersectional forms of discrimination**. Women and girls may **decide to leave** their country of origin due to high rates of sexual violence, forced marriages, unequal access to rights and resources, family control, or gender expectations. In many countries their decision may be subject to the authorization of their husband or male guardian. During **transit**, migrant women and girls run the risk of being victims of acts of violence, including gender violence, exploitation, trafficking, slavery and detention. **Indigenous women and girls** are disproportionately victims of trafficking and other forms of violence. In **destination countries**, many women work in gender-segmented, unskilled, undervalued and poorly paid sectors. These women tend



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to have limited access to preventive sexual and reproductive health services. **Lesbian, bisexual, transgender and intersex** people are at risk of discrimination and stigmatization throughout the migration process.

Council mechanisms should **improve information exchange** and cooperation, and create synergies through joint activities. Based on the specific situation and context of each country, the Council's mechanisms should participate with the Member States in **initiatives or concrete action plans** to mitigate the situations of vulnerability of women and girls. Special Rapporteurs should take into account a gender perspective when carrying out their work. We should actively search for the **voice of migrant women and girls** and encourage their participation in these forums to gain direct knowledge of their situation. It is also essential to implement the **Global Compact for Safe, Orderly and Regular Migration**.

***Dr Joia Crear Perry, President of the National Birth Equity Collaborative (video message):***

2020 has been a rough year for **Black women in the United States**, who have buried their family members due to the COVID-19 pandemic, lost their jobs which were often poorly paid, and are reeling from the murders of unarmed Black people by police that catalyzed a **global movement for Black lives**.

The story of **Breonna Taylor**, murdered by police while sleeping in bed, helped shift to acknowledge the violence that Black women endure. Anti-Blackness and gender oppression are **global** phenomena.

The same systems that do not value Black women's lives in policing, do not value their lives in **education, housing** or even **health care**. The **Reproductive Justice movement** makes the case for all the ways that racism and discrimination affect health outcomes like **maternal mortality**.

**Meaningful resources** should be invested to eliminate barriers to those who want to grow their families. Controlling the bodies of Black women, Indigenous women, poor women, will never result in the structural changes needed for **sexual and reproductive wellbeing**. Services should be provided with commitment to dismantle racism and gender oppression.

Human rights alone without a sustained **commitment to justice** will never improve the lives of women.

***Ms Winnie Byanyima, Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS)***

Gender **intersects** with other axes of inequality, race, ethnicity, religion, gender identity, sexual orientation, health status, like HIV status, disability. **Laws, policies and programmes** should intend to advance gender equality and address women in all their diversity. We need to remove laws that criminalise sex work, personal drug use or gender identity.

UNAIDS is a Joint Programme cosponsored by 11 UN agencies. In **Pakistan** it worked together with UNDP to mobilise the transgender population at different consultations. The result was the passing of the **Transgender Persons Bill**.

Fight for gender equality, must include the **fight against all other forms of oppression** and discrimination. We need to be more innovative about **how we gather the data** we need and pull it together to analyse and put evidence on the table of what works. We need a better understanding of the intersecting causes of vulnerability and risk to HIV to better address this at national levels. It is imperative to protect and fulfil the rights of **adolescent girls and young women**. UNAIDS together with UNESCO, UNICEF, UNFPA and UN Women is co-leading a new initiative called "**Education plus**".

The fate of our young generation, the risk of rolling back years of hard-fought gains in women's rights is real because of COVID-19. What is needed is **bold political leadership** to get us back on track, with human rights and gender equality, and communities at the front in all their rich diversity.

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

Intersectionality is not about overlapping different identities but a way of **de-constructing women's social positioning**. Without an intersectional approach, we cannot work on gender equality more broadly, nor shape and **strengthen state laws, policies** and positive duties and practices on gender equality. Without an intersectional lens, measures aimed to address injustice towards one group may end up perpetuating systems of inequity and **powerlessness towards other groups**.





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Traditionally, conceptions of discrimination, has rendered invisible problems or forms of discrimination faced by marginalised women that enhance their vulnerability. This was described by Kimberle Crenshaw who coined the term intersectionality, as the twin problems of 'over-inclusion' and 'under-inclusion'.

The notion of 'over-inclusion' refers to situations where the racial, caste or class dimension of an experience is subsumed within a gender perspective and only the gender experience is addressed. 'Under inclusion', refers to situations where a gender analysis is underplayed or ignored altogether in what is perceived to be a problem of racial discrimination.

It is vital that all States mainstream intersectional perspectives within laws and policies across a range of social issues and **provide sufficient resources** to make such measures meaningful. One obvious example is to introduce migrant status in anti-discrimination work. Other measures include placing emphasis on **research that reflects an intersectional approach** to social issues and providing **adequate funding to NGOs** working with marginalised women to strengthen partnerships and monitoring mechanisms.

### Oral Interventions from States, Group of States and Observers:

**States (Joint Statements):** Finland on behalf of Nordic-Baltic countries (Denmark, Estonia, Iceland, Latvia, Lithuania, Norway, Sweden), Chile on behalf of Group of Latin American countries (Argentina, Brazil, Colombia, Ecuador, Honduras, Mexico, Panama, Peru, Uruguay, Chile), Luxembourg (on behalf of Belgium, Netherlands and Luxembourg), European Union, United Kingdom (on behalf of Australia, Canada, United Kingdom), Austria (on behalf of Croatia, Slovenia, Austria), Vietnam (on behalf of the ASEAN – Association of Southeast Asian Nations – member states), Burkina Faso (on behalf of the African Group), Republic of Korea on behalf of MIKTA group of countries (Australia, Indonesia, Mexico, Republic of Korea, Turkey).

**States (Statements made in the State's individual capacity):** Germany, Fiji, Haiti, Greece, Nepal, Armenia, Burkina Faso, Senegal, Maldives, Botswana, Angola, Switzerland, Spain.

**Observers:** UN Women, United Nations Population Fund (UNFPA). **NGOs:** Asian-Pacific Resource and Research Centre for Women (ARROW) – joint statement, Plan International, Inc. – joint statement, Rutgers – joint statement, Action Canada for Population and Development, Institut International pour les Droits et le Développement, Global Institute for Water, Environment and Health.

**States:** The representatives of states repeatedly observed that as the 25<sup>th</sup> anniversary of the Beijing Declaration and Platform for Action, and the 20<sup>th</sup> anniversary of the adoption of the Security Council Resolution 1325 (2000) on women, peace, and security are marked, the panel discussion on gender and intersectional perspective is very timely, especially under the unprecedented circumstances of the COVID-19 pandemic. In statement made on behalf of ASEAN group of countries, the importance of placing **women's leadership** and contributions at the heart of Covid-19 response, resilience and post-pandemic recovery efforts was underlined. Finland observed that no group or person was **inherently vulnerable** or one-dimensional. Luxembourg on behalf of a group of countries noted that the States must ensure that **civil society**, especially women's rights organizations and human rights defenders are put at center stage, supported politically and financially. Germany echoed the importance of empowering women-led civil society organizations and women leaders, as well as the need to **fight sexual and gender-based violence**. Switzerland spoke about **violence against women**. European Union noted that women are not to be considered as one **homogenous "group"**, while Haiti spoke about the need for a **holistic approach** to gender issues, that takes into account both feminine and masculine realities. United Kingdom: spoke on the importance of the universal access to **sexual and reproductive health and rights**, including adequate maternal care. The speakers also referred to the dangers of the **disruption to education** and prolonged school closures that will have a lasting effect on future opportunities for youth, particularly girls. Finally, Spain announced that, together with a group of countries, they will present a **new resolution** on the 20th anniversary of UNSC resolution 1325 Women, Peace and Security.

**UN Women:** Women and girls have different experiences based on race, ethnicity, location, age, disability, sexual orientation and gender identity, religious belief, marital status and other characteristics and factors. When two or more characteristics intersect, they can lead to **severe forms of inequalities** and **multiple forms of discrimination**, impacting on families across several generations. Women and girls have been and are particularly affected during the ongoing **COVID-19 pandemic**, including by a rise in



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domestic violence, poverty, and unpaid care work. **Strengthening** the intersectional perspective is therefore crucial to comprehensively tackle gender-based discrimination in all its forms, including at the work of the Council. **UNFPA** focused on the importance of addressing the gender equality in UPR.

**NGOs:** The representatives of the civil society underlined that a gender perspective requires addressing gender inequality both by **analysing the different forms of discrimination** that women face based on different facets of their identity and by **developing policy** that takes into account this diversity. They also underscored the importance of access to **quality safe abortion services**, as well as the importance of **sexual and reproductive health and rights** of adolescents and young people. One NGO underlined that this panel should be a space to **meaningfully engage in a discussion** that can encompass the full scope of the work of the Council. Another NGO spoke on the challenges faced by the **refugee women**.

### Questions to the Panellists:

**Finland on behalf of a group of countries:** How can we bring the human rights concerns, including multiple forms of discrimination, into the limelight in various UN organizations and increase the awareness of Resident Coordinators and UN country offices? **Chile on behalf of a group of countries:** What would be the priority measures to consider in the Human Rights Council when it comes to bolstering the intersectional perspective of the rights of women and girls? **Austria on behalf of a group of countries:** Could you give us some examples of topics that the Human Rights Council deals with that would especially profit from the intersectional approach? How can one apply the intersectionality perspective to issues such as safe drinking water, clean environment or safety of journalists? **Germany:** how can states adequately measure the efficiency of their actions and thus pave the way for improving them? **Fiji:** Have State responses to the pandemic revealed any lessons learned regarding how to combat the multiple and intersecting forms of discrimination women? **Haiti:** How can the Member States through the Human Rights Council better face the specific challenges that men and boys face while continuing to support women and girls? **Republic of Korea on behalf of a group of countries:** What are the panellists' views on ways to strengthen the cooperation between the Human Rights Council and civil society in promoting an intersectional approach including in the time of the COVID-19 pandemic? **Greece:** The Council has a duty to keep mainstreaming the gender perspective in all its work: what are the panellists' views on that? **Burkina Faso:** Can we really expect that the already gloomy state of play of gender equality will not be compromised by scourges such as terrorism and conflicts, to which was added COVID-19? **Botswana:** Can the Panellists share some perspectives and best practices in the area of women's economic empowerment, in both rural and urban areas?

### Final Remarks by the Panellists:

**Ms Byanyima** spoke on the importance of Law and de-criminalization of laws that put at risk particular groups of people, such as people with HIV, LGBTIQ people, people practising personal drug use and sex workers.

**Mr Gonzáles Morales** noted that states of emergency should not be used as instruments to underline human rights. He also referred to the spike of xenophobic speech affecting migrant women, and to the multiple intersecting forms of discrimination, such as the ones faced by indigenous migrant women.

**Ms Crear Perry** said that racism should be well-defined. What does it mean to be a black woman, an indigenous woman, and not be valued, not be seen? There was also need to break down silos, she said.

**Ms Patel** concluded that while there was growing awareness about intersectionality, there was still a huge gap between rhetoric and reality. More significant collaborations should be enabled between human rights communities and grassroots organizations, she said.

To watch full Panel Discussion on Gender Perspective, refer to [UN Web TV](#).