

Best Practice for HRC

This document is my work in progress to provide best practice guidelines for the New Zealand Human Rights Commission (HRC). The commission is a National Human Rights Institution (NHRI).

I have mental health issues and am struggling to continue work on it so I am making it available.

It is a mess of draft writing, notes and references documents.

1 Intro

Everyone has human rights. They are 'human' rights because all humans have them. Men and boys are human beings and therefore have the same rights as everybody else.

Human rights need protecting. Therefore the human rights of men and boys need protecting.

One of the roles of NHRIs is to protect human rights, so NHRIs must consider how to protect the rights of men and boys, as well as the rights of women and girls.

Likewise, one of the roles of NHRIs is to promote human rights, so NHRIs must consider how to promote the rights of men and boys, as well as the rights of women and girls

Little has been written about protecting and promoting the rights of men and boys. Fortunately, protecting and promoting the rights of men and boys only requires applying human rights principles and standards that *are already* widely supported and written about.

One of the barriers to protecting the rights of men and boys is our own preconceived ideas and assumptions. So *this guidance primarily takes the role of explicitly stating how already established human rights principles and standards apply to men and boys* to encourage work that aligns with those principles and standards.

Human rights principles and standards apply to everyone, so in most cases the term 'men and boys' in this document can be substituted for any other group.

This guidance is focused on NHRIs but is useful for anyone who applies human rights principles to their work.

2 Human rights principles require the inclusion of men and boys

The protection and promotion of human rights requires observance of human rights and human rights principles. An organisation cannot protect human rights while violating human rights, nor can they promote human rights while ignoring human rights principles.

2.1 Universality

Human rights apply to all humans equally. Men and boys are human and have same rights as women and girls.

| **Women and girls have the same fundamental human rights as men and boys**¹

2.1.1 Recognition of equal rights in human rights law

The equal rights of women and men have been recognised in international human rights law for decades.

2.1.1.1United Nations Charter(1945):

Preamble — “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...”

Article 1 — “To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

2.1.1.2The Universal Declaration of Human Rights (1948):

Preamble — “Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,”

Article 1 — “All human beings are born free and equal in dignity and rights”

Article 2 — “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, ... birth or other status.”

2.1.1.3International Covenant on Civil and Political Rights(1966):

“Article 3 — The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”

2.1.1.4International Covenant on Economic, Social and Cultural Rights(1966):

Article 3 — The States Parties to the present Covenant undertake to ensure the equal right of

¹ HRC 2010 Human_Rights_Review_2010_Full.pdf

men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

2.1.1.5 Convention on the Elimination of All Forms of Discrimination against Women preamble(1979):

Preamble — “Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights, “

2.1.2 Gender Stereotypes

Gender stereotypes affect the universality of the protection and promotion of human rights.

Gender stereotypes are generalised preconceptions about men and/or women.

The Office of the United Nations High Commissioner for Human Rights says:

A gender stereotype is, at its core, a belief and that belief may cause its holder to make assumptions about members of the subject group, women and/or men. In contrast, the term “gender stereotyping” refers to the practice of applying a stereotypical belief to an individual member of the subject group;²

It is important that NHRIs do not use gender stereotypes in their work. Stereotypical thinking can lead to seeing something as normal or natural, or ‘just the way things are’ can undermine objective assessment of human rights. For example, men have a shorter life expectancy compared to women and the WEF sees this normal and considers men living 6% shorter lives compared to women as equality between women and men.³

The OHCHR explains the harm of using gender stereotypes:

The harm is caused by the application of a stereotypical belief to an individual (e.g., through a state enforcing a gender stereotype into a law) in such a way as to negatively affect the recognition, exercise or enjoyment of their rights and freedoms.⁴

Stereotypes need to be brought to our attention. The APF says:

The gender-related assumptions that underlie our thinking are likely to remain invisible or blurry and therefore they can mislead us, even without our realising it, unless we bring them to attention.⁵

States are required to address gender stereotypes under international human rights law.⁶

Article 5 of the Convention on the Elimination of All Forms of Discrimination against

² [Gender Stereotyping as a Human Rights Violation – OHCHR](#)

³ WEF gender gap report

⁴ [Gender Stereotyping as a Human Rights Violation – OHCHR](#)

⁵ [NHRI Guidelines for Mainstreaming the Human Rights of Women and Girls into Our Everyday Work](#)

⁶ [Gender Stereotyping as a Human Rights Violation – OHCHR](#)

Women says:

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

Additionally,

The CEDAW Committee affirmed the importance of States Parties' obligations in its General Recommendation No. 25, by identifying the obligation to "address prevailing gender relations and the persistence of gender-based stereotypes" as one of three categories of obligations central to the achievement of substantive equality.⁷

Be aware of the team members' own biases, prejudices and stereotypes that may lead to overlooking important gender sensitive information, for instance by not asking the relevant questions, affecting the information gathering and documentation. These biases may include the erroneous idea that victims of sexual violence will not have information to share about other types of violations.⁸

2.2 Non-discrimination

Discrimination on the basis of sex or gender is a violation of human rights. The United Nations defines gender discrimination as:

Gender-based discrimination includes any distinction, exclusion or restriction due to gender that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms.

⁹

The principle of non-discrimination requires the inclusion of men and boys in human rights protection and promotion. Activities and policies for the protection and promotion of human rights must not discriminate against men.

Discrimination can be an act or a failure to act. Such discrimination can include impairing the recognition of men as equal rights holders, and/or impairing men's enjoyment or exercise of their rights.

Similarly, protecting human rights must include the protection of men from discrimination and promotion of human rights must include the promotion of men's

⁷ [Gender Stereotyping as a Human Rights Violation – OHCHR](#)

⁸ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

right to be free from discrimination.

The United Nations goes on to clarify *direct discrimination* and *indirect discrimination*:

Direct discrimination occurs when a difference in treatment relies directly on distinctions based exclusively on characteristics of an individual related to their sex and gender, which cannot be justified on objective and reasonable grounds (e.g. laws excluding women from serving as judges). **Indirect discrimination** occurs when a law, policy, programme or practice appears to be neutral but has a disproportionately negative effect on women or men when implemented (e.g. pension schemes that exclude, for instance, part-time workers, most of whom are women).¹⁰

The protection and promotion of human rights must not directly discriminate against men and boys. Activities and policies that make a distinction that excludes men and boys must be justified on objective and reasonable grounds.

See the following section for best practice for including men and boys.

Objective and reasonable grounds to exclude men and boys (eg programs targeting women) requires due diligence, including:

- Gathering sufficient evidence about the impact on men and boys
- Establishing that men and boys would not also benefit from the same activity
- Establishing that men's and boy's rights will not be undermined or harmed by the activity
- Having a specific and measurable goal
- Providing evidence that the activity will likely produce the desired outcome
- Having measurable criteria for stopping a targeted program, or for changing the target to men and boys.

The protection and promotion of human rights must not indirectly discriminate against men and boys. Men and boys must receive the same level of protection as women and girls.

Ensuring no indirect discrimination requires:

- Gathering evidence on the impact of activities and policies on men and boys (and women and girls)
- Gender sensitive evaluations

International human rights law has a non-derogable requirement to eliminate discrimination.

¹⁰ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

1 The Commission values diversity and does not discriminate against employees, potential employees or any other person by reason of gender...¹¹

2.3 Equality

2.3.1 Gender equality

Gender equality is a natural consequence of universal human rights and the principle of non-discrimination.

Gender equality is a human right¹² and “was made part of international human rights law by the Universal Declaration of Human Rights when it was adopted by the UN General Assembly on 10 December 1948”.¹³

UN Women defines gender equality as:

*... the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. **Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women’s issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.***¹⁴ (emphasis added)

To be consistent with the principle of gender equality, the protection and promotion of people’s human rights must not be depend on their sex or gender. Both gender’s must have adequate protection and promotion, Additionally, one gender’s human rights must not receive less protection and promotion than the other unless their is justification that aligns human rights principles.

The protection and promotion of human rights must take into consideration the interests, needs and priorities of both women *and men*.

2.3.2 Substantive/de facto equality

International human rights principles require two types of equality. Formal or *de jure* equality, which is equality under the law and policy, and substantive or *de facto* equality, which is equality of outcomes or results.

The UN says:

¹¹ https://www.hrc.co.nz/files/2114/7147/3368/Human_Rights_Policy_Statement.pdf

¹² <https://www.unfpa.org/gender-equality>

¹³ <https://www.un.org/en/global-issues/gender-equality>

¹⁴ [UN Women Training Centre Gender Equality Glossary](#)

*substantive equality, which is the standard to be met under human rights law, requires measures to achieve equality of results.*¹⁵

Human rights advocates recognised that formal equality is not always sufficient to ensure people enjoy their human rights. For example, in situations where the law discriminated against some people, simply repealing the discriminatory law does not address the effects of the discrimination.

Likewise, advocates recognised that gender neutral laws and policies may not have gender neutral results. Gender stereotypes, biases, and culture/tradition may cause indirect discrimination even when laws and policies are gender neutral.

It is wrong to assume that gender neutral policies are sufficient for the protection and promotion of human rights because they may not result in equal levels protection and promotion.

The APF says:

*A widespread belief in and commitment to the underlying objectivity and “gender neutrality” of core human rights prevented recognition of the fact that equal treatment of persons in unequal situations will invariably perpetuate, rather than eradicate, injustices.*¹⁶

Men and boys have the same right to substantive equality as women and girls. If unbiased analysis shows that gender neutral policies are not sufficient for the protection and promotion of their human rights in practice, then alternative approaches are necessary.

NRHIs must apply the principle of substantive equality to their work. Both women and Men must have the same outcomes and results of the NHRIs work. For example, The outcomes and results of monitoring, ie identifying human rights issues, must be substantively equal between women and men.

*The [CEDAW] Committee expects national human rights institutions to ensure that their work ... is based on the principle of formal and substantive equality between women and men and non-discrimination, as contained in the Convention, and that women have easy access to all services for the protection of their rights provided by national human rights institutions. The Committee also expects that the composition of members and staff of national human rights institutions is gender balanced at all levels.*¹⁷

2.3.3 Gender specific approaches

Gender specific law and policies explicitly identifies that both men and women are entitled to the benefits of the law/policy and requires the execution of law/policy to ensure both benefit.

¹⁵ [Women's Rights are Human Rights 2014](#)

¹⁶ [A Manual on National Human Rights Institutions - APF](#)

¹⁷ [Statement by the Committee on the Elimination of Discrimination against Women on its relationship with national human rights institutions E/CN.6/2008/CRP.1](#)

This is a proactive approach to eliminate indirect discrimination.

Evaluation of measures to ensure gender equality must identify areas where inequalities affect men and boys as well as areas where they affect women and girls. This is not always the case, for example, the APF gender mainstreaming checklist. (see appendix) and the WEF gender gap index

2.3.4 Affirmative action/special measures

In situations where gender neutral laws and policies produce indirect discrimination, or where the effects of previous discrimination are not alleviated by removing the discrimination, additional action is required to ensure the protection of people's rights.

Men have the same right to affirmative action/special measures as women. Failing to apply special measures to men when they meet the criteria is discrimination. Therefore it is necessary to proactively look for areas where men need special measures to reach equal outcomes with women.

Affirmative action must not violate human rights principles, so has restrictions. For example:

Temporary

Necessary

Not based on stereotypes and assumptions

Carried out in good faith

Tailored to reduce the actual disadvantage of the group it is aimed at.

The impact of the measure on those to whom it does not apply should be considered.

Should be proportional to the degree of under-representation or disadvantage.

*Substantive or de facto equality... does not mean guaranteeing women treatment that is identical to that of men in all circumstances. Rather, it recognizes that non-identical treatment of women and men... is required in certain circumstances to achieve equality of opportunities and results. This is sometimes referred to as affirmative action or temporary measures.*¹⁸

2.3.5 Gender mainstreaming

Gender mainstreaming is the practical application of the principle of gender equality. The United Nations says “NHRIs have particular responsibility for considering gender when carrying out their mandate”.¹⁹ And OSCE says “Gender equality should be

¹⁸ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

¹⁹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

mainstreamed into all activities of the NHRI”.²⁰

The United Nations describes gender mainstreaming as:

*Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. **It is a strategy for making women's as well as men's concerns** and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres **so that women and men benefit equally and inequality is not perpetuated.** The ultimate goal is to achieve gender equality.²¹ (Emphasis added)*

Gender mainstreaming must include the interests, needs, priorities and concerns of men and boys and they must benefit equally from the policies and programmes of an NHRI.

APF says:

*Gender mainstreaming is an **active process** of assessing gender implications across all activities of an organisation, taking action to achieve gender equality and ensuring gender inequality is not perpetuated. Its goal is to achieve formal and substantive gender equality. **It identifies how gender-based discrimination and unconscious bias affects women and girls.**²²*

The APF identifies the benefits of gender mainstreaming:

In addition to gender mainstreaming being the right thing to do, a gender mainstreaming approach benefits an NHRI's operations and outcomes in several ways.

- 1. An NHRI that 'walks its talk', that does what it says others should do, will be respected and valued. **The reputation of the NHRI will be enhanced.***
- 2. An NHRI that values equality, where genders are represented equitably and are treated fairly and equally, will have staff who engage more and work harder. **The NHRI will perform better.***
- 3. Having diverse perspectives on a board and among staff contributes positively to an NHRI's decision-making processes, activities and culture. **The decisions and activities of the NHRI will be more informed.***
- 4. Having people in the organisation who understand and reflect an 'insider perspective' or 'lived experience' of an issue the NHRI is working on will gain more external support and credibility. **The NHRI will be more trusted.**²³*

²⁰ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²¹ [Report of the Economic and Social Council for the year 1997 - A/52/3/Rev.1](#)

²² [NHRI Guidelines for Mainstreaming the Human Rights of Women and Girls into Our Everyday Work](#)

²³ [NHRI Guidelines for Mainstreaming the Human Rights of Women and Girls into Our Everyday Work](#)

Responsibility for translating gender mainstreaming into practice is system-wide and rests at the highest levels. Accountability for outcomes needs to be monitored constantly.²⁴

2.4 Two kinds of gender issues in human rights

The United Nations identifies two ways human rights issues affect gender equality. One, human rights issues that uniquely affect one gender, such as explicit discrimination. Two, human rights issues that predominantly affect one gender more than the other.

Unique human rights issues for men and boys include issues that are inherent to males, such as male specific reproductive rights like paternity fraud (where the mother falsely identifies a man as the father to gain benefits, such as child support)²⁵, or ‘sperm-jacking’ (where a woman collects a man’s sperm and impregnates herself, without his consent).²⁶

In addition, direct discrimination against men is another way human rights issues uniquely affect men. For example, laws that explicitly target men.

Human rights issues that predominately affect men include health issues, (such as suicide, shorter life expectancy, injury rates etc,) issues with the justice system (because men make up over 90% of prisoners), genital cutting (where boys make up the majority of victims in many countries), homelessness etc.

Gender analysis is fundamental to understanding how gender affects human rights and to designing interventions accordingly. There are two ways in which gender affects human rights.

All forms of discrimination against women [or men] in the enjoyment of all human rights are gender-specific violations. ...

Other human rights violations are not overtly or directly discriminatory but have a different impact on men than on women. ...²⁷

A third way that gender affects human rights issues is gender-specific issues for the victims. For example, while there are a number of issues in common for male and female victims of family violence, men and women face different challenges. For example, the way men and women experience coercive control in abusive relationships can be different. Men are far more likely to report coercion by threats of denying them access to their children, and/or threats of administrative abuse, such as making false claims to the police or social services.

2.5 ~~Three approaches to addressing gender equality~~

²⁴ [Report of the Economic and Social Council for the year 1997 – A_52_3_Rev-1-EN.pdf](#)

²⁵ XXXX Find example of paternity fraud

²⁶ XXXX Find example of sperm-jacking

²⁷ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

3 NHRI Obligations

Beyond applying basic human rights principles, NHRIs have obligations and expectations. The Paris Principles set out the requirements for NHRIs.²⁸ The Global Alliance Of National Human Rights Institutions (GANHRI) has released some General Observations²⁹ to help NHRIs meet the requirements of the Paris Principles.

The most relevant requirements of the Paris Principles and GANHRI's General Observations for the human rights of men and boys are:

Having a broad mandate

Pluralism

Consultation with stakeholders

3.1 Broad mandate

The Paris Principles require NHRIs to have a broad mandate to protect and promote human rights.

GANHRI states:

*An NHRI's mandate should be interpreted in a broad, liberal and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional and domestic instruments, including economic, social and cultural rights.*³⁰

and also:

*The NHRI's mandate to both promote and protect human rights must be defined as broadly as possible so as to give the public the protection of a wide range of international human rights standards: civil; political; economic; cultural; and social. This gives effect to the principle that all rights are universal, indivisible, and interdependent*³¹

That means NHRIs must include the rights of men and boys in their work. The protection and promotion of all human rights includes men's right to equal enjoyment of rights as stated in article 3 of CCPR and ICESCR.

The United Nations says:

In all the core protection areas mentioned here, NHRIs have particular

²⁸ [Principles relating to the Status of National Institutions \(The Paris Principles\)](#)

²⁹ [Global Alliance Of National Human Rights Institutions \(GANHRI\) - General Observations of the Sub-Committee on Accreditation](#)

³⁰ [Global Alliance Of National Human Rights Institutions \(GANHRI\) - General Observations of the Sub-Committee on Accreditation](#)

³¹ [Global Alliance Of National Human Rights Institutions \(GANHRI\) - General Observations of the Sub-Committee on Accreditation](#)

*responsibility for considering gender when carrying out their mandate*³²

3.2 Pluralism and gender balance

The Paris Principles require NHRIs to be pluralistic. This includes having a wide range of people in the leadership and staff. This means NHRIs must include both men and women. Additionally the United Nations and other human rights organisations expect NHRIs to have a gender balanced staff and leadership.

The United Nations says:

*NHRIs must demonstrate that the staff profile is merit-based, **gender-balanced** and representative of the population they serve*³³

UN Committee on Elimination of Discrimination Against Women says:

*The [CEDAW] Committee ... expects that the composition of members and staff of national human rights institutions is gender balanced at all levels.*³⁴

GANHRI says:

*Consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status. This includes, for example, ensuring the equitable participation of women in the NHRI.*³⁵

One reason for pluralism is to ensure a wide understanding of the human rights issues present. This means representation should not be limited to members simply being part of the represented group, but also *acting in the interests* of the represented group.

UN says:

*Involving stakeholders representing a **diversity of interests** ensures that pluralism is built into the process and that civil society buys into the concept of an NHRI*³⁶

3.2.1 Independent thinking

that is, staff have a variety of views on how to help men and boys and don't just follow one train of thought (eg feminism))

An NHRI can meet all the formal requirements of the Paris Principles and still lack independence if its members and staff do not possess independent thinking. If members and staff see themselves as defenders of the current regime or the current political system, or if they consider themselves as being under some form of obligation to the Government, or if they owe their loyalty to

³² [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³³ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³⁴ [Statement by the Committee on the Elimination of Discrimination against Women on its relationship with national human rights institutions E/CN.6/2008/CRP.1](#)

³⁵ General Observation 1.7 Ensuring pluralism of the NHRI

³⁶ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

*the Government, then they cannot be independent, no matter how good the law is and how closely the NHRI complies with the Paris Principles. True independence is a personal quality, best described as independent thinking.*³⁷

3.2.2 Pluralism extends beyond staff make up to the kinds of work the NHRI does

3.2.3 What this means for men and boys.

Pluralism requires representation of the needs and interests of men and boys in an NHRIs work. Simply having men present is not sufficient. A person who is a man is not necessarily acting on behalf on men, nor an expert on men's human rights. And experts in men's human rights are not necessarily men. The important thing is their are people who are acting on behalf of men and boys, and there are people who can provide expertise and experience of men's human rights issues.

Meaningful participation of men and men's advocates. Meaningful participation means that the men and men's advocates can influence the decisions made by the NHRI

- Men's rights issues are explicitly included in public consultations
- Men are asked about their experiences *as men*

The rights of men and boys are included in the work of the NHRI

- Promotional work
- monitoring
- etc

Wide range of men included.

Gender balance in staff

3.3 Consultation with stakeholders

NHRIs are required to have engagement with stakeholders. Engagemnt should be meaningful, regular and constructive.

Meaningful participation of men and men's advocates. Meaningful participation means that the men and men's advocates can influence the decisions made by the NHRI

- Men's rights issues are explicitly included in public consultations
- Men are asked about their experiences *as men*

Constructive means that consultation is beneficial to both parties.

GANHRI says:

Regular and constructive engagement with all relevant stakeholders is essential

³⁷ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

for NHRIs to effectively fulfil their mandates.³⁸

NHRIs are required to have regular and constructive consultations with men and men's advocates.'

GANHRI says:

To give full effect to these Paris Principle requirements, the SCA recommends that NHRIs should develop, formalize and maintain regular, constructive and systematic working relationships with other domestic institutions and actors established for the promotion and protection of human rights. Interaction may include the sharing of knowledge, such as research studies, best practices, training programmes, statistical information and data, and general information on its activities. For the following reasons the SCA considers such cooperation necessary to ensure the full realization of human rights nation-wide.³⁹

and also:

- *National human rights framework – The effectiveness of an NHRI in implementing its mandate to protect and promote human rights is largely dependent upon the quality of its working relationships with other national democratic institutions such as: government departments; judicial bodies; lawyers' organizations; non-governmental organizations; the media; and other civil society associations. Broad engagement with all stakeholders may provide a better understanding of: the breadth of human rights issues across the state; the impact of such issues based on social cultural, geographic and other factors; gaps, as well as potential overlap and duplication in the setting of policy, priorities and implementation strategies. NHRIs working in isolation may be limited in their ability to provide adequate human rights protections to the public.⁴⁰*

The Paris Principles recognise that effective human rights work requires engagement of and collaboration among all relevant actors. They require that NHRIs work in cooperation with other State institutions, NGOs and other parts of civil society, including parliament, judicial bodies,⁷⁹ the civil service, other State institutions with responsibility for the promotion and protection of human rights, such as ombudsmen and mediators, sub-national statutory human rights institutions and thematic institutions,⁸⁰ and the media.⁴¹

3.4 Accessibility

The Paris Principles do not have a specific section dealing with the accessibility of NHRIs. However, accessibility is implied in many provisions and indeed in broader human rights law dealing with access to remedies for violations of human rights. As NHRIs are established to provide remedies for violations, they must be accessible to victims seeking remedies. Accessibility has socio-economic, cultural, geographical and procedural

³⁸ [General Observations of the Sub-Committee on Accreditation - GANHRI](#)

³⁹ [General Observations of the Sub-Committee on Accreditation - GANHRI](#)

⁴⁰ [General Observations of the Sub-Committee on Accreditation - GANHRI](#)

⁴¹ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

dimensions⁴²

...

International human rights law provides that victims of human rights violations are entitled to a remedy to which they have “equal and effective access”.⁹¹ As providers of remedies, **NHRIs must ensure that they are accessible to victims on an “equal and effective” basis.**

...

In short, any person who is a victim of human rights violation or at risk of human rights violation may encounter accessibility issues. **NHRIs are required to take positive steps to ensure “equal and effective access”.** These steps can include:

not imposing fees on filing complaints and cases
providing legal advice and assistance to victims filing complaints and cases
ensuring that offices and facilities are physically accessible to persons with disabilities⁹⁴ and all gender identities⁹⁵
providing information in oral and written form, in simple language, in minority languages and in forms accessible to people with visual and hearing impairment
opening offices outside the capital, in regional and district locations⁹⁶
providing mobile services and clinics to reach people in remote locations
having members and staff who are drawn from and have lived experience of minority groups, are female and are able to communicate well with children and with older people using appropriate technology to facilitate access and communications⁴³

4 Best Practice for including men and boys

4.1 Leadership & Commitment & Planning

Explicitly including men’s and boy’s in human rights protection and promotion will require leadership, commitment, and political will. This is because there are barriers to including men and boys to overcome.

APF Says:

*Addressing gender equality within an NHRI, and becoming an institution that comprehensively understands and practices gender equality, requires a **planned strategic and systematic approach.** Gender equality is achieved by combining both gender mainstreaming and gender specialisation strategies.⁴⁴*

Council of Europe says:

Gender mainstreaming therefore requires the will and firm commitment of policy-makers to redress not only the existing imbalances between women and

⁴² A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴³ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴⁴ [NHRI Guidelines for Mainstreaming the Human Rights of Women and Girls into Our Everyday Work](#)

men, but to tackle the reasons for these imbalances.⁴⁵

UN Economic and Social Council Says:

Clear political will and the allocation of adequate and, if need be, additional human and financial resources for gender mainstreaming from all available funding sources are important for the successful translation of the concept into practice.⁴⁶

and also:

Responsibility for translating gender mainstreaming into practice is system-wide and rests at the highest levels. Accountability for outcomes needs to be monitored constantly.⁴⁷

Council of Europe

What, then, can be identified as important necessary prerequisites or facilitating conditions for gender mainstreaming?

•Political will

The state must define gender equality as one of its main objectives. ... The political will to mainstream involves the will to question current gender relations and the structures, processes and policies perpetuating inequality ... There is a strong correlation between the political will for gender mainstreaming and public awareness of gender equality issues. Therefore, governments will need to support awareness-raising and dissemination of knowledge of gender equality, e.g. in the educational system⁴⁸

The most important necessary prerequisite is political will. Without political will, there will be no reallocation of funds for developing knowledge of gender issues or for developing and implementing policies containing a gender perspective. The question is how to attract the interest of decision-makers for gender mainstreaming.⁴⁹

Policy implementing stage

Once the issues have been detected and analysed, the broad goals and policy lines defined and priority allocated to them, these issues have to be put into practice. This includes the elaboration of concrete actions.

Introducing mainstreaming in the first stages is no guarantee that a gender perspective will effectively be taken into account when policies are

⁴⁵ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

⁴⁶ [Report of the Economic and Social Council for the year 1997 – A_52_3_Rev-1-EN.pdf](#)

⁴⁷ [Report of the Economic and Social Council for the year 1997 – A_52_3_Rev-1-EN.pdf](#)

⁴⁸ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

⁴⁹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

implemented – analysis and action are two different things⁵⁰. There are big steps between detecting a gender issue, endorsing the principle of gender equality and implementing policies which take this issue into account. It is therefore very important to mainstream at this stage and to accompany and support carefully the actors concerned.⁵¹

OSCE says:

Leadership

Institutional leadership is fundamental to how women's rights and gender equality are perceived internally, as well as externally. Pluralism and diversity within the composition of an NHRI are requirements under the Paris Principles. Given that women comprise about 50 per cent of the population, one might expect that women would also comprise an equivalent proportion of the leadership in a truly pluralistic and representative institution.

Equitable institutional leadership begins with the equitable representation of women and men throughout the organization – especially in senior management. The establishment of women-friendly human resources policies and other internal organizational features that enable women and men to participate and advance in the organization on an equal footing are also important. Institutional leadership is also shown through the governance and direction provided by the senior officials of the organization to ensure that women's rights and gender quality remain priorities in programming and decision-making at the organizational level.⁵²

Commitment

Do commitments made by duty bearers to respond to threats affect women and men differently?

What are their formal and real commitments to gender equality?

Do duty bearers monitor and act with due diligence to protect women and/or men from gender-based violations?

*Do such commitments (or lack of) influence the situation being analysed?*⁵³

The chapter on Strategic planning for human rights impact provides a number of criteria to assist field presences in setting priorities among the human rights

⁵⁰ Commission on the Status of Women, 1994

⁵¹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

⁵² [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

⁵³ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

problems they should monitor.

The following considerations can help HROs bear in mind the gender element when they set their priorities:

Do prioritized problems affect mostly women or mostly men? If so, is the prioritization justified?

Is the field presence pursuing the same old problems because it is easier to continue along welltrodden paths than to venture into unknown territory?

Assess what other agencies and the authorities are doing on gender equality and if there is a need for the field presence to also work in this area. Many countries already have institutions for the promotion of gender equality but they may be weak and need support.

Consider centring monitoring strategies on rights holders and on empowering them instead of on victims and violations.

Consider monitoring the situation of rights holders suffering from or exposed to multiple forms of discrimination, including gender discrimination. When devising a monitoring strategy, consider that in some cases gender can be an entry point for establishing relations and strengthening engagement with key actors:

With the national authorities, some aspects of gender equality may be less sensitive. In these cases, the authorities may be more open to discussion and willing to work with the field presence. In other cases, especially when gender equality and women's empowerment **are perceived as threatening cultural norms** and social behaviours, the authorities might be less approachable. Field presences must be aware of these sensitivities in devising their strategy.

Within the donor community, gender equality is often a priority.

Within the United Nations country teams, several United Nations agencies have programmes and activities to promote gender equality. The same is true for other international and regional organizations, governmental and non-governmental. Identify possible synergies.⁵⁴

4.1.1.1A formal system

Including men and boys needs to be explicitly recognised in a formal system, with monitoring, review, accountability and redress.

The Human Rights Commission regularly recommends that the government

explicitly protect human rights.^{55 56}

Chief Commissioner Hunt has previously pointed out that relying on implicit protections for human rights “means means that only those in authority know whether and when... rights are being taken into account and, if it is, how it is interpreted and applied. Such arbitrariness is inconsistent with the essence of human rights.”[Hunt 2017]⁵⁷

The UN Economic and Social Council says:

The Council calls upon all of its functional commissions and subsidiary bodies to mainstream a gender perspective in their work, and in this regard:

*A. To adopt, as a first step, **an explicit decision** on mainstreaming a gender perspective in their work;⁵⁸*

OSCE says:

*While **planning** is important within the entire organization and work of the NHRI, it is especially relevant, if not critical, for **women’s rights and gender equality**. Long-term investments are required to sustain the efforts needed to achieve a culture change and to eliminate systemic gender-based bias and discrimination.⁵⁹*

APF says:

In seeking to promote and protect the rights of groups of persons at particular risk of human rights violations, NHRIs call on the full range of functions and powers available to them. Comprehensive, integrated strategies are required, not piecemeal approaches. Working with other organisations, both governmental and non-governmental, will increase the capacity of the NHRI to have an impact.

Each NHRI should identify the mechanism most appropriate to its situation and incorporate it within the structure of the institution.⁶⁰

4.1.1.2Focal point

*To complement gender mainstreaming, NHRIs can foster expertise within their organization by creating a central point with **accountability** for women’s rights and gender equality. NHRIs bring a variety of organizational responses to this*

⁵⁵ Human rights in New Zealand 2010 – pages 7,28,181,182,183,239,254, 278,300, 311,319

⁵⁶ See also – HRC PRISM report, submissions to the UN for CRC, CAT, UPR

⁵⁷ Social Rights Are Human Rights - Paul Hunt 2017

⁵⁸ [Report of the Economic and Social Council for the year 1997 – A 52 3 Rev-1-EN.pdf](#)

⁵⁹ [Handbook for National Human Rights Institutions on Women’s Rights & Gender Equality OSCE 2012](#)

⁶⁰ [A Manual on National Human Rights Institutions - APF](#)

challenge, ranging from individual staff focal points to senior officials who are designated with specific responsibilities, to the establishment of units, departments or even centres dedicated to gender equality, in whole or in part.

Gender mainstreaming can also be made more effective if there is an internal point of expertise and accountability for protecting and promoting women's rights and achieving gender equality.⁶¹

questions to consider

Is there a focal point in the organization for women's rights and gender equality?

What protocols are in place to ensure that the NHRI knows about this resource person and when to consult her/him? How is the work of internal focal points integrated into the work of the rest of the organization?

Are external stakeholders made aware of these focal points, and are they encouraged to communicate with them and share information?

Does the internal focal point have adequate responsibility and authority in the NHRI to ensure that gender perspectives are properly integrated and managed?⁶²

ODIHR recommendations:

NHRI planning processes should incorporate consideration of women's rights and gender equality in all relevant areas of the NHRIs substantive work, as well as organizationally within the NHRIs.

Where national specialized institutions exist, in particular gender equality bodies, these could be consulted during the planning process. Civil society actors and other partners could also be consulted and invited to provide input.

NHRIs should appoint a focal point on gender equality and women's rights. The focal point should have adequate authority to ensure that gender perspectives are fully integrated.

NHRIs should track the representation of women and men at all levels in the NHRIs. This information should be included in the NHRIs' annual reports, and steps should be taken to address any significant imbalances.

NHRIs should provide regular training on gender sensitivity, sexual harassment, women's rights and non-discrimination to staff members. All staff, from senior management to administrative and service staff, should be required to participate in gender-sensitivity training.

⁶¹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

⁶² [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

NHRIs should put in place policies to prevent gender-based discrimination, including against pregnant women. NHRIs should provide flexible hours and work-at-home arrangements to accommodate persons with parental and/or caretaking responsibilities. Attention should be paid to ensure fairness to other employees.

NHRIs should evaluate factors that may prevent women from accessing them and take steps to address these. This may include the establishment of regional or mobile offices, flexible opening hours, a child corner in the NHRI office, access for persons with disabilities and means of reporting that allow for confidentiality.⁶³

4.2 Remove Barriers & Address Existing Discrimination

The first steps for an NHRI to include men and boys in their work are, one, addressing existing discrimination and, two, removing existing barriers to the inclusion of men and boys.

Addressing discrimination and removing existing barriers does not necessarily require committing additional resources. It can mean that existing resources are used more effectively.

*When developing a methodology, **account for possible obstacles that might surface when investigating violations... and their gendered impacts and discuss within the team possible strategies to overcome these.***⁶⁴ emphasis added

There are many barriers to including men and boys in the protection and promotion of human rights:

4.2.1 Assumptions about inequality

Assuming women face the vast majority of inequality without an unbiased assessment of the evidence. This leads to ignoring the inequalities faced by men and boys

4.2.2 Entrenched attitudes and beliefs that devalue men's rights

Negative attitudes and beliefs about the value of including men and addressing their issues are a barrier to the protection and promotion of their human rights.

4.2.2.1 Zero sum thinking assumes women will lose something if men gain something

*Empowerment of women cannot be achieved in a vacuum; men must be brought along in the process of change. Empowerment should not be seen as a zero-sum game where gains for women automatically imply losses for men.*⁶⁵

4.2.2.2 Beliefs about the worthiness of protecting and promoting men's rights deficit model of men

⁶³ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

⁶⁴ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁶⁵ [Gender mainstreaming made easy: handbook for programme staff](#)

ladies first because of historical oppression EG see Beijing platform for action for a ladies first approach.

*Information on gender is to be integrated into the whole information-gathering process. **While specific gender concerns can be summarized under the heading “women”, it is important to remember that, in general, women as such do not constitute a “vulnerable group”, but are half of the population and their presence (or absence) has to be acknowledged and analysed in all spheres of life for the analysis of the contextual situation to be complete*** ⁶⁶

4.2.2.3 Cognitive biases against men

Men's suffering is less significant or important

discrimination against men is less concerning

harm faced by men is less significant

actions that lead to instrumental harm to men are more acceptable

societal attitudes (misandry)

Attitudes of leadership and staff

*Collecting information on violations or abuses directed towards, or disproportionately affecting, someone because of their gender or sex is particularly challenging. The ongoing discrimination that victims may face, and the impunity that typically prevails, **requires that investigators and interpreters win the trust of victims.** In most societies, it is often not socially acceptable to discuss the systematic oppression of women and LGBTI persons or certain prevalent violations, such as sexual violence. Consequently, besides the absence of reliable information, the investigation team may struggle to identify where such violations have occurred and to find victims or witnesses who are willing to provide testimony* ⁶⁷

Experience has revealed that, in communities with a strong patriarchal culture, women and girls often perceive themselves and their experiences as secondary to others'. As a result, their testimonies often focus primarily on the experience of their male relatives and/ or children. Human Rights Officers conducting interviews should be aware of this and must ensure that follow-up questions focus on the women's experience. Dedicating “special days” for women may also contribute to facilitating their participation and sharing information on their own experience. ⁶⁸

Yet another challenge is that patriarchal and gender-based discrimination might be so ingrained that even the investigators themselves fail to recognize human rights concerns. For example, if maternal mortality increases, the team might

⁶⁶ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

⁶⁷ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁶⁸ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

consider this a sad fact of life rather than a direct consequence of a conflict or a possible matter of discrimination – where duty bearers may have failed to provide access to required reproductive health-care services, for example. As a consequence, investigations and documentation of violations might fail to include all the relevant elements needed for a gender analysis. Hence the importance of training the investigation team to undertake gender-sensitive information-gathering and analysis.⁶⁹

Male survivors of sexual violence are often reluctant to step forward due to the risk of stigmatization and prosecution. Domestic legislation might lack legal protections for male victims of sexual violence due to gendered definitions of rape that exclude male rape. The legislation may criminalize sexual intercourse between men without distinguishing between consensual and nonconsensual sexual intercourse. In addition, the types of sexual violence to which men are exposed differ from those against women and girls, and are often underreported and less commonly acknowledged.⁴² Investigators may not be familiar with the stigma around sexual violence against men and boys and consequently, they might overlook the gathering of such information from sources and/or fail to look for possible signals that sexual violence has taken place. For instance, sexual violence can be used as a form of torture and illtreatment in detention, but may not be reported as such by survivors themselves and by the investigators. Thus the importance of training and of following specific methodologies (e.g. on interviews technique, selection of intermediaries/sources and information gathering) to be conducive to the disclosure of this information by survivors and the adequate documentation of these forms of violence.⁷⁰

Co-operation with civil society organizations working on women's rights is of particular importance as, in some contexts, women may face obstacles to accessing NHRIs directly. Civil society organizations often provide direct services and protection to victims, including running shelters, operating hotlines and providing counselling and legal advice.⁷¹

NHRI Accessibility

NHRIs must be accessible to all people, but women may face particular barriers to reach these institutions. These obstacles include lack of financial resources for travel, limited access to transportation, restrictions imposed by working hours or the opening hours of NHRIs and lack of childcare, as well as cultural or social factors that can make filing complaints or even attending NHRI offices problematic, or even impossible.

Women from vulnerable groups, such as refugees, migrant workers or persons with disabilities, may face particular difficulties, such as linguistic or cultural barriers, that may dissuade them from coming forward to report human rights violations.⁷²

⁶⁹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁷⁰ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁷¹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

⁷² [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

4.2.2.4 Gender stereotypes

Stereotype examples:

Women are a vulnerable group (while men are not)

*Stereotyping attributes are also common, such as portraying men as active and women as passive, men as leaders and women as followers. Avoid the systematic categorization of women as “vulnerable”, as well as lumping together “woman and children” into a homogenous group.*⁷³

*Information on gender is to be integrated into the whole information-gathering process. While specific gender concerns can be summarized under the heading “women”, it is important to remember that, in general, women as such do not constitute a “vulnerable group”, but are half of the population and their presence (or absence) has to be acknowledged and analysed in all spheres of life for the analysis of the contextual situation to be complete*⁷⁴

differences are natural and normal and therefore not an issue eg life expectancy gap see WEF gender gap report

deficit model ie that the differences is caused by a deficit in men and boys – that’s just asserting men are inferior

Gender Stereotyping as a Human Rights Violation.odt

*Be aware of the team members’ own biases, prejudices and stereotypes that may lead to overlooking important gender sensitive information, for instance by not asking the relevant questions, affecting the information gathering and documentation. These biases may include the erroneous idea that victims of sexual violence will not have information to share about other types of violations.*⁷⁵

*Using gender-sensitive language is an important step towards achieving gender equality. The use of gender-sensitive language and disaggregated data helps to avoid a style of writing that “erases” women and omits phrases that reaffirm harmful gender stereotypes.⁶² This can in fact contribute to building a distorted, male-dominated narrative of fact depicting women solely as passive bystanders of conflict and agentless victims, in turn contributing to their exclusion from peace-making, peacebuilding and reconciliation efforts.*⁷⁶

⁷³ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁷⁴ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

⁷⁵ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁷⁶ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

Stereotyping attributes are also common, such as portraying men as active and women as passive, men as leaders and women as followers. Avoid the systematic categorization of women as “vulnerable”, as well as lumping together “woman and children” into a homogenous group.⁷⁷

Analysing these elements helps to identify systemic and structural problems that affect the human rights problem that is being monitored.

This is particularly important when working on gender, as many—if not most—gender-specific violations or gender aspects of human rights violations are linked to systemic and structural discrimination against women.⁷⁸

Human rights promotion is integrally linked to protection. Whether human rights violations are intentional or unintentional, structural or specific, a lack of knowledge can result in actions that breach human rights principles. Sometimes traditional ways of thinking and behaving result in human rights abuse. In either case, human rights education and the inculcation of human rights values can promote change in behaviour without the need for punitive sanctions. Successful human rights promotion can therefore help prevent human rights violations from occurring in the first place.⁷⁹

How to address this?

4.2.2.5 Myth of men’s in-group bias

The false idea of having men in power benefits men as a group.

Rights need to be protected regardless of who is in power.

4.2.2.6 Men have all their rights/men’s rights don’t need protecting

Men have the right to advocate for their rights

4.2.2.7 Ladies first

The idea that women’s rights are more important than men’s rights

All rights are equal and no one’s rights are more important than anyone else’s.

4.2.2.8 Men’s issues are caused by men

Men’s human rights issues are caused by a wide variety of factors that both women and men contribute to

4.2.2.9 Men’s issues are not *because* they are men

Some of the human rights issues that men face are because they are men. For example, laws that explicitly discriminate against men.

⁷⁷ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁷⁸ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

⁷⁹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

4.2.3 Culture, tradition, and norms that see abuses of men's rights as normal, natural or “just the way it is”.

Some human rights abuses that men face are the result of culture and tradition. Traditional practices are seen as normal and appropriate, even when they may be human rights abuses. Protecting and promoting the rights of men requires re-examining culture, traditions, and norms.

For example, the WEF gender gap report sees a 6% shorter male life expectancy as normal, and considers equal life expectancy for women and men as being unequal for women. This undermines men’s right to the highest possible standard of health.

Conscription

Circumcision

Men have responsibilities

How to address this?

4.2.4 Lack of recognition and visibility of men's rights

Gender and gender equality is often considered to be a women's issue. So much that people have had to point out “The term gender is not interchangeable with women.”⁸⁰

4.2.4.1 Gender = women

An issue for protecting and promoting the human rights of men and boys is the assumption that gender and gender equality issues refer to women’s rights and possibly LGBT rights, but not to men’s rights.

It is important to refer to human rights principles rather than strictly rely on guidance and recommendations because such guidance is often contradictory. For example, emphasising the importance of gender equality while ignoring the needs, and interests of men and boys.

*Information on gender is to be integrated into the whole information-gathering process. While specific gender concerns can be summarized under the heading “women”, it is important to remember that, in general, women as such do not constitute a “vulnerable group”, but are half of the population and their presence (or absence) has to be acknowledged and analysed in all spheres of life for the analysis of the contextual situation to be complete*⁸¹

Gender equality means equality between men and women. In an environment where almost all of the resources for gender equality are

⁸⁰ [Women's Rights are Human Rights 2014](#)

⁸¹ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

focused on women, the term has, in practice, become a synonym for “women’s empowerment”. This is noted by Bates⁸² and Baker⁸³

For example,

The United Nations entity for gender equality is UN Women⁸⁴

The Sustainable Development Goal for gender equality only mentions women and girls.⁸⁵

The WEF Gender Gap Index explicitly ignores men’s inequalities.⁸⁶

Dr Jackie Blue’s 2015 statement overlooking men’s inequalities:

*Gender equality is about accepting that at birth, half of us are intrinsically discriminated and treated differently based on sex.*⁸⁷

4.2.4.2 Human rights issue labelled as women’s issues

Labelling certain issues as women’s issues creates a barrier to the men also affected by those issues.

Information on gender is to be integrated into the whole information-gathering process. While specific gender concerns can be summarized under the heading “women”, it is important to remember that, in general, women as such do not constitute a “vulnerable group”, but are half of the population and their presence (or absence) has to be acknowledged and analysed in all spheres of life for the analysis of the contextual situation to be complete⁸⁸

How to address this?

4.2.5 Lack of Knowledge and expertise about men's rights in government, organisation and public

Protecting and promoting men’s rights requires knowledge and expertise, especially among those tasked with protecting and promoting human rights.

See section on capacity building

How to address this?

⁸² Lisa Michelle Bates, Olena Hankivsky, Kristen W. Springer, Gender and health inequities: A comment on the Final Report of the WHO Commission on the Social Determinants of Health, Social Science & Medicine, Volume 69, Issue 7, 2009, - <https://www.sciencedirect.com/science/article/abs/pii/S0277953609004766?via%3Dihub>

⁸³ The men’s health gap: men must be included in the global health equity agenda Peter Baker,a Shari L Dworkin,b Sengfah Tong,c Ian Banks,d Tim Shande & Gavin Yamey <https://www.who.int/bulletin/volumes/92/8/13-132795.pdf>

⁸⁴ https://en.wikipedia.org/wiki/UN_Women

⁸⁵ <https://www.hrc.co.nz/our-work/global-goals/gender-equality/>

⁸⁶ “the index rewards countries that reach the point where outcomes for women equal those for men, but it neither rewards nor penalizes cases in which women are outperforming men in particular indicators in some countries. Thus, a country that has higher enrolment for girls rather than boys in secondary school will score equal to a country where boys’ and girls’ enrolment is the same.” http://www3.weforum.org/docs/WEF_GGGR_2020.pdf

⁸⁷ Dr Jackie Blue: HeForShe Speech Nov 27th November 27, 2015 <https://archive.is/LtsQQ>

⁸⁸ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

4.2.6 Lack of jurisprudence and formal systems to protect men's rights

Women's rights have a lot of formal and informal systems for protection and promotion.
EG CEDAW and Ministry for Women,

*The Beijing Platform for Action identifies 12 critical areas of concern, including violence against women, economic inequality and the burden of poverty on women, insufficient mechanisms to promote women's advancement, and inadequate promotion and protection of the human rights of women.*⁸⁹

How to address this?

4.2.7 Address existing discrimination

and restructure institutions that enable it.

Addressing existing discrimination and imbalances means accepting that some measures to reduce inequality actually contributed to discrimination and inequality.

Gender equality must be constantly fought for, protected and promoted – like human rights, of which it is an integral part. Achieving gender equality is a continuous process that has to be constantly put into question, thought about and redefined. At present, the most important targets for gender equality include the following aspects:

An important target is the recognition and full implementation of women's rights as human rights. This includes effectively respecting, protecting and promoting the human rights of both women and men and, by taking the necessary measures, enabling both women and men to enjoy fully these rights.

...

Besides human rights, the development and improvement of representative democracy is the most important pole. ... It is important for society as a whole that both women and men participate in all decisions taken in a society, given their various experiences in life. When women or men constitute about one third (the critical mass) of the members of a decision-making body, they influence the agenda and there is a real possibility for change....

...

Education is a key target for gender equality as it involves the ways in which societies transfer norms, knowledge and skills. It is crucial that the education systems and all elements of these systems (teachers, schools, textbooks, research institutes and so on) empower both girls and boys, and take care in counterbalancing the existing gender hierarchies. ...

...

The last target to be mentioned is women's and men's common acknowledgement of the need to remove imbalances in society and their shared responsibility in doing so⁹⁰

*Gender mainstreaming therefore requires the will and firm commitment of policy-makers to redress not only the existing imbalances between women and men, but to tackle the reasons for these imbalances.*⁹¹

In order to understand the context, the team might choose to:

Map the human rights situation of women, men and others in the country by surveying open source materials and gain an overview of the legal, economic, political, cultural and social challenges women, men and others face. Pay attention to intersecting forms of discrimination based on ethnicity, national origin, sexual orientation, gender identity, class and other status. Map the relevant actors/perpetrators and their roles, power/ influence, needs and interests;

Map any explicit or implicit, direct or indirect discriminatory norms or provisions contained in the national constitution or legislative and customary laws and policies. Protection gaps, as well as legal, social and economic barriers to access to justice, in fact have a direct bearing on women and men's experiences to be analysed.³⁰ The findings of the mapping should inform legal analysis of the legal framework and ensure that deficiencies in the laws are discussed in the report and its recommendations;

*Identify protection gaps that might create obstacles for the reporting of some violations. For instance, the fear of prosecution due to the criminalization of homosexuality or same-sex sexual relationships or the criminalization of adultery might inhibit the reporting of rape by both male and female victims and survivors;*⁹²

Identify the prevailing challenges that might prevent or inhibit women's participation and their voices to be heard (as men's voices generally tend to be overrepresented).⁹³

Pre-existing gender-based discrimination and gender inequalities can influence the economic, social, cultural, civil, and political dimensions of women and men's experiences of a conflict/ crisis and the differentiated impact that the human rights violations can have on women, girls, men and boys⁹⁴

⁹⁰ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

⁹¹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

⁹² [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁹³ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

⁹⁴ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

Promotional activities help to raise awareness and can foster debate and dialogue. Over time, they can help change attitudes and correct misperceptions.⁹⁵

Those NHRIs that have enforcement or compliance-related powers should examine the extent to which complaints reflect problems at a structural level, and should focus on systemic initiatives to address as wide a number of individual complaints as possible, as well as to address the underlying causes of discrimination or human rights violations.⁹⁶

■ The ability to identify and address systemic issues is a key indicator of whether an institution has matured⁹⁷

4.2.7.1Barriers for men

ODIHR recommendations:

NHRI planning processes should incorporate consideration of women's rights and gender equality in all relevant areas of the NHRIs substantive work, as well as organizationally within the NHRIs.

Where national specialized institutions exist, in particular gender equality bodies, these could be consulted during the planning process. Civil society actors and other partners could also be consulted and invited to provide input.

NHRIs should appoint a focal point on gender equality and women's rights. The focal point should have adequate authority to ensure that gender perspectives are fully integrated.

NHRIs should track the representation of women and men at all levels in the NHRIs. This information should be included in the NHRIs' annual reports, and steps should be taken to address any significant imbalances.

⁹⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

⁹⁶ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

⁹⁷ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

NHRIs should provide regular training on gender sensitivity, sexual harassment, women's rights and non-discrimination to staff members. All staff, from senior management to administrative and service staff, should be required to participate in gender-sensitivity training.

NHRIs should put in place policies to prevent gender-based discrimination, including against pregnant women. NHRIs should provide flexible hours and work-at-home arrangements to accommodate persons with parental and/or caretaking responsibilities. Attention should be paid to ensure fairness to other employees.

NHRIs should evaluate factors that may prevent women from accessing them and take steps to address these. This may include the establishment of regional or mobile offices, flexible opening hours, a child corner in the NHRI office, access for persons with disabilities and means of reporting that allow for confidentiality.⁹⁸

Gender analysis helps to understand **power relations** and to address **“invisible” structural discrimination that would otherwise appear “natural” or “neutral”** and, if not questioned or challenged, would remain part of **socio-political life and social structures**. It also helps to uncover human rights violations that tend to pass unnoticed when other violations occur.⁹⁹

Sometimes, men and boys are more reluctant to talk (typically in cases of sexual exploitation and abuse).¹⁰⁰

The Paris Principles do not have a specific section dealing with the accessibility of NHRIs. However, accessibility is implied in many provisions and indeed in broader human rights law dealing with access to remedies for violations of human rights. As NHRIs are established to provide remedies for violations, they must be accessible to victims seeking remedies. Accessibility has socio-economic, cultural, geographical and procedural dimensions.

...

International human rights law provides that victims of human rights violations are entitled to a remedy to which they have “equal and effective access”.⁹¹ As providers of remedies, NHRIs must ensure that they are accessible to victims on an “equal and effective” basis

...

NHRIs must be accessible to everyone. They must have a particular regard for victims of violations, especially those victims who have difficulty in accessing

⁹⁸ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

⁹⁹ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

¹⁰⁰ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

State institutions for assistance¹⁰¹

In short, any person who is a victim of human rights violation or at risk of human rights violation may encounter accessibility issues. NHRIs are required to take positive steps to ensure “equal and effective access”. These steps can include:

- *not imposing fees on filing complaints and cases*
- *providing legal advice and assistance to victims filing complaints and cases*
- *ensuring that offices and facilities are physically accessible to persons with disabilities⁹⁴ and all gender identities⁹⁵*
- *providing information in oral and written form, in simple language, in minority languages and in forms accessible to people with visual and hearing impairment*
- *opening offices outside the capital, in regional and district locations⁹⁶*
- *providing mobile services and clinics to reach people in remote locations*
- *having members and staff who are drawn from and have lived experience of minority groups, are female and are able to communicate well with children and with older people*
- *using appropriate technology to facilitate access and communications.*

4.2.7.2 Existing infrastructure & Jurisprudence

There is a lack of jurisprudence for men’s human rights, especially compared to women

In many countries, women’s organizations are among the best organized parts of civil society and the human rights movement. Women human rights defenders, therefore, often have more resources, a better capacity and a stronger will to protect themselves in networks of organizations supporting each other and showing solidarity.¹⁰²

Does the report refer to:

- *International and regional human rights instruments or national legislation on gender equality?*

¹⁰¹ [A Manual on National Human Rights Institutions - APE](#)

¹⁰² [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

- *Concluding observations, recommendations and reports of international and regional mechanisms on women's rights and gender equality (Committee on the Elimination of Discrimination against Women, Special Rapporteur on violence against women, Special Rapporteur on the Rights of Women in Africa of the African Commission on Human and Peoples' Rights, etc.)?*
- **Jurisprudence on gender** and women's rights?
- *International, regional and national policies on equality and non-discrimination and on gender (e.g., Beijing Declaration and Platform for Action, national action plans on gender equality)?*
- *Institutions for the promotion of gender equality (e.g., national machineries for the advancement of women) or other governmental or non-governmental actors dealing with gender issues?*
- *Literature, tools or other documents on gender equality?* ¹⁰³

Annex 3: Selected International and Regional Instruments and Standards Relevant to the Protection and Promotion of Women's Rights and Gender Equality Issues¹⁰⁴

Universal human rights instruments (selected)

General

- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- International Covenant on Civil and Political Rights (ICCPR), 1966
- Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1), 1966
- General Comment 4 of the Human Rights Committee on Equal Right of Men and Women to the Enjoyment of All Civil and Political Rights, 1981
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2), 1989
- General Comment 18 of the Human Rights Committee on NonDiscrimination, 1989
- General Comment 28 of the Human Rights Committee on Equality of Rights between Men and Women, 2000

Prevention of discrimination

- Equal Remuneration Convention (No. 100), 1951
- Discrimination (Employment and Occupation) Convention (No. 111), 1958
- Convention against Discrimination in Education, 1960
- Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education , 1962

¹⁰³ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

¹⁰⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

- International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), 1965
- Declaration on Race and Racial Prejudice, 1978
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981
- World Conference against Racism, Durban Declaration and Programme of Action, 2001
- Convention on the Rights of Persons with Disabilities (ICRPD), 2006
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD), 2006

Rights of Women

- Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), 1999
- Declaration on the Elimination of Violence against Women, 1993
- International Convention for the Protection of All Persons from Enforced Disappearance (ICPED), 2006

Rights of the child

- Minimum Age Convention, (No. 138), 1973
- Convention on the Rights of the Child (CRC), 1989
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC), 2000
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC), 2000
- Worst Forms of Child Labour Convention (No. 182), 1999

Human rights in the administration of justice: protection of persons subjected to detention or imprisonment

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), 2002

Promotion And Protection Of Human Rights

- Principles relating to the Status of National Institutions (The Paris Principles), 1993

marriage

- Convention on Consent to Marriage, Minimum Age for Marriage and

Registration of Marriages, 1962

- Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1965

Right to work and to fair conditions of employment

- Employment Policy Convention(No. 122), 1964

Slavery, Slavery-Like Practices And Forced Labour

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

Rights of migrants

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990

Additional conference outcomes and principles on women's rights

- Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 1986
- Vienna Declaration and Programme of Action, UN World Conference on Human Rights, 1993
- Beijing Declaration and Platform for Action, UN Fourth World Conference on Women, 1995
- Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 1997
- Montreal Principles on Women's Economic, Social and Cultural Rights, 2002
- OSCE Ministerial Council, Decision No. 14/04, "2004 OSCE Action Plan for the Promotion of Gender Equality", Sofia, 7 December 2004.
- OSCE Human Dimension Commitments, Vol. 1 – Thematic Compilation, 2011

Handbooks, guides and tools

general

- UNIFEM, CEDAW and the Human Rights-Based Approach to Programming, 2007
- OHCHR, Thematic study of the Office of the United Nations High Commissioner for Human Rights on discrimination against women, in law and practice, and how the issue is addressed throughout the United Nations human rights system, A/HRC/15/40, 2010
- Canadian Human Rights Commission, Framework for Documenting Equality Rights, 2010
- OSCE, Gender Matters in the OSCE: CD Toolkit, 2010
- UN, Dono Abdurazakova, National Mechanisms for Gender Equality in SouthEast and Eastern Europe, Caucasus and Central Asia: Regional Study, 2010

- World Economic Forum, Global Gender Gap Report 2011. 2011
- UNDP, Gender Inequality Index, 2011
- UN Women, Women, War and Peace.
- OSCE, Mending Inequalities: **Men and Gender Equality** in the OSCE Region, 2011

National Human Rights Institutions

- OHCHR, Economic, Social and Cultural Rights. Handbook for National Human Rights Institutions, Professional Training Series No. 12, 2005
- Equitas – International Centre for Human Rights Education, Equality for Women: A Handbook for NHRIs on Economic, Social and Cultural Rights, 2008
- OHCHR, Survey on National Human Rights Institutions, 2009
- OHCHR, National Human Rights Institutions: History, Principles, Roles and Responsibilities, Professional Training Series No. 4/Rev.1, 2010
- UNDP-OHCHR, UNDP-OHCHR Toolkit for collaboration with National Human Rights Institutions, 2010
- OSCE/ODIHR, Pilot Comparative Review: National Human Rights Institutions and their Practices in Protecting and Promoting Women’s Rights and Gender Equality, 2011

Women’s Participation In Political And Public Life

- OSCE/ODIHR, Handbook for Monitoring Women’s Participation in Elections, 2004
- OSCE Ministerial Council Decision No. 7/09, “Women’s Participation in Political and Public Life”, Athens, 2 December 2009
- UNDP, Enhancing Women’s Political Participation: A Policy Note for Europe and the Commonwealth of Independent States, 2010
- Council of Europe, Parity Democracy: A Far Cry from Reality, 2010
- Equality and Human Rights Commission, United Kingdom, Autonomy, Voice and Power, 2010
- OSCE Supplementary Human Dimension Meeting Promoting Gender Balance and Participation of Women in Political and Public Life, Final Report, 2010
- OSCE/ODIHR, Pippa Norris and Mona Lena Krook, Gender Equality in Elected Office: A Six-Step Action Plan, 2011
- OSCE/ODIHR – Venice Commission, Guidelines on Political Party Regulation, 2011
- UNDP and National Democratic Institute for International Affairs (NDI), Empowering Women for Stronger Political Parties: Good Practices Guide to Promote Women’s Political Participation, 2011
- UNDP), UN Women, NDI, Inter-Parliamentary Union (IPU), and International Institute for Democracy and Electoral Assistance (IDEA), International Knowledge Network of Women in Politics, iKNOWPolitics.

Violence against Women

- UN Special Rapporteur on Violence against Women, Report of the Special Rapporteur on Violence against Women: Integration of the Human Rights of Women and the Gender Perspective, Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights Resolution 2002/52, 2003
- UN Special Rapporteur on violence against Women, Report of the Special Rapporteur on Violence against Women: The Due Diligence Standard as a Tool for the Elimination of Violence against Women, Yakin Ertürk, E/CN.4/2006/61, 2006
- OSCE, Bringing Security Home: Combating Violence Against Women in the OSCE Region, 2009
- DESA-DAW, Handbook for Legislation on Violence against Women, 2009

gender mainstreaming

- UN, Special Adviser on Gender Issues and Advancement of Women, Gender Mainstreaming: An Overview, 2002
- UNDP, Gender Mainstreaming in Practice: A Toolkit, 2007
- European Commission, Tools for Gender Equality, including the Manual for Gender Mainstreaming Employment, Social Inclusion, and Social Protection Policies, 2008
- European Institute for Gender Equality, Good Practices in Gender Mainstreaming, 2011 gender responsive budgeting
- UNIFEM, Diane Elson, Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW, 2006
- The World Bank, Caren Grown, Chandrika Bahadur, Jessie Handbury, Diane Elson, The Financial Requirements of Achieving Gender Equality and Women's Empowerment, 2006
- Fundar – Centro de Análisis e Investigación, International Budget Project, International Human Rights Internship Program, Dignity Counts: A Guide to Using Budget Analysis to Advance Human Rights, 2004

4.2.7.3 Demonstrable bias in the wider system

Neglect of men and boys rights has been identified in the wider human rights ecosystem. For example:

“Some adults are in deep denial of the gender issue when boys are at the losing end of the disparities. **Sad to say, there is outright sex discrimination against boys in the [Children's Rights] movement.**” [UN 2019]¹⁰⁵

Despite the grave and widespread nature of sexual violence against men and boys, the current international human rights framework is inadequate for addressing this problem. ... No human rights instruments explicitly address sexual violence against men. [Stemple 2009]¹⁰⁶

The results show men's issues are given less attention than women's issues by the UN and WHO. ... Therefore, the observed differences could have two possible explanations: (a) lack of awareness of men's issues by UN and WHO staff, or (b) bias (conscious or unconscious) against men's or in favour of women's issues by UN and WHO staff. [Nuzzo 2020]¹⁰⁷

My own research found that only 0.1% of Universal Periodic Review recommendations containing gender words like woman/man or female/male are about men's human rights issues.

4.2.7.4 Opposition to men's rights in the human rights system

Universal human rights means that everybody's rights are viewed on equal terms. When prioritising resources or balancing rights, everyone should be treated as equals and have their needs considered.

However there is scepticism about "men's rights" in human rights and gender equality communities. The Committee on the Elimination of Discrimination against Women¹⁰⁸ and UN Women¹⁰⁹ have noted their concern about men's rights groups.

Concern seems to be about the actions of advocates rather than with the principle of equal rights for women and men. However, some of the criticism of these groups threaten to undermine that principle.

Flood¹¹⁰ and Busch¹¹¹ argue that these groups are using the language of 'equality' but don't really mean it. The groups are co-opting the language for political goals and are really against gender equality.

That view would allow them to disregard this letter. Rather than a good faith engagement they would see it as an attempt at manipulation for anti-equality goals.

Everyone should be able to advocate for their rights. If the belief that men's rights advocates are not acting in good faith is widely believed in the human rights system, then how do men advocate for their rights? Can the men rely on the human rights system to protect their rights if the system does not believe them?

The HRC must assume good faith from men's advocates. The HRC should be

¹⁰⁶ Male Rape and Human Rights – Stemple 2009

¹⁰⁷ Bias against men's issues within the United Nations and the World Health Organization: A content analysis – Nuzzo 2020

¹⁰⁸ Concluding observations on the combined fifth and sixth periodic reports of Slovakia – CEDAW/C/SVK/CO/5-6
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SVK/CO/5-6&Lang=En

¹⁰⁹ Democratic backsliding and the backlash against women's rights: Understanding the current challenges for feminist politics – UN Women discussion paper – 2020 – <https://www.unwomen.org/en/digital-library/publications/2015/7/discussion-papers-series>

¹¹⁰ Flood, Michael & Dragiewicz, Molly & Pease, Bob. (2020). Resistance and backlash to gender equality. The Australian journal of social issues. 10.1002/ajs4.137.
https://www.researchgate.net/publication/345238929_Resistance_and_backlash_to_gender_equality

¹¹¹ <https://journals.sagepub.com/doi/abs/10.1177/0959353514539649>

intellectually charitable and treat what men's advocates say with the same consideration as anyone else.

Human rights are women's rights, and women's rights are human rights. Let us not forget that among those rights are the right to speak freely – and the right to be heard.

- Hillary Rodham Clinton

Explicit opposition in the wider human rights system

A zero-sum approach to gender equality leads some organisations are explicitly opposed to men's rights. For example, the "50/50 by 2030 Foundation", a gender parity initiative at the University of Canberra, sees egalitarian values and including men's rights in public discussion as a problem for 'gender equality'.

The moderate perspective combines an egalitarian set of views around gender equality in the workplace and at home, ...as well as a strong desire to see men's rights equally represented in public discussion of equality issues. Given that 62 per cent of Australians align with the moderate position, and its value system this represents a significant barrier to gender equality¹¹²

4.2.8 Cognitive Bias

Cognitive bias is a bias in thinking or perception.

4.2.8.1 Gender bias about gender bias

Instances of gender bias against women are well established. Instances of gender bias against men less so. This is likely because people treat gender bias differently depending on the gender affected by the bias.

The HRC should be able to demonstrate it is not biased about gender bias.

Examples

Jussim¹¹³ points out that gender bias against women gets much more attention than gender bias against men. He compares the citation count of studies looking at bias in STEM. Studies that find bias against women get cited much more than studies that find bias against men. For example,

Last, let's consider the two older studies examining real outcomes:

Wenneras and Wold (1997) found bias favoring men, has a sample size of 114, and has been cited 1544 times.

Irvine (1999) found bias favoring women (in more recent data), had a sample size in excess of 37,000 and has been cited 32 times.

Block 2019¹¹⁴ found gender imbalances are perceived differently for male- vs.

¹¹² Frome Girls to Men: social attitudes to gender equality in australia –50/50 by 2030 Foundation–
<https://www.5050foundation.edu.au/assets/reports/documents/from-girls-to-men.pdf>

¹¹³ <https://archive.vn/aEhlw>

¹¹⁴ Do people care if men don't care about caring? The asymmetry in support for changing gender roles -
<https://www.sciencedirect.com/science/article/abs/pii/S0022103118304633>

female-dominant careers. People are more concerned about under-representation of women in male dominated careers than the other way around.

Sinclair¹¹⁵ finds that while affirmative action for women is seen negatively, affirmative action for men is seen even more negatively. People also feel a stronger sense of resentment when men are favoured.

4.2.8.2 People underestimate men's support for women

Men support women much more than people believe they do. Men have a much weaker in-group bias than people believe they do.

The HRC should ensure it is not basing its policies on the false perception that men will oppose pro-women policies.

Examples

Rudman¹¹⁶ found men are much less likely to show a preference for their own gender.

"A clear pattern shown in all four studies is that men do not like themselves automatically as much as women like themselves," Rudman says. "This contradicts a lot of theoretical thinking about implicit attitudes regarding status differences."

Fortune¹¹⁷ found that both men and women support double standards that favour women. However, people think men would support double standards that favour men even though it is not the case.

Diekman¹¹⁸ found "participants consistently underestimated men's support for female-stereotypic positions on issues... this error rose from perceptions that men would oppose policies that favored women's interests."

4.2.8.3 Gender bias in empathy and response to suffering

Many studies find that people tend to have less empathy and concern for men's suffering compared to women's suffering.

The HRC should be able demonstrate it is unbiased in evaluations of suffering.

Examples

Reynolds¹¹⁹ found people tend to be more concerned about female suffering, people think male suffering is more deserved or fair, people are more motivated to punish men (see also, Jeffries¹²⁰). These biases extend to group-level harm.

Stuijzand found that both male and female adolescents are more empathic to females.¹²¹

Follingstad found that "psychologists, irrespective of demographics, rated the husband's behavior as more likely to be psychologically abusive and more

¹¹⁵ <https://spssi.onlinelibrary.wiley.com/doi/full/10.1111/asap.12236?campaign=wolearlyview>

¹¹⁶ <https://archive.vn/AHfJo>

¹¹⁷ Fortune, K. A. (2006). Double standards and perceptions of double standards in attitudes toward the roles of men and women (Unpublished Masters thesis dissertation). Winnipeg, MB: University of Manitoba.

¹¹⁸ <https://www.sciencedirect.com/science/article/abs/pii/S0022103101915112>

¹¹⁹ Tania Reynolds, Chuck Howard, Hallgeir Sjøstad, Luke Zhu, Tyler G. Okimoto, Roy F. Baumeister, Karl Aquino, JongHan Kim, - Man up and take it: Gender bias in moral typecasting, *Organizational Behavior and Human Decision Processes*, Volume 161, 2020, <https://www.sciencedirect.com/science/article/abs/pii/S0749597820303630>

¹²⁰ Jeffries, Samantha. (2002). Does gender really matter? Criminal court decision making in New Zealand. *New Zealand Sociology*. 17.

¹²¹ Stuijzand S, De Wied M, Kempes M, Van de Graaff J, Branje S, Meeus W. Gender Differences in Empathic Sadness towards Persons of the Same- versus Other-sex during Adolescence. *Sex Roles*. 2016;75(9):434-446. doi:10.1007/s11199-016-0649-3

severe in nature than the wife's use of the same actions.”¹²²

Cesario’s “Results revealed that male victims of workplace sexual harassment were perceived less favorably than female victims were and were perceived as having suffered less than female victims did.”¹²³

4.2.8.4 Bias against ‘privileged’ groups

Winegard finds that some beliefs based on “an aversion to inequality and a desire to protect relatively low status groups”, lead people to have a “bias against information that portrays a perceived privileged group more favorably than a perceived victims’ group.”¹²⁴ This bias exists even though these people believe they should not evaluate groups differently.

Von Hippel¹²⁵ investigated bias among social scientists and provides this insight:

As one of our respondents wrote, “I found it curious how contradictory I was in responding! For instance, when science ostensibly reveals that the majority group has certain advantages, I say it’s ‘bad,’ but when the minority group has certain advantages, I say it’s ‘good!’”

Likewise, Stewart-Williams¹²⁶ found after viewing “a fictional popular-science article describing either a male-favouring or a female-favouring sex difference (i.e., men/women draw better; women/men lie more). Both sexes reacted less positively to the male-favouring differences, judging the findings to be less important, less credible, and more offensive, harmful, and upsetting.”

It’s likely people who want to work at the HRC have “an aversion to inequality and a desire to protect relatively low status groups”. Biased evaluations of ‘privileged’ and ‘disadvantaged’ groups undermine a fair assessment of the groups.

An example:

In 2009 Callister¹²⁷ pointed out how the HRC’s use of language is different for disparities face by women compared to disparities faced by men. A 14% disparity in favour of men is described as ‘**wide**’, but in an area where men are disadvantaged, a 14% disparity means they are ‘**slightly**’ behind.

The HRC should have a fair way of assessing various groups.

4.2.9 Structural Bias

Structural bias is like the current created by everyone moving in the same

¹²² Follingstad DR, Dehart DD, Green EP. Psychologists’ judgments of psychologically aggressive actions when perpetrated by a husband versus a wife. *Violence Vict.* 2004 Aug;19(4):435-52. doi: 10.1891/vivi.19.4.435.64165. PMID: 15726937.

¹²³ Brian Cesario, Attitudes about victims of workplace sexual harassment based on sex, *Current Research in Behavioral Sciences*, Volume 1, 2020, (<https://www.sciencedirect.com/science/article/pii/S2666518220300061>)

¹²⁴ Winegard, Bo & Clark, Cory & Hasty, Connor & Baumeister, Roy. (2018). Equalitarianism: A Source of Liberal Bias. *SSRN Electronic Journal*. 10.2139/ssrn.3175680.

¹²⁵ von Hippel, William & Buss, David. (2017). Do Ideologically Driven Scientific Agendas Impede the Understanding and Acceptance of Evolutionary Principles in Social Psychology?. 10.4324/9781315112619-2.

¹²⁶

https://www.researchgate.net/publication/334751470_Reactions_to_Male-Favouring_vs_Female-Favouring_Sex_Differences_A_Preregistered_Experiment_and_Southeast_Asian_Replication

¹²⁷ Callister, Paul. (2009). ‘Missing men’: The politics of gender analysis.

direction. It is “an entire network of rules and practices”¹²⁸ which can disadvantage certain groups.

*Structural discrimination can occur unintentionally, and includes informal practices that have become embedded in everyday organisational life and effectively become part of the system, i.e. “how we do things around here.” Put simply, it can be discrimination by habit, rather than intent.*¹²⁹

4.2.9.1 Demonstrable bias in the wider system

Neglect of men and boys rights has been identified in the wider human rights ecosystem. For example:

*“Some adults are in deep denial of the gender issue when boys are at the losing end of the disparities. **Sad to say, there is outright sex discrimination against boys in the [Children's Rights] movement.**”[UN 2019]¹³⁰*

Despite the grave and widespread nature of sexual violence against men and boys, the current international human rights framework is inadequate for addressing this problem. ... No human rights instruments explicitly address sexual violence against men. [Stemple 2009]¹³¹

The results show men’s issues are given less attention than women’s issues by the UN and WHO. ... Therefore, the observed differences could have two possible explanations: (a) lack of awareness of men’s issues by UN and WHO staff, or (b) bias (conscious or unconscious) against men’s or in favour of women’s issues by UN and WHO staff.[Nuzzo 2020]¹³²

My own research found that only 0.1% of Universal Periodic Review recommendations containing gender words like woman/man or female/male are about men’s human rights issues.

4.2.9.2 Opposition to men’s rights in the human rights system

Universal human rights means that everybody’s rights are viewed on equal terms. When prioritising resources or balancing rights, everyone should be treated as equals and have their needs considered.

However there is scepticism about “men’s rights” in human rights and gender equality communities. The Committee on the Elimination of Discrimination against Women¹³³ and

¹²⁸ A fair go for all? Rite tahi tātou katoa? Addressing Structural Discrimination in Public Services – A discussion paper by the Human Rights Commission – July 2012

¹²⁹ A fair go for all? Rite tahi tātou katoa? Addressing Structural Discrimination in Public Services – A discussion paper by the Human Rights Commission – July 2012

¹³⁰ The United Nations Global Study On Children Deprived Of Liberty – Manfred Nowak 2019 – page 228

¹³¹ Male Rape and Human Rights – Stemple 2009

¹³² Bias against men’s issues within the United Nations and the World Health Organization: A content analysis – Nuzzo 2020

¹³³ Concluding observations on the combined fifth and sixth periodic reports of Slovakia – CEDAW/C/SVK/CO/5-6 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/SVK/CO/5-6&Lang=En

UN Women¹³⁴ have noted their concern about men's rights groups.

4.3 Proactive and continuous

Protecting and promoting men's rights requires a proactive approach. Prevention is better than a cure.

Integrating gender implies a proactive attitude of looking at and analysing how situations affect women, girls, men and boys differently. It is also about making such differences visible throughout the monitoring cycle.¹³⁵

Protecting and promoting men's rights requires a continuous commitment. It is not set and forget.

4.3.1 Must be Proactive

*This involves not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by **actively and openly taking into account** at the planning stage their possible effects on the respective situations of men and women (the gender perspective).*¹³⁶

*To overcome these challenges, investigation teams **should conduct a thorough mapping exercise on potential sources that can provide gender-specific information**. It is often critical to rely on intermediaries who could help to identify those persons, including victims, or organizations that may be good sources of information. Intermediaries can also play a critical role in reaching out to victims and making the first contact with them to assess their disposition to being interviewed. **Investigation teams should be proactive in reaching out to different types of sources and intermediaries**, making sure the selection of sources and intermediaries is conducive to gathering information on women's human rights and gender issues. It is important to remember, when identifying sources, not to rely too heavily on entities or service providers that target only one segment of the population. **For example, psychosocial services that only target women and girls may not be good sources of information on trauma suffered by men or boys***¹³⁷

Gathering information about human rights violations against LGBTI persons might also entail specific challenges. United Nations and other stakeholders have documented how persons have been specifically targeted by state and non-state actors in conflict settings as a result of their actual or perceived sexual orientation or gender identity, including for being seen to transgress

¹³⁴ Democratic backsliding and the backlash against women's rights: Understanding the current challenges for feminist politics – UN Women discussion paper – 2020 – <https://www.unwomen.org/en/digital-library/publications/2015/7/discussion-papers-series>

¹³⁵ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

¹³⁶ Incorporating Equal Opportunities for Women and Men into all Community Policies and Activities – Commission of the European Communities – Brussels, 21.02.1996 – COM(96) 67 fiMI – <http://aei.pitt.edu/3991/1/3991.pdf>

¹³⁷ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

entrenched gender norms. Still, LGBTI persons in contexts of conflict are often neglected and violations against them underreported. Efforts should be made to actively seek information on the situation of LGBTI persons, including through organizations that protect their rights, while ensuring confidentiality and the safety of the persons concerned. Limited information currently exists on the situation of intersex persons in conflict settings, who may also face additional risks of vulnerabilities.¹³⁸

NHRIs should have the authority to take up issues on their own initiative. In terms of gender equality and women's rights, this prerogative is particularly important in countries where women appear to be reluctant to file complaints – for cultural, educational, access-related or other reasons.¹³⁹

The Montreal Principles on Women's Economic, Social and Cultural Rights (2002) (Montreal Principles) emphasise planning as a tool to guarantee women's equal exercise and enjoyment of their rights. While choosing women's rights and gender equality issues as priorities may seem easy, it is not as straightforward as one might think.¹⁴⁰

NHRI Accessibility

NHRIs must be accessible to all people, but women may face particular barriers to reach these institutions. These obstacles include lack of financial resources for travel, limited access to transportation, restrictions imposed by working hours or the opening hours of NHRIs and lack of childcare, as well as cultural or social factors that can make filing complaints or even attending NHRI offices problematic, or even impossible.

Women from vulnerable groups, such as refugees, migrant workers or persons with disabilities, may face particular difficulties, such as linguistic or cultural barriers, that may dissuade them from coming forward to report human rights violations.

These issues can be addressed at least in part by the NHRIs, through the establishment of flexible opening hours, some form of childcare space for complainants and the possibility to receive information and file complaints via the Internet or a telephone hotline. NHRIs should aim to ensure that their offices are located not only in capital cities, but also in regional or rural areas, and that they are easy to reach on foot or by public transportation. Some NHRIs set up

¹³⁸ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

¹³⁹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

¹⁴⁰ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

mobile clinics and convene meetings throughout the country on a regular basis to reach out to poor, rural or minority and migrant communities. Finally, partnerships with grass-roots organizations and local NGOs can serve to offer information and contact points for women so that they can access NHRIs.¹⁴¹

ODIHR recommendations:

NHRI planning processes should incorporate consideration of women's rights and gender equality in all relevant areas of the NHRIs substantive work, as well as organizationally within the NHRIs.

Where national specialized institutions exist, in particular gender equality bodies, these could be consulted during the planning process. Civil society actors and other partners could also be consulted and invited to provide input.

NHRIs should appoint a focal point on gender equality and women's rights. The focal point should have adequate authority to ensure that gender perspectives are fully integrated.

NHRIs should track the representation of women and men at all levels in the NHRIs. This information should be included in the NHRIs' annual reports, and steps should be taken to address any significant imbalances.

NHRIs should provide regular training on gender sensitivity, sexual harassment, women's rights and non-discrimination to staff members. All staff, from senior management to administrative and service staff, should be required to participate in gender-sensitivity training.

NHRIs should put in place policies to prevent gender-based discrimination, including against pregnant women. NHRIs should provide flexible hours and work-at-home arrangements to accommodate persons with parental and/or caretaking responsibilities. Attention should be paid to ensure fairness to other employees.

NHRIs should evaluate factors that may prevent women from accessing them and take steps to address these. This may include the establishment of regional or mobile offices, flexible opening hours, a child corner in the NHRI office, access for persons with disabilities and means of reporting that allow for confidentiality.¹⁴²

Integrating gender implies a proactive attitude of looking at and analysing how situations affect women, girls, men and boys differently. It is also about making such

¹⁴¹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

¹⁴² [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

differences visible throughout the monitoring cycle.¹⁴³

The SCA's work in developing a comprehensive and detailed interpretation of the Paris Principles is of widespread value as it serves to enrich the understanding of the requirements to ensure the effective establishment, functioning and strengthening of NHRIs. Ultimately a synthesis of the most important issues of interpretation that have been uncovered by the individual accreditation applications, the General Observations are relevant to NHRIs globally, including those not currently the subject of the immediate accreditation review. The General Observations further enable stakeholders to take a proactive approach to effect the necessary changes to their own processes and mechanisms without requiring the SCA to provide them with specific recommendations resulting from the outcome of an accreditation review.¹⁴⁴

4.3.2 Continuous process.

The inclusion of men is a process and must be evaluated and adjusted over time.

Gender equality must be constantly fought for, protected and promoted – like human rights, of which it is an integral part. Achieving gender equality is a continuous process that has to be constantly put into question, thought about and redefined. At present, the most important targets for gender equality include the following aspects:

An important target is the recognition and full implementation of women's rights as human rights. This includes effectively respecting, protecting and promoting the human rights of both women and men and, by taking the necessary measures, enabling both women and men to enjoy fully these rights.

...

Besides human rights, the development and improvement of representative democracy is the most important pole. ... It is important for society as a whole that both women and men participate in all decisions taken in a society, given their various experiences in life. When women or men constitute about one third (the critical mass) of the members of a decision-making body, they influence the agenda and there is a real possibility for change....

...

Education is a key target for gender equality as it involves the ways in which societies transfer norms, knowledge and skills. It is crucial that the education systems and all elements of these systems (teachers, schools, textbooks, research institutes and so on) empower both girls and boys, and take care in

¹⁴³ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

¹⁴⁴ [General Observations of the Sub-Committee on Accreditation - GANHRI](#)

counterbalancing the existing gender hierarchies. ...

...

The last target to be mentioned is women's and men's common acknowledgement of the need to remove imbalances in society and their shared responsibility in doing so¹⁴⁵

Gender mainstreaming is not a strategy to be put into action once, it should be a constant red thread throughout the whole policy process. All moments are important for mainstreaming. It should already intervene at a very early stage, during the first preparatory phases, but it should in no case be limited to that phase. Gender mainstreaming strategies are to be implemented in several stages during the policy-making process. The following key stages can be identified¹⁴⁶

Monitoring

This technique consists of the continuous scrutinising, follow-up and evaluation of policies.¹⁴⁷

The ultimate goal of monitoring – continuously improving the quality of gender mainstreaming – can only be reached if the results of evaluation reports and other monitoring activities have consequences for the development of future policies.¹⁴⁸

Questions to consider

What internal mechanisms exist to identify gender-based discrimination or violations of women's rights, including violence against women, both in individual cases and more generally?

What processes, such as issue-management strategies, media analysis and independent research, can be used to support efforts to identify and respond to systemic gender-based discrimination and violations of the rights of women?¹⁴⁹

¹⁴⁵ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁴⁶ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁴⁷ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁴⁸ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁴⁹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

questions to consider

How are gender considerations analysed and integrated into the planning process throughout the organization?

When an organization is planning a new programme or activity, are the organization's internal gender focal points consulted?

What strategies are in place to ensure that gender considerations are consistently integrated into the NHRI's work on an ongoing basis?

How are the equality and rights perspectives of vulnerable women integrated into the NHRIs work?

How is gender mainstreaming evaluated within the NHRIs?¹⁵⁰

Integrating gender implies a proactive attitude of looking at and analysing how situations affect women, girls, men and boys differently. It is also about making such differences visible throughout the monitoring cycle.¹⁵¹

4.4 Collaboration and cooperation

Protecting and promoting men's rights requires collaboration and cooperation with men and men's advocates.

*Women and men often highlight different concerns and bring different perspectives, experiences and solutions to the issues. They also have differing perceptions and concerns regarding culturally acceptable practices. **A clear and accurate picture of a situation cannot be attained if 50% or more of the population has not been consulted, as it can mean that 50% of the information needed is missing.**¹⁵²*

4 The Commission will engage appropriately with stakeholders and communities so they can be involved in the development of solutions to issues that affect them.¹⁵³

4.4.1 Wide range of different men

A wide range of men should be included because men experiences & needs very greatly.

¹⁵⁰ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

¹⁵¹ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

¹⁵² [AddressingtheneedsofwomenandmeninGazaA.pdf](#)

¹⁵³ https://www.hrc.co.nz/files/2114/7147/3368/Human_Rights_Policy_Statement.pdf

4.4.2 Supporting men's advocates

Empowering men to advocate for themselves

human rights defenders

4.4.3 Participation & collaboration:

full and genuine participation of men and men's interests from planning to post-evaluation. All kinds of men must be included. Men are not a homogenous groups.

Participatory research is "differentiated from conventional research in the alignment of power within the research process." Here, "the most important distinctions centre on how and by whom is the research question formulated and by and for whom are research findings used. – Compendium of good practices in training for gender equality

Gender equality must be constantly fought for, protected and promoted – like human rights, of which it is an integral part. Achieving gender equality is a continuous process that has to be constantly put into question, thought about and redefined. At present, the most important targets for gender equality include the following aspects:

An important target is the recognition and full implementation of women's rights as human rights. This includes effectively respecting, protecting and promoting the human rights of both women and men and, by taking the necessary measures, enabling both women and men to enjoy fully these rights.

...

Besides human rights, the development and improvement of representative democracy is the most important pole. ... It is important for society as a whole that both women and men participate in all decisions taken in a society, given their various experiences in life. When women or men constitute about one third (the critical mass) of the members of a decision-making body, they influence the agenda and there is a real possibility for change....

...

Education is a key target for gender equality as it involves the ways in which societies transfer norms, knowledge and skills. It is crucial that the education systems and all elements of these systems (teachers, schools, textbooks, research institutes and so on) empower both girls and boys, and take care in counterbalancing the existing gender hierarchies. ...

...

*The last target to be mentioned is women's and men's common acknowledgement of the need to remove imbalances in society and their shared responsibility in doing so*¹⁵⁴

Participation of women in political and public life and in decision-making processes

It is obvious that it will be difficult to obtain the political will for gender mainstreaming if women are not fully involved in political and public life and in decision-making in general. Therefore, it is important that women enter political and public life in much greater numbers. It is especially important that women enter decision-making processes, **to ensure that the various values, interests and life experiences of women are taken into account when decisions are made.** It is obvious that not every woman is necessarily an **advocate for women's issues**, but, as a matter of fact, most advocates for balanced gender relations are women. Besides, experience shows that in countries where a greater number of women participate in decision-making, changes are more considerable and take place at a quicker rate (cf. chapter III.2 on the communication on mainstreaming of the Commission of the European Communities)¹⁵⁵

Consultative and participatory techniques and tools

One of the main shortcomings of specific gender equality policy is that it only involves a limited number of gender equality specialists who often have little chance to co-operate with other policy-makers. Gender mainstreaming involves a greater number of people, including external actors, and **this requires consultative and participatory techniques and tools.** Besides, **gender mainstreaming also leaves room for involving people who will be affected by policies.**¹⁵⁶

Directories, databases and organisational charts

In order to be able to consult with individuals, groups or organisations concerned with a proposed policy, information about them must be available. Likewise, when plans for citizen participation are made, policy-makers should have at their disposal information on the existing organisations. Directories, databases and organisational charts can be most helpful in establishing the right contacts. As these tools are often available in institutions for various reasons, it can be very useful to contact other institutions for existing directories, databases and organisational charts before collecting new ones.¹⁵⁷

Participation of both sexes in decision-making

Gender mainstreaming requires the **full participation of both women and men in all fields of society, not the least at the decision-making level.** Lists of

¹⁵⁴ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁵⁵ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁵⁶ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁵⁷ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

qualified women, quotas, positive actions and other special measures for the recruitment, appointment and promotion of women, are ways to ensure the participation of women in decision-making. **Guaranteeing an equal participation of both sexes in decision-making also involves the evaluation of existing personnel policies.**¹⁵⁸

The role of NGOs, interest and pressure groups

Women's groups, trade unions, migrant groups, churches and NGOs feel the pulse of society and see – or sense – problems. This proximity to the grassroots and their high degree of specialisation mean that they have a lot of expertise in a given policy field. They constitute an important source of knowledge and play an important role in transmitting it to policy-makers and influencing the political agenda. But this is not the only reason why they should play a role in defining and shaping policies. **Democracy requires the participation of a broad range of actors and NGOs, interest and pressure groups make more people participate in the policy process.** Therefore, they improve the democratic quality of society. Besides, these organisations are also a watchdog, making sure that gender equality as a goal and mainstreaming as a strategy remain (high) on the political agenda.¹⁵⁹

To overcome these challenges, investigation teams **should conduct a thorough mapping exercise on potential sources that can provide gender-specific information.** It is often critical to rely on intermediaries who could help to identify those persons, including victims, or organizations that may be good sources of information. Intermediaries can also play a critical role in reaching out to victims and making the first contact with them to assess their disposition to being interviewed. **Investigation teams should be proactive in reaching out to different types of sources and intermediaries,** making sure the selection of sources and intermediaries is conducive to gathering information on women's human rights and gender issues. It is important to remember, when identifying sources, not to rely too heavily on entities or service providers that target only one segment of the population. **For example, psychosocial services that only target women and girls may not be good sources of information on trauma suffered by men or boys**¹⁶⁰

Outreach initiatives should also be gender sensitive to ensure that women and girls are made aware of them, in a timely manner, and of the possibility of their attending and that facilities will be provided to enable them to give their testimony.¹⁶¹

How does the NHRI **ensure collaboration with civil society,** experts and

¹⁵⁸ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁵⁹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁶⁰ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

¹⁶¹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

relevant government actors in its protection strategies?¹⁶²

*Where appropriate, NHRIs should co-operate with partners to increase impact and audiences reached and to ensure coherent messages.*¹⁶³

In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, (NHRIs shall) develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialised areas.

Paris Principles, (1991) Art. C (7)

*Whether or not such co-operation is specified, NHRIs and NGOs can benefit from a collaborative approach. Civil society organizations have specialized knowledge in areas related to women's rights and gender equality, and can also assist in promotional activities. Collaborating with civil society will enhance NHRIs' capacity to reach a wider audience.*¹⁶⁴

*Co-operation with civil society organizations working on women's rights is of particular importance as, in some contexts, women may face obstacles to accessing NHRIs directly. Civil society organizations often provide direct services and protection to victims, including running shelters, operating hotlines and providing counselling and legal advice. If there are established referral systems, civil society organizations may inform individuals where to file complaints or obtain information about legal provisions and protection. In some cases, with the victim's consent, the civil society organizations can forward individual complaints to relevant authorities for action. NHRIs should be aware of the services provided by civil society organizations and should engage in collaborative activities, to be able to refer victims to the most appropriate services and to ensure that complainants receive the support they require. NHRIs and civil society organizations can also benefit by respective areas of expertise, for example, by mutual or joint training.*¹⁶⁵

ODIHR recommendations

¹⁶² [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

¹⁶³ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

¹⁶⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

¹⁶⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

NHRIs should develop mutually beneficial and, ideally, institutionalized relationships with civil society organizations. This could include information sharing and establishment of referral mechanisms for victims of violence against women and gender-based discrimination.

NHRIs should raise awareness of the Declaration on Human Rights Defenders, and on the legitimate and important role played by women human rights defenders in particular. Any attacks against human rights defenders should be condemned and appropriate measures taken.

NHRIs should consider the development of joint outreach campaigns or joint publications on women's rights and gender equality, with a range of civil society actors. In planning such initiatives, it is important to ensure the genuine involvement of civil society actors from the early planning stages.

Where relevant, NHRIs should facilitate specialized or general training for civil society actors involved in particular areas of the protection and promotion of women's rights and gender equality. Training of trainers for civil society may also multiply the impact of such programmes.¹⁶⁶

Does the NHRI co-operate with women's organizations and NGOs that may have better access to women who are victims of human rights violations?¹⁶⁷

ODIHR recommendations:

NHRI planning processes should incorporate consideration of women's rights and gender equality in all relevant areas of the NHRIs substantive work, as well as organizationally within the NHRIs.

Where national specialized institutions exist, in particular gender equality bodies, these could be consulted during the planning process. Civil society actors and other partners could also be consulted and invited to provide input.

NHRIs should appoint a focal point on gender equality and women's rights. The focal point should have adequate authority to ensure that gender perspectives are fully integrated.

NHRIs should track the representation of women and men at all levels in the NHRIs. This information should be included in the NHRIs' annual reports, and steps should be taken to address any significant imbalances.

NHRIs should provide regular training on gender sensitivity, sexual harassment, women's rights and non-discrimination to staff members. All staff, from senior management to administrative and service staff, should be

¹⁶⁶ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

¹⁶⁷ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

required to participate in gender-sensitivity training.

NHRIs should put in place policies to prevent gender-based discrimination, including against pregnant women. NHRIs should provide flexible hours and work-at-home arrangements to accommodate persons with parental and/or caretaking responsibilities. Attention should be paid to ensure fairness to other employees.

*NHRIs should evaluate factors that may prevent women from accessing them and take steps to address these. This may include the establishment of regional or mobile offices, flexible opening hours, a child corner in the NHRI office, access for persons with disabilities and means of reporting that allow for confidentiality.*¹⁶⁸

Regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates. NHRIs should develop, formalize and maintain working relationships, as appropriate, with other domestic institutions established for the promotion and protection of human rights, including sub-national statutory human rights institutions, thematic institutions, as well as civil society and non-governmental organizations.¹⁶⁹

To give full effect to these Paris Principle requirements, the SCA recommends that NHRIs should develop, formalize and maintain regular, constructive and systematic working relationships with other domestic institutions and actors established for the promotion and protection of human rights. Interaction may include the sharing of knowledge, such as research studies, best practices, training programmes, statistical information and data, and general information on its activities. **For the following reasons the SCA considers such cooperation necessary to ensure the full realization of human rights nation-wide:**

*National human rights framework – The effectiveness of an NHRI in implementing its mandate to protect and promote human rights is largely dependent upon the quality of its working relationships with other national democratic institutions such as: government departments; judicial bodies; lawyers' organizations; non-governmental organizations; the media; and other civil society associations. **Broad engagement with all stakeholders may provide a better understanding of: the breadth of human rights issues across the state; the impact of such issues based on social cultural, geographic and other factors; gaps, as well as potential overlap and duplication in the setting of policy, priorities and implementation strategies. NHRIs working in isolation may be limited in their ability to provide adequate human rights protections to the public.***

Unique position of NHRIs – The character and identity of an NHRI serves to distinguish it from both government bodies and civil society. As independent, pluralistic institutions, NHRIs can play an important role

¹⁶⁸ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

¹⁶⁹ [General Observations of the Sub-Committee on Accreditation - GANHRI](#)

Improved accessibility – The NHRI's relations with civil society and NGOs is particularly important in improving its accessibility to sections of the populations who are geographically, politically or socially remote. These organizations are likely to have closer relations with vulnerable groups as they often have a more extensive network than NHRIs and are almost always likely to be closer to the ground. In this way, NHRIs may utilize civil society to provide an outreach mechanism to engage with vulnerable groups.

Expertise of other human rights bodies – As a result of their specialized mandates, other human rights bodies and civil society groups may provide an NHRI with valuable advice on the major human rights issues facing vulnerable groups across the nation. As such, NHRIs are encouraged to regularly consult with other human rights bodies and civil society at all stages of programme planning and implementation, as well as policy making, to ensure the NHRI's activities reflect public concerns and priorities. Developing effective relationships with the mass media, as a section of civil society, is a particularly important tool for human rights education

Formalized relationships – The importance of formalizing clear and workable relationships with other human rights bodies and civil society, such as through public memoranda of understanding, serves as a reflection of the importance of ensuring regular, constructive working relationships and is key to increasing the transparency of the NHRI's work with these bodies.¹⁷⁰

The Paris Principles also require NHRIs to “develop relations with the non-governmental organizations devoted to promoting and protecting human rights”. It should also be noted that they indicate that an institution's pluralism and composition should serve to “enable effective cooperation” with the social forces “involved in the promotion and protection of human rights”.¹⁷¹

The Sub-Committee further emphasizes that the principle of pluralism includes ensuring the meaningful participation of women in the national institution.¹⁷²

In all circumstances, NHRIs should collaborate and cooperate with other stakeholders, and doing so is itself a test of their commitment to pluralism.¹⁷³

National human rights institutions are an important part of the national human rights machinery, but they are only one part. They must work alongside other

¹⁷⁰ [General Observations of the Sub-Committee on Accreditation - GANHRI](#)

¹⁷¹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

¹⁷² [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

¹⁷³ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

bodies that also have human rights roles and responsibilities, including the courts, law enforcement, the legislature and human rights NGOs. It is important for NHRIs to establish appropriate and fruitful relationships with these potential partners. At the same time, it is a challenge.¹⁷⁴

Cooperation is both a requirement and a need

As noted in chapters II and III, the Paris Principles specifically require NHRIs to cooperate with NGOs and to ensure pluralism. More pragmatically, the overall responsibilities of NHRIs in promoting and protecting human rights are extremely broad and cannot be attained without the active and ongoing engagement of other human rights actors. Cooperation is a requisite for success. Scarcity of resources is a reality for civil society generally and NGOs in particular. Cooperation and coordination are therefore needed to ensure that limited resources are used effectively, including by avoiding the duplication of effort.

Civil society, in particular NGOs, operates at the grass-roots level and will therefore have local information that may not be so readily available to an NHRI. This information is necessary to allow the institution to develop effective initiatives¹⁷⁵

Throughout this publication the important roles and responsibilities of NHRIs have been examined. Institutions do not operate in isolation, however, and there are other bodies with major roles to play in securing human rights. The task of doing so, given its enormity, importance and difficulty, can best be achieved if all those involved in promoting and protecting human rights—in particular institutions, the courts, parliament and human rights NGOs—understand their unique areas of competence and coordinate and cooperate when this is practical and appropriate. Each of these bodies can contribute greatly to the human rights situation; each must be respected and supported; each must work constructively with the others. Ultimately, the successful implementation of human rights depends on this.¹⁷⁶

The Paris Principles recognise that effective human rights work requires engagement of and collaboration among all relevant actors. They require that NHRIs work in cooperation with other State institutions, NGOs and other parts of civil society, including parliament, judicial bodies,⁷⁹ the civil service, other State institutions with responsibility for the promotion and protection of human rights, such as ombudsmen and mediators, sub-national statutory human rights institutions and thematic institutions,⁸⁰ and the media¹⁷⁷

¹⁷⁴ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

¹⁷⁵ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

¹⁷⁶ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

¹⁷⁷ [A Manual on National Human Rights Institutions - APF](#)

*Pluralism can also be promoted through procedures for consultation and cooperation with diverse elements of society.*¹⁷⁸

4.5 Gender sensitive

The protection and promotion of human rights must be *gender sensitive*. That is, able to detect and respond to gender issues, including the issues of men and boys.

The UN's Economic and Social Council states:

*Issues across all areas of activity should be defined in such a manner that gender differences can be diagnosed – that is, an assumption of gender-neutrality should not be made.*¹⁷⁹ *Emphasis added*

The APF states:

*The gender-related assumptions that underlie our thinking are likely to remain invisible or blurry and therefore they can mislead us, even without our realising it, unless we bring them to attention.*¹⁸⁰

Protection and promotion of human rights will be less effective if policies and practices make it impossible for NHRIs to detect gender-based human rights issues.

Activities to protect human rights must effectively detect gender discrimination against both men and women, and identify how gender affects the human rights of men and women differently. Activities to address human rights issues must address these gender issues.

Gender sensitive approaches are necessary to identify and address the human rights issues facing men and boys.

The UN States:

*A gender sensitive analysis is therefore instrumental to tailor specific and action-oriented recommendations on the responses that are needed to address human rights violations, protect victims' rights, and contribute to the prevention and non-recurrence of such violations.*¹⁸¹

Activities to promote human rights must consider how these activities affect women and men. Human rights promotion must not cause or encourage discrimination.

Issues for men and boys, and other gender issues, can be hidden or not recognised as gender issues without proper analysis.

Most policy fields are relevant for gender mainstreaming, because they directly or indirectly have an impact on the life of women and men. Policy areas which

¹⁷⁸ [A Manual on National Human Rights Institutions - APE](#)

¹⁷⁹ [Report of the Economic and Social Council for the year 1997 – A.52/3 Rev.1-EN.pdf](#)

¹⁸⁰ [NHRI Guidelines for Mainstreaming the Human Rights of Women and Girls into Our Everyday Work](#)

¹⁸¹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

at first sight do not seem relevant... might contain (hidden) aspects of gender inequality.¹⁸²

The main point with gender issues in everyday policies is that in most cases the problem itself is not recognised as such. Therefore, there is a need for analytical techniques and tools. Policymakers have the expertise to deal with their policy topics, but, because they lack expertise on gender issues, they do not know how to handle them. Ordinary policy-makers could solve the issues if they had the necessary knowledge. This means that there is also a need for educational techniques and tools. In summary, these techniques and tools have to help a policy-maker to detect a given gender issue and to enable him/her to take it into account. A last necessary set of techniques and tools are those that allow for consultation and participation of the various partners concerned by a given policy issue.¹⁸³

A gender-sensitive interpretation of the mandate and definition of the scope of the investigation is critical at this early stage to ensure that the outcome of investigations fully considers the gender dimension of the human rights situation and violations and does not exclude key concerns that particularly or differently affect persons of a particular sex or gender¹⁸⁴

The integration of a gender perspective in human rights investigations is critical to ensure a high quality analysis that accurately depicts the different human rights violations including by revealing the underlying gender-based discrimination and violence. A gender analysis is critical to understand the differentiated impact that certain human rights situations or crises have on women, men, girls and boys, as well as by LGBTI or persons with non-binary gender identities, including the possible exacerbation of pre-existing forms of gender-based violence and discrimination. A gender sensitive analysis is therefore instrumental to tailor specific and action-oriented recommendations on the responses that are needed to address human rights violations, protect victims' rights, and contribute to the prevention and non-recurrence of such violations.¹⁸⁵

Gender sensitive approaches must accurately detect the issues for men and boys. Gender-based approaches that claim to work for men and boys must actually work for men and boys.

¹⁸² [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁸³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁸⁴ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

¹⁸⁵ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

The UN states:

*An institution may have to define its own success indicators in some circumstances. If so, it is important that the indicator should be relevant, understandable and useable. A good indicator measures what it says it measures.*¹⁸⁶

4.5.1 Gender analysis

Statistics

The knowledge of women's and men's living conditions must be ensured by routinely working out statistics split up by sex and other background variables depending on the context, for example age and educational background.

There is a huge need for identifying, collecting, using and disseminating such data. This means that the current data and data collection methods have to be reconsidered: which data are split up by sex; what criteria are used to gather data and what assumptions and values lie behind these criteria?

Special attention should be paid to data providing information on the dynamics of gender relations: what is changing, where and at what rate?

Statistics form the basis for analysing the current gender relations, for developing forecasts or for assessing policies in the making. Furthermore, data can also be used for awareness-raising?¹⁸⁷

Gender impact assessment has its roots in the environmental sector and is a typical example of an existing policy tool that has been adapted for the use of gender mainstreaming. Gender impact assessment allows for the screening of a given policy proposal, in order to detect and assess its differential impact or effects on women and men, so that these imbalances can be redressed before the proposal is endorsed. An analysis from a gender perspective helps to see whether the needs of women and men are equally taken into account and served by this proposal.¹⁸⁸

Gender analysis is a key tool to help recognize, understand and make visible the gendered nature of human rights violations, including their specific and differential impact on women, men and others, as well as human rights violations based on gender that specifically target lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. It can help to identify differences in the enjoyment of all human rights and fundamental freedoms in all spheres of life. It also seeks to analyse power relations within the larger sociocultural, economic, political and environmental contexts to understand the root causes of discrimination and inequality. Gender analysis is an integral part of a human-rights-based-approach,¹ allowing one to see the many ways that gender affects human rights. As a starting point for gender integration, it can

¹⁸⁶ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

¹⁸⁷ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

¹⁸⁸ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

propose measures that will close the gender gap between international human rights standards and the everyday human rights situation on the ground ¹⁸⁹

Sex-disaggregated data are data that are collected and presented separately on women and girls, men and boys. Such data contribute by reflecting a more accurate picture of the roles, real situations and general conditions of women and men in every aspect of society, for instance literacy rates, education levels, business ownership, employment, wages, dependents, house and land ownership, loans, credit and debts. It is also important for data to be presented on the human rights situation of other individuals who do not use or feel represented in binary sex/gender categories.¹⁹⁰

Why integrate a gender perspective?

Awareness of specific norms related to gender-based discrimination and adequate gender analysis can prevent the overlooking of critical human rights violations or abuses. For example, a lack of knowledge of standards applying to women in detention or male victims of sexual violence could result in overlooking specific obligations of duty bearers¹⁵ and making invisible violations suffered by segments of society.

A gender analysis can strengthen investigations and reports by contributing to an analysis that addresses the adverse human rights impact that certain human rights situations or crises can have on different people, including women, men, girls and boys, as well as LGBTI persons or persons with non-binary gender identities. This gender-sensitive analysis can therefore contribute to the better tailoring of recommendations and the response to violations.

Analysis of pre-existing gender-based discrimination can contribute to making visible ensuing violations or the compounded impact of violations on certain populations. For example, discrimination in matters related to nationality can disproportionately result in statelessness for women and their children, and discriminatory access to natural or income-generating resources can compound the effects of displacement and armed hostilities on women and girls.

A lack of gender analysis often results in the experiences of women or LGBTI persons being made invisible or reduced to instances of victimization, perpetuating a narrative that downplays the agency of women and girls or LGBTI persons.¹⁹¹

A gender analysis is also critical in selecting the persons to be interviewed, including victims, witnesses and other sources such as service providers,

¹⁸⁹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

¹⁹⁰ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

¹⁹¹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

government representatives and representatives of civil society organizations; the selection of interviewees should include, as far as possible, equal representation by sex and gender

The media and outreach strategy developed at the outset of the investigation should integrate gender into its content and presentation. This can be achieved by, for example, ensuring that female and male members of the investigation teams, including Commissioners or Experts, are equally visible and active in their interaction with media and also in high-level talks, that gender-related findings are integrated into the presentations among the core priorities and findings and that not only the female Commissioner(s)/Expert(s) or staff address questions related to gender issues. Public dissemination of information on the mandate of an investigative body, including explanation of the scope of the investigations, would also contribute to clarifying from the outset the type of gender considerations that the investigation will include.¹⁹²

During the documentation and investigation phase, information should be gathered from a wide range of sources to allow for a comprehensive analysis of violations or abuses and possible gendered impacts suffered by women, men and others and to reveal preexisting forms of violence and discrimination.¹⁹³

A gender analysis of the data and of the information gathered should include at minimum an analysis of the various forms of gender-based discrimination and violence and of the exacerbation of pre-existing forms of gender-based discrimination, including of possible intersecting forms of discrimination; the differentiated impact of the human rights violations on women, girls, men, boys and others; and the connection between gender-based violence and other human rights violations or abuses

NHRIs should integrate a gender perspective in their programmes and policies, even if there is a specialized anti-discrimination or gender equality body in their country. International gender equality policies – such as the UN Fourth World Conference on Women: Platform for Action (Beijing, 1995) – recommend that governments and national mechanisms should promote mainstreaming of gender perspectives in all policies and programmes, so that an analysis is made of the effects on both women and men, before decisions are taken.^{18 194}

ODIHR recommendations

NHRIs should collect sex-disaggregated data in relation to complaint handling and outcome. This can be done, for example, by disaggregating complaints based on the sex of complainants or victims, on the alleged grounds for

¹⁹² [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

¹⁹³ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

¹⁹⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

discrimination, on alleged perpetrators, and/or on the type of alleged violations or abuses.

Sex-disaggregated data

The majority of NHRIs collect and publish sex-disaggregated data of some sort. Data is drawn from complaints processes, national statistics or other sources, such as government departments, research programmes and other institutions, including NGOs.

The use of external statistical data is relatively weak as compared to internal complaint-based data. However, the combination of national statistics with complaints-based data provides a powerful tool for analysing actual progress in equality rights, and the status of women's rights and gender equality more generally.¹⁹⁵

questions to consider

Does the NHRI undertake research on women's rights and gender equality issues, based on its own research and/or research from academic and other sources?

Does the NHRI publish the results of its research on a regular basis?

Does the NHRI convene NGOs, university researchers and other specialized institutions and individuals to hold seminars and sessions on topics of interest for women's rights and gender equality?

Are NHRI publications available on its website and translated in the country's official languages and languages spoken by sizable groups of people in that country? (For example languages spoken by national minorities or migrant communities.)

Does the NHRI record and disaggregate its own complaints data by the sex of the complainants or victims?

Does the NHRI further disaggregate complaints data by the alleged grounds of discrimination, by alleged perpetrators or by the type of alleged violations or abuses? (For example, by employment, public service, housing, etc.)

How can the NHRI work with government statistical agencies to improve access to data about the progress of women across key areas of social and economic well-being?

Gender analysis helps to understand **power relations** and **to address**

“invisible” structural discrimination that would otherwise appear “natural” or “neutral” and, if not questioned or challenged, would remain part of socio-political life and social structures. It also helps to uncover human rights violations that tend to pass unnoticed when other violations occur. ¹⁹⁶

Noting differences between how groups of men and women access their rights and seek protection from human rights violations is the first step of gender analysis.

However, **it is not enough to note that such disparities exist; gender analysis provides more in-depth analysis of their causes.** It is important to note that in many contexts gender analysis is not enough. The intensity or severity of discrimination that individuals may face depends on the number and **interplay of their personal characteristics** that generate discrimination against them. The interplay of identities linked to gender, ethnicity, religion, race, sexual orientation, disability, national origin, age, etc. results in experiences of exclusion and disadvantage that are unique to those with multiple identities. This is known as multiple discrimination. The interplay of different grounds of discrimination is analysed by intersectional analysis, which **acknowledges that human rights violations rarely occur merely on the grounds of gender but are often the result of the intersection of age, ethnicity, national origin, sexual orientation, class, health status, etc. with gender.** ¹⁹⁷

It is important to examine whether the causes are gender-specific or not. For example, a high rate of illiteracy among women in a certain community can have many causes. Some may not be gender-specific (e.g., high cost of education, distance to school, parents’ expectation that a child should provide labour), while others are (e.g., the tradition of educating boys rather than girls, higher school dropout rates in girls due to early pregnancy, parents’ fear to let a girl travel long distances to school, no labour market for educated women).

When looking at the causes of violations, remember that historically women’s gender roles have had less political, social, economic and cultural value than men’s. To varying degrees, in all societies, discrimination against women is systemic and is reflected in the structure and functioning of the legal and economic systems, political institutions and processes, religious and cultural systems, and family systems.

The **circumstances** in which human rights violations occur can be gender-specific or not. The public/ private sphere element should be taken into account when designing a monitoring strategy. For example, the home is often where violations of women’s rights occur.

The **consequences** of human rights violations may be gender-specific or not. For example, the forced eviction of a community primarily composed of female-headed households calls for action and remedies that take into account

¹⁹⁶ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

¹⁹⁷ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

the specific needs of this group of the population (in terms of education, health, housing, political participation, etc.).

Gender-specific barriers to access to remedies, such as restrictions on women's freedom to take action without men's consent, women's lack of access to legal action or lack of economic resources, should be analysed.

Analysing these elements helps to identify systemic and structural problems that affect the human rights problem that is being monitored.

This is particularly important when working on gender, as many—if not most—gender-specific violations or gender aspects of human rights violations are linked to systemic and structural discrimination against women.

*When undertaking analysis, the relationship of culture and human rights, and the intersection of discrimination against women and other forms of discrimination (multiple discrimination) are to be taken into consideration. Cultural arguments shall never condone discrimination or violence against women.*¹⁹⁸

4.5.2 Non-homogenous

Gender sensitivity requires recognising that men are not a homogenous group.

Sub-groups of men may face gender specific issues that are not visible when considering men as a whole. Things that can be true for men generally, may not be true for sub-groups of men.

In some cases, men and boys have more variability across outcomes. In some domains, men and boys are overrepresented in the poorest outcomes *and* the best outcomes.

Care has to be taken when considering 'intersectional' analysis. In a certain domain, it may be true that women are disadvantaged compared to men, and also, that black people are disadvantaged compared to white people, but it is wrong to assume that, in the same domain, black women are disadvantaged compared to black men. It may be that, upon detailed analysis, black men are disadvantaged more than black women.

Because it takes into account the diversity among women and men
It is generally acknowledged that women – and men – are not a homogenous group¹⁹⁹. In order to pay due attention to this diversity, policies and policy instruments have to allow for taking diversity into account. Gender mainstreaming may be able to target better the particular situation of different

¹⁹⁸ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

¹⁹⁹ Women and men differ in various aspects, such as class, race, ethnicity, religious convictions, political opinion, age or sexual orientation.

groups of women where specific equality policies have so far not been successful, because it leaves room for diversity. From a gender mainstreaming perspective, the problem is not the fact that there are differences but that they are connected to a hierarchical ranking and that there is a danger of measuring all citizens to a male norm. In this sense gender mainstreaming goes a step further than merely working towards gender equality. It leaves room for **non-hierarchical diversity** in general, be it in terms of sex, race, class or a combination of factors. In other words, it takes into account that human beings are not abstract subjects, but that they have particular identities. This side-effect of mainstreaming as a strategy to promote gender equality is a positive one for the whole of society²⁰⁰

4.5.3 Gender Sensitive:

research, measuring, monitoring, evaluation etc. must be able to detect gender differences and find potential discrimination against men

Policy implementing stage

Once the issues have been detected and analysed, the broad goals and policy lines defined and priority allocated to them, these issues have to be put into practice. This includes the elaboration of concrete actions.

Introducing mainstreaming in the first stages is no guarantee that a gender perspective will effectively be taken into account when policies are implemented – analysis and action are two different things²⁰¹. There are big steps between detecting a gender issue, endorsing the principle of gender equality and implementing policies which take this issue into account. It is therefore very important to mainstream at this stage and to accompany and support carefully the actors concerned.²⁰²

It might be useful to start with gender mainstreaming policy areas that are habitually labelled as gender-neutral. All policy areas which affect the daily life of citizens, such as transport policies, urban policies, social policies are definitely important, although this is often not recognised. The same goes for research policies, because this is an important area to generate knowledge. **Mainstreaming these policy areas might be very efficient, given the eye-opening effect it will produce.** This effect will be very useful for convincing policy-makers and people of the need for gender mainstreaming, even when basic gender equality seems to be achieved.²⁰³

²⁰⁰ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁰¹ Commission on the Status of Women, 1994

²⁰² [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁰³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

Cost-benefit analyses

Governmental policies can – and have – caused damage to people and society as a whole because gender perspectives have not been taken into consideration and policies have been based on false assumptions. Women’s and men’s living conditions are so different that the impact of decisions taken can vary considerably. This is very often a surprise to decision-makers, who have so little precise knowledge of the real living conditions of women and men. Cost-benefit analyses from a gender perspective give an insight into the impact of decisions on the various living conditions of both sexes. It is more and more common that governmental policies are assessed for many purposes. The complexity of decision-making nowadays demands a thorough surveillance of all initiatives and adjustments made in order to cope with the rapid changes of technology, market function and international co-operation. Given the differing living conditions of women and men, the incorporation of a gender perspective in assessments is a qualitative improvement in decision-making processes²⁰⁴

When possible, mandates that appear to be geographically or thematically limited should be interpreted broadly to allow the documentation of all violations, including the resulting consequences on women, girls, men and boys specifically.²⁰⁵

Investigators should aim at corroborating any given piece of information by obtaining concurring information from two other independent and reliable sources.²⁵ However, this may not always be possible, particularly when stigma is attached to certain violations and victims risk being marginalized by their communities for exposing what they have suffered, or when certain forms of violations are committed out of sight of eye witnesses. In such cases, applying a unified method of verification for all violations without a gender-sensitive approach may disregard or consider as unverified certain forms of violations.²⁰⁶

An effective gender-sensitive methodology and investigation plan will take into account the need to assess how – in the country or situation concerned – legal, civil, economic, political, cultural and social issues affect women and men differently, resulting in different experiences. As discussed in more detail in section III of this publication, gender-based discrimination and violence should be seen within the larger context of any pre-existing inequalities.²⁰⁷

Ensure that interviews are conducted in a way that gender-specific questions

²⁰⁴ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁰⁵ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²⁰⁶ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²⁰⁷ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

are asked and can illustrate and inform on the differentiated impact of the human rights violations on women, girls, men and boys. Ensure that the information gathered also aims at documenting the violation on women and girls, beyond sexual violence, and documenting the differentiated impact of the violations on them.²⁰⁸

Note intersecting forms of discrimination which place specific groups of women, girls, men and boys at a heightened risk of certain violations.²⁰⁹

With respect to training, the principal gap appears to be the gender sensitivity training within NHRIs, which was undertaken in only 9 per cent of cases.²¹⁰

When planning interviews, it is important to always include questions aimed at gathering information on how a particular situation may affect women, men, girls and boys differently. Remember that the gender dimension of violations often remains invisible if not properly researched.²¹¹

4.5.3.1 Accuracy

Women and men often highlight different concerns and bring different perspectives, experiences and solutions to the issues. They also have differing perceptions and concerns regarding culturally acceptable practices. A clear and accurate picture of a situation cannot be attained if 50% or more of the population has not been consulted, as it can mean that 50% of the information needed is missing.²¹²

This publication provides practical guidance on the integration of a gender perspective throughout the work of investigative bodies or entities, from the planning phase to the investigations and to writing the report and presenting its findings. It specifically aims to strengthen the content of human rights reports in order to accurately depict the different experiences of women, men, girls and boys. While it points to ways to analyse SGBV, it does not intend to provide detailed guidance on applicable methodologies to investigate SGBV.²¹³

²⁰⁸ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²⁰⁹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²¹⁰ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²¹¹ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

²¹² [Towards gender equality in humanitarian response: Addressing the needs of women & men in Gaza - A guidebook for the humanitarian sector](#)

²¹³ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

While respecting the principles of self-identification,²¹⁴ investigators should seek to obtain disaggregated data. At a minimum, information on violations (e.g. extrajudicial killings, enforced disappearances, torture, deprivation of liberty, GBV, etc.) should be broken down by sex and age and, where possible, on the basis of other status. This is key to determining the gender specificities of human rights violations as well as to giving an accurate account of the particular experience of women, girls, men and boys and to identifying potentially discriminatory practices or targeting (e.g. based on ethnicity, religion, political affiliation, sexual orientation, disability, etc.).²¹⁴

A gender analysis should reveal the gendered and differentiated impacts on women, girls, men and boys of the violations of civil, economic, political, cultural and social rights during and as a result of the conflict/crisis, as well as the differentiated impact of violations and breaches of international humanitarian law provisions. To do so, it is important to understand how the socially constructed power relations between women and men affect the enjoyment of their human rights.

...

Compilation and gender analysis of disaggregated statistics as well as tailored interviews to the direct victims and their relatives can be instrumental to assess the impact of any given violation on the direct victims and on others, including relatives, who may be affected, in different ways. Violations that initially appear to be male specific in fact may be affecting women as extensively as men.²¹⁵

Always use available disaggregated data (ex. instead of “five journalists were arbitrarily detained”) say “three women and two men journalists were detained). It is particularly important to avoid referring specifically to women when speaking only about certain violations (ex. sexual violence) while using gender neutral nouns when reporting on others (ex. killings, torture, etc.).²¹⁶

Nevertheless, an institution is obliged to be rigorous in its own fact-gathering and analysis when forming a recommendation, opinion or report. Ultimately, its credibility will be assessed by the quality and pertinence of its recommendations and opinions. If these are too often ill-founded or flawed, the institution will find that all sides easily dismiss them and its subsequent recommendations will not be taken seriously.²¹⁷

²¹⁴ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²¹⁵ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²¹⁶ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²¹⁷ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

Standards set by the United Nations

There are a variety of publications documenting the monitoring function. Of particular importance is the above-mentioned Training Manual on Human Rights Monitoring. It lists 19 principles that should govern the way in which human rights monitoring is carried out. While all are important, the following are especially relevant to the work of an NHRI:

- ■ Do no harm;
- ■ Know the standards;
- ■ Accuracy and precision; and
- ■ Impartiality, integrity, objectivity and professionalism. (These are listed separately in the Manual, but grouped here for convenience.)

...

The requirement to “know the standards” means that monitors must have a thorough understanding of the international or national rights norms against which they are measuring performance.

...

“Impartiality, integrity, objectivity and professionalism” are interrelated and require monitors to apply the highest possible standards when collecting and analysing data and presenting the results.²¹⁸

An institution may have to define its own success indicators in some circumstances. If so, it is important that the indicator should be relevant, understandable and useable. A good indicator measures what it says it measures.²¹⁹

4.5.4 Including men in gender analysis and mainstreaming

4.5.4.1 Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe

Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS) Strasbourg, May 1998

Gender equality must be constantly fought for, protected and promoted – like human

²¹⁸ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

²¹⁹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

rights, of which it is an integral part. Achieving gender equality is a continuous process that has to be constantly put into question, thought about and redefined. At present, the most important targets for gender equality include the following aspects.²²⁰

An important target is the recognition and full implementation of women's rights as *human rights*. This includes effectively respecting, protecting and promoting the human rights of both women and men and, by taking the necessary measures, enabling both women and men to enjoy fully these rights. It also means combating interferences with women's liberty and dignity (combating violence against and trafficking in women or forced prostitution, promoting free choice in matters of reproduction and lifestyles, addressing the specific problems of migrant and minority women).²²¹

Besides human rights, the development and improvement of representative *democracy* is the most important pole. The persistent under-representation or sometimes absence of women in decision-making at all levels and in all fields of life is a major problem, even though there are great variations in this respect between countries. Promotion of the equal participation of women and men in political and public life and all other walks of life is part of the development of society. It is important for society as a whole that both women and men participate in all decisions taken in a society, given their various experiences in life. When women or men constitute about one third (the critical mass) of the members of a decision-making body, they influence the agenda and there is a real possibility for change. It is important also that women become visible in societal events to the same degree as men, and in the history of every state.²²²

Another very important target for gender equality is the individual's *economic independence*, which leads to the securing of equal pay, equal access to credit, equal conditions on the labour market and the distribution of assets that take into account gender differences in private life. The position that women and men have in the economy is in many ways crucial to the balance of power between them. Fighting the feminisation of poverty is also important in this regard. Linked to the need for the individual's economic independence is the aim to reconcile family and working life for both men and women.²²³

Education is a key target for gender equality as it involves the ways in which societies transfer norms, knowledge and skills. It is crucial that the education systems and all elements of these systems (teachers, schools, textbooks, research institutes and so on) empower both girls and boys, and take care in counterbalancing the existing gender hierarchies. Media professionals can be a target here too, as they have a very powerful position in the transfer and consolidation of norms and knowledge.²²⁴

The last target to be mentioned is women's and men's common acknowledgement of the

²²⁰ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²²¹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²²² [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²²³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²²⁴ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

need to remove imbalances in society and their *shared responsibility* in doing so^{225 226}.

...

The last problem is partly due to the **methods used** up until now to promote gender equality. **Most policies were concerned with the specific needs of women.** Additionally, these policies mainly targeted women and not men, even those aimed at redressing the imbalances between the sexes. These policies, therefore, only reached a limited public which mainly consisted of women. **It is clear that changes will be limited, as long as they only focus on one side of the problem²²⁷.** Equality policy should ensure that a gender perspective is integrated into all policy areas and that the whole of society is involved in promoting equality.²²⁸

...

A further difficulty has to do with the *need for a broader concept of equality*. Gender equality is often misunderstood. As mentioned in chapter I.2, one of **the main problems hindering further progress in the field of gender equality is the limited and narrow conception of gender equality.** Gender equality is not the same as anti-discrimination, it is much more. It is not only equality *de jure* either, meaning that all references to women and men in legislation are removed. **Equality as such must be promoted, for example by positive actions, plans of action, mainstreaming and other instruments.** The goal is equality as a positive right or equality *de facto* respecting women's and men's rights to diversity and difference, but it also implies that women and men are free individuals. **Mainstreaming requires a gender perspective and not a focus limited on women's issues.** Gender mainstreaming requires taking into account the relations between women and men, and not simply reducing the concept to the two categories of women and men. In countries where a "traditional" approach of gender equality prevails, the concepts on which gender equality policy is based have to be revised and a gender approach has to be developed.²²⁹

4.5.4.2 Gender mainstreaming made easy: handbook for programme staff

United Nations Development Programme (UNDP) 2013

...

Page 8

GENDER

The concept of gender needs to be understood clearly as a cross-cutting socio-cultural variable. It is an overarching variable in the sense that gender can also be applied to all other cross-cutting variables such as race, class, age, ethnic group, etc. Gender systems are established in different socio-cultural contexts which determine what is expected, allowed and valued in a woman/man and girl/boy in these specific contexts. Gender roles are learned through socialization processes; they are not fixed but are changeable over

²²⁵ Declaration and Resolutions adopted at the 4th European Ministerial Conference on equality between women and men, Istanbul, 1997

²²⁶ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²²⁷ Berget, 1996

²²⁸ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²²⁹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

time and between cultures. Gender systems are institutionalized through education systems, political and economic systems, legislation, and culture and traditions. In utilizing a gender approach the focus is not on individual women and men but on the system which determines gender roles/responsibilities, access to and control over resources, and decision-making potentials.

It is also important to emphasize that the concept of gender is not interchangeable with women. Gender refers to both women and men, and the relations between them. The existence of historical gender imbalances have meant that gender programming tends to focus solely on empowering women as a means to 'leveling the playing field', however promotion of gender equality should concern and engage men as well as women. In recent years there has been a much stronger direct focus on men in research on gender perspectives. There are three main approaches taken in the increased focus on men. Firstly, the need to identify men as allies for gender equality and involve them more actively in this work. Secondly, the recognition that gender equality is not possible unless men change their attitudes and behavior in many areas, for example in relation to reproductive rights and health. And thirdly, that gender systems in place in many contexts are negative for men as well as for women – creating unrealistic demands on men and requiring men to behave in narrowly defined ways. A considerable amount of interesting research is being undertaken, by both women and men, on male identities and masculinity. The increased focus on men will have significant impact on future strategies for working with gender perspectives in development.

Page 48²³⁰

Increased active stakeholder involvement

Stakeholder involvement is especially critical for gender equality results since these results are directly related to changes in gender relations at all levels, from the household and community to political, economic, and socio-cultural institutions at different levels. To ensure acceptance of, and support for, proposed gender equality goals, changes and results, planned interventions should always be defined through a democratic and consultative process involving:

- All key stakeholders, including the drivers of change for gender equality, such as national mechanisms for gender equality, gender equality caucuses in parliament, and women's groups and networks in civil society; and
- Both women and men, and stakeholders of all gender identities on the grounds that gender equality results:
- Concern gender relations, and women, men and gender-diverse people can have differing perceptions of whether and how gender relations should be changed; and
- Can involve a direct confrontation with entrenched male privilege and power, making engagement with men essential.¹³²²³¹

...

²³⁰ [Gender mainstreaming made easy: handbook for programme staff](#)

²³¹ [Gender mainstreaming made easy: handbook for programme staff](#)

There is a dual rationale for promoting gender equality. Firstly, that equality between women and men – equal rights, opportunities and responsibilities - is a matter of human rights and social justice. And secondly, that greater equality between women and men is also a precondition for (and effective indicator of) sustainable people-centered development. The perceptions, interests, needs and priorities of both women and men must be taken into consideration not only as a matter of social justice but because they are necessary for successful development processes.

Page 5 (9)

Initiatives focused on men support promotion of gender equality by developing male allies. It is crucial to understand that these two strategies – gender mainstreaming and women’s empowerment – are in no way in competition with each other. The endorsement of gender mainstreaming within an organization does not imply that targeted activities are no longer needed. The two strategies are complementary in a very real sense as gender mainstreaming must be carried out in a manner which is empowering for women.

Page 6 (10)

Empowerment of women cannot be achieved in a vacuum; men must be brought along in the process of change. Empowerment should not be seen as a zero-sum game where gains for women automatically imply losses for men.²³²

4.5.4.3 Handbook on Gender Mainstreaming for gender equality results

UN Women 2022

page 30

Analysis must focus on both women and men

Gender analysis must focus on women and men, and girls and boys, and on the relations between and amongst them. When gender is applied as a synonym for women, and men are not included in analyses, the potential to identify gender relations, in particular the power relations that exist among women, men and gender-diverse groups, as well as within these groups, is seriously constrained.

An increased focus on men, however, should always be in the context of the goal of promoting more equitable gender relations and should not divert attention and resources from women and the intended goal of gender equality. “What is critical is that...in addressing male gender issues, a commitment to gender equality remains non-negotiable.”⁷⁷²³³

Negative impact of inadequate attention to men in gender analysis

Ignoring men in gender analyses means gender relations are being neglected, and this is

²³² [Gender mainstreaming made easy: handbook for programme staff](#)

²³³ [Handbook on Gender Mainstreaming for gender equality results](#)

problematic for several reasons:

The critical underlying structural and systemic causes of gender inequality, discrimination, and exclusion can be overlooked;

The gender-based inequality, discrimination, and exclusion faced by women can be viewed as just women's problems, reinforcing the focus on women only;

Men can be seen as the norm and women perceived as the ones who are expected to change or adapt;

Any discrimination or exclusion faced by men and boys will be ignored, even though gendered societal expectations of men and boys can create significant challenges and constraints and make unacceptable demands on individual men and boys; and

Men are overlooked as an important constituency for promoting gender equality²³⁴

4.5.4.4 Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?

Petra Debusscher – Kvinder, Køn & Forskning (Women, Gender and Research) 2011

Another well-established classification is Beveridge and Nott's distinction between "expert/bureaucratic" and "participatory/democratic" responses to gender mainstreaming. Expert/bureaucratic models towards gender mainstreaming "focus on the use of experts and/or the establishment of mainstream "routines" within state bureaucracies", while participatory/democratic approaches "emphasise the inclusion or empowerment of disadvantaged groups in relation to policy-making" (Beveridge & Nott 2002: 301). Judith Squires argues that Jahan's integrationist and agenda-setting models intersect with Beveridge and Nott's expert/bureaucratic and participatory/democratic models and argues that a participatory/democratic or agenda-setting response towards mainstreaming is correlated with a transformative agenda.²³⁵

...

Furthermore, it was apparent that gender equality is framed as a women's problem only, since it is mainly women who are mentioned when analysing gender inequalities. Most of the time, men are absent in the gender analysis, serving as a silent norm. When men are mentioned this is mostly in a general phrase referring to equality between men and women. What is more, women are not only seen as the main problem holders in the gender (in)equality question, they are also made solely responsible for the solution. Men are never the target group to address gender inequalities.²³⁶

...

Gender equality is thus not framed as a goal in itself, but is used instrumentally to attain other goals, like poverty eradication or economic growth. Secondly,

²³⁴ [Handbook on Gender Mainstreaming for gender equality results](#)

²³⁵ [Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?](#)

²³⁶ [Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?](#)

gender equality is framed as a women's responsibility only, since men are almost never explicitly addressed in the analysis nor as a target group to resolve gender inequalities. In this sense, the EC gender mainstreaming approach has more the features of the previous WID perspective. Lastly, regional civil society working on gender equality in the developing regions is not consulted enough by the Commission. What is more, analysis of civil society voices reveals, not only that there is a lack of participation in the programming phase of EC aid, but also that there is a wide breach between how the EC frames gender (in)equality and how regional civil society frames this. Not only is this lack of space for civil society voices harmful to empowerment, it is also harmful for the relevance of policies because the policymakers' view of problem and solution is limited by the institutional culture and its predetermined goals. Clearly this restricts the scope of policy making and of the allocation of resources (Beveridge & Nott 2002).²³⁷

4.6 Capacity building

NHRIs must ensure they have the capacity to protect and promote men's human rights. This includes

having a thorough knowledge of men's rights among a wide range of staff, and access to experts on men's rights.

Improve the governments capacity to address men's rights through advice

Improving the capacity of citizens to advocate for men's rights

- public education and awareness

4.6.1 Education and expertise:

Must develop expertise in men's issues and educate others about men's issues.

4.6.1.1 Education/awareness

The United Nations Declaration on Human Rights Education and Training defines human rights education and training broadly.

1. Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.
2. Human rights education and training encompasses:

²³⁷ [Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?](#)

- (a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
- (b) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
- (c) Education for human rights, which includes **empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others**.²²⁷

According to the UN Secretary-General, human rights education is directed towards five specific goals, drawn from the International Covenant on Economic, Social and Cultural Rights:²²⁸

[H]uman rights education may be defined as training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes, which are directed towards:

- (a) the strengthening of respect for human rights and fundamental freedoms;
- (b) the full development of the human personality and the sense of its dignity;
- (c) the promotion of understanding, tolerance, **gender equality** and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- (d) the enabling of all persons to participate effectively in a free society;
- (e) the furtherance of the activities of the United Nations for the maintenance of peace.²²⁹

...

Specific outcomes for human rights education may include, but are not limited to:

the dissemination of knowledge and general awareness about human rights

such as:

those set out in the Universal Declaration and other international human rights instruments

relevant domestic human rights legislation

the historical processes that have prevented the realisation of human rights

the rights of specific marginalised groups

mechanisms for addressing human rights grievances

power relations and social forces.

building the capability of people to:

apply human rights knowledge and understanding to lives and practices

apply international human rights standards to local, national and international contexts

translate UN legal and technical language and concepts into those appropriate to their contexts

analyse structures and systems through a human rights lens

reflect on their own actions and consequences of their behaviours

identify those human rights issues that are most pertinent to their group, community or society

develop strategies to prevent and address human rights violations.

strengthening individuals and communities to take action toward human rights outcomes.²³⁹

²²⁸ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

²²⁹ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

...

Human rights education requires a change of attitude and perspective. It is values oriented. It does not accept the prevailing circumstances and structures of a society without questioning. Rather, it provides a standard against which those circumstances and structures can be measured and by which they can and should be subjected to analysis and criticism.²⁴⁰

...

The Paris Principles distinguish between raising awareness about human rights and educating on human rights and they list both among the responsibilities of NHRIs:

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.²³⁵²⁴¹

Human rights education practice:

- demonstrates human rights principles of equality, human dignity, inclusion and non-discrimination

*A further problem is the lack of sufficient knowledge about gender equality issues, which will lead to a bad implementation of gender mainstreaming. The actors in “traditional” equality policy machineries are gender equality experts. When the strategy of gender mainstreaming is implemented, the matters relating to gender equality will no longer be only in the hands of a specific division, but will be present in all divisions in a given ministry. These actors will no longer be specialists in equality issues, which entails the danger that they might fail to identify gender interests or to implement good gender equality policies. It could even mean that they lack a proper understanding of the mainstreaming strategy itself, a problem that has been discussed above. This could lead to a reproduction of the existing status quo. There might be a lack of people having the knowledge to build up gender mainstreaming policies, especially where there are too few women in decision-making. Therefore, gender mainstreaming requires the need to build up the necessary gender knowledge among all policy-makers and learning processes to develop the capacity to put mainstreaming strategies into practice.*²⁴²

Moreover, gender mainstreaming will involve a much broader range of

²⁴⁰ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

²⁴¹ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

²⁴² [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

“ordinary” actors, most of whom are not gender experts in the first instance. These new actors will need to build up the necessary knowledge to deal with gender issues²⁴³

A further problem is the lack of sufficient knowledge about gender equality issues, which will lead to a bad implementation of gender mainstreaming. The actors in “traditional” equality policy machineries are gender equality experts. When the strategy of gender mainstreaming is implemented, the matters relating to gender equality will no longer be only in the hands of a specific division, but will be present in all divisions in a given ministry. These actors will no longer be specialists in equality issues, which entails the danger that they might fail to identify gender interests or to implement good gender equality policies. It could even mean that they lack a proper understanding of the mainstreaming strategy itself, a problem that has been discussed above. This could lead to a reproduction of the existing status quo. There might be a lack of people having the knowledge to build up gender mainstreaming policies, especially where there are too few women in decision-making. Therefore, gender mainstreaming requires the need to build up the necessary gender knowledge among all policy-makers and learning processes to develop the capacity to put mainstreaming strategies into practice.²⁴⁴

Comprehensive knowledge of gender relations

As mainstreaming is not a goal in itself, but a strategy to achieve gender equality, it presupposes that the necessary knowledge of gender relations is available for policy-makers. Not all knowledge can be developed in gender equality machineries and, therefore, sufficient research in gender studies has to be carried out and made available. Such research would comprise the analysis of current imbalances between the sexes in all policy fields as well as prognoses of how future initiatives will affect women and men. Mainstreaming requires strong gender studies. The existing differences between countries, in terms of the degree of development of gender studies and/or the degree of interaction between gender studies and the policy process, underline the important role these external experts play. When knowledge of gender relations is available in several places in the administrative system, this will facilitate gender mainstreaming to a great extent.²⁴⁵

In fact, the tools and techniques applied in gender mainstreaming are not new or specially conceived for that aim. Gender mainstreaming strategies can start from the techniques and tools generally used in the policy process, provided that they are redesigned and adapted to the needs of mainstreaming. Redesigning and adapting existing tools is a task for specialists having outstanding knowledge of gender issues as well as on the functioning of

²⁴³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁴⁴ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁴⁵ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

policy-making processes and on the instruments related to these processes. Applying tools and techniques which comprise a gender perspective requires training; developing 'user-friendly' mainstreaming instruments requires a very high level of gender expertise. It is important to pay due attention to this aspect and to select the right specialists^{246 247}

Educational techniques and tools

These are, given the poor knowledge of the benefits of gender equality, probably the most important techniques and tools for successful gender mainstreaming. Educational tools and techniques contain two aspects: awareness-raising and the transfer of knowledge. Awareness-raising aims at showing how existing values and norms influence our picture of reality, perpetuate stereotypes and support the mechanisms (re)producing inequality. It challenges values and norms by explaining how they influence and limit the options taken into consideration and decision-making. Besides, awareness-raising aims at stimulating a general sensitivity to gender issues. Next to awareness-raising there is need for training. People, especially the actors normally involved in policy processes, have to learn how to detect gender issues and how to develop policies in order to take gender into account. Every person involved in gender mainstreaming will have to receive education on the issue of gender equality and of mainstreaming.²⁴⁸

All members of an investigation team have a responsibility to integrate a gender perspective into their work. It is therefore imperative to train all staff members to detect gender concerns and impacts within their area of expertise and assigned functions.²⁴⁹

Ensure gender balance and gender expertise in the selection of the members of the team,²⁵⁰

To complement gender mainstreaming, NHRIs can foster expertise within their organization by creating a central point with accountability for women's rights and gender equality. NHRIs bring a variety of organizational responses to this challenge, ranging from individual staff focal points to senior officials who are designated with specific responsibilities, to the establishment of units,

²⁴⁶ See the WISE-guide for references on experts. This need for expertise underlines the importance of supporting and promoting the development of women's and gender studies

²⁴⁷ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁴⁸ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁴⁹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²⁵⁰ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

departments or even centres dedicated to gender equality, in whole or in part.

Gender mainstreaming can also be made more effective if there is an internal point of expertise and accountability for protecting and promoting women's rights and achieving gender equality.²⁵¹

Specific outcomes for human rights education may include, but are not limited to:

- *the dissemination of knowledge and general awareness about human rights such as:*
 - *those set out in the Universal Declaration and other international human rights instruments – relevant domestic human rights legislation*
 - *the historical processes that have prevented the realisation of human rights*
 - *the rights of specific marginalised groups*
 - *mechanisms for addressing human rights grievances*
 - *power relations and social forces.*
- *building the capability of people to:*
 - *apply human rights knowledge and understanding to lives and practices*
 - *apply international human rights standards to local, national and international contexts*
 - *translate UN legal and technical language and concepts into those appropriate to their contexts*
 - *analyse structures and systems through a human rights lens*
 - *reflect on their own actions and consequences of their behaviours*
 - *identify those human rights issues that are most pertinent to their group, community or society*
 - *develop strategies to prevent and address human rights violations.*
- *strengthening individuals and communities to take action toward human rights outcomes.*²⁵²

²⁵¹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁵² [A Manual on National Human Rights Institutions - APF](#)

Human rights education practice:

- *demonstrates human rights principles of equality, human dignity, inclusion and non-discrimination*²⁵³

Ensuring that staff who have the necessary expertise, including gender expertise and experience are available prevents a crisis developing during the conduct of the inquiry when some necessary skill is missing or when the number of expert staff required is not available.

Promotion & public awareness

***Promotional** activities, including public education and awareness-raising, research and capacity building, are at the core of mandates for NHRIs. They should consider how messages on women's rights and gender equality can be mainstreamed into all promotional activities and should also develop targeted campaigns relevant to their national context.*²⁵⁴

*Given the long-standing and embedded inequalities experienced by women across virtually all social and economic dimensions, systemic initiatives are especially important for women's rights and gender equality. These may include pooled complaints, system-wide investigations and public inquiries, as well as monitoring programmes paired with publications and public awareness strategies to redress inequalities at the systemic level in terms of women's rights, gender equality and gender-based stereotypes.*²⁵⁵

Questions to Consider

Are promotional activities part of a broader strategic plan to promote women's rights and gender equality? ...

*Is a gender perspective integrated into all promotional activities?*²⁵⁶

*These data highlight the importance of public education and awareness campaigns in order to dismantle stereotypes about women, while developing a broader human rights culture.*²⁵⁷

²⁵³ [A Manual on National Human Rights Institutions - APE](#)

²⁵⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁵⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁵⁶ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁵⁷ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

Human rights promotion is a core function of NHRIs and a basic element of the Paris Principles. It enables information and knowledge about human rights to be disseminated to the general public and to specific target groups. Ultimately, it creates a culture of human rights so that every individual in society shares the values that are reflected in the international and national human rights legal framework, and acts accordingly. A successful human rights promotion programme moves individuals beyond knowledge into action.

While laws, redress mechanisms and other measures are necessary, they are not sufficient. Promotion is needed to ensure that members of society:

- Know their rights and the redress mechanisms available to them if those rights are abused;

- Understand that others enjoy rights as well, and that everyone shares a responsibility for promoting and protecting those rights.

Officials in positions of authority should understand the human rights obligations they must uphold and act accordingly.

Human rights promotion is integrally linked to protection. Whether human rights violations are intentional or unintentional, structural or specific, a lack of knowledge can result in actions that breach human rights principles. Sometimes traditional ways of thinking and behaving result in human rights abuse. In either case, human rights education and the inculcation of human rights values can promote change in behaviour without the need for punitive sanctions. Successful human rights promotion can therefore help prevent human rights violations from occurring in the first place.²⁵⁸

National human rights institutions typically develop core human rights material that allows the public to develop a general understanding of human rights, as well as to learn about their work:

- Describing the NHRI and what it does, and how to contact it;

- Explaining key human rights and basic principles;

- Explaining the rights of particular groups.

Plain language and clear layout will make the material visually attractive, and easy to navigate and understand.²⁵⁹

²⁵⁸ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

²⁵⁹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

Promotion and protection are not functions but responsibilities. Each is a broad area of responsibility for which the use of many NHRI functions is required. ...

The promotion responsibility is directed towards the positive fulfilment of all human rights. It is sometimes reduced to human rights education and awareness raising alone. It certainly includes education and awareness raising but it is also much more. It reaches government policies and programs to fulfil human rights, such as providing schools to ensure free compulsory primary education for all children or health clinics and hospitals to ensure the highest possible standard of health care. It also reaches macroeconomic policies that will enable employment for all who want work with fair remuneration and good and safe working conditions.²⁶⁰

Advising

ODIHR recommendations

Given that the actions of non-governmental actors have a significant impact on gender equality and women's rights, NHRI should advise their governments to ensure that laws, policies and practices promote gender equality and women's rights across all sectors of society, including the private sector.²⁶¹

NHRIs can implement gender mainstreaming by developing gender-assessment strategies or impact analyses for draft legislation and existing laws, policies, programmes and activities. Supporting the government to find ways to integrate gender perspectives into its work across all government departments can be a powerful way of combating gender-based discrimination and advancing gender equality.²⁶²

Gender budgeting

Governments should report on how public resources are mobilized for human rights, and this includes women's rights. By monitoring how public funds are spent, NHRIs can help to ensure that public-policy choices are not discriminatory and that they reflect a progressive approach to the realization of women's rights and the achievement of gender equality. NHRIs should also be prepared to deal with scrutiny in terms of their own spending allocations.²⁶³

ODIHR recommendations

²⁶⁰ [A Manual on National Human Rights Institutions - APE](#)

²⁶¹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁶² [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁶³ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

NHRIs should advocate for the adoption and full implementation of legislation and policies that protect women's rights and promote gender equality.

NHRIs should provide assistance by reviewing national legislation and identifying gaps, highlighting problem areas in the existing legal framework, and contributing to the development of new laws and policies. NHRIs should also monitor the impact of laws and policies on women's rights and gender equality, and report on these to the government.

NHRIs should monitor the development of national action plans related to rights of women or gender equality. They should also monitor the actual implementation of such national action plans.

NHRIs should assist governments to implement gender mainstreaming, including by developing gender-assessment strategies for all government draft legislation, policies, programmes and activities.

NHRIs should liaise with government officials on a regular basis. This should not be limited to government officials who are focused on women's rights or gender equality issues, but should include all government departments and government institutions whose work has an impact on these areas.²⁶⁴

NHRIs are also well placed to use their national role to convene stakeholders, experts and community leaders to share research and good practices and to improve public awareness, as well as to facilitate exchanges with NGOs and counselling services that work with women's organizations.²⁶⁵

Advice can be directed to any political, social or economic actor and relate to any issue or area that affects the full enjoyment of all human rights and fundamental freedoms.²⁶⁶

Capacity building

It is essential that NHRI staff have the professional skills to handle individual complaints. This includes not only technical skills, such as case management, interviewing and forensic skills, but also specialized skills and training to work with and interview victims of sexual harassment, discrimination, human trafficking or forms of violence against women. In this regard,²⁶⁷

NHRIs may also undertake initiatives to ensure that journalists have training to

²⁶⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁶⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁶⁶ [A Manual on National Human Rights Institutions - APE](#)

²⁶⁷ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

cover these issues in a human rights-based and gender-sensitive manner.²⁶⁸

ODIHR recommendations

NHRI staff should be trained to properly handle and/or refer individual complaints by victims of sexual violence, sexual harassment at work and public places, discrimination, trafficking or other forms of violence against women.

NHRIs staff should be trained to properly handle and/or refer complaints by women victims from vulnerable groups, such as refugees, migrant workers or persons with disabilities.²⁶⁹

Is the NHRI well placed to conduct training and capacity-building for NGOs and civil society on women's rights and gender equality? Could such training also be conducted by civil society actors with expertise in these issues?²⁷⁰

- Including gender and women's rights in any capacity-building initiatives for civil society, and promoting the inclusion of these in stakeholders' reports, as well as ensuring that civil society groups with expertise in women's rights are included in capacity-building initiatives.²⁷¹

To ensure the enhancement of women's rights and gender equality, NHRIs need to be internally equipped to strengthen their own performance. There is a range of well-established organizational tools that can enhance the protection and promotion of women's rights and gender equality. Many of these tools are standard strategies and techniques available for NHRIs to improve their leadership, focus and effectiveness. Not all of these strategies are specific to women's rights or gender equality, but they can be used to improve institutional effectiveness in these areas as well.²⁷²

Human Resources Management

Women should be equitably represented in hiring and promotions across the organization, including in senior positions. For organizations with women clustered in the administrative levels of service or in junior positions, it is important to develop strategies to address these issues, including temporary special measures to support their professional development, as well as ensuring that steps are taken so that male colleagues are treated, and perceived to be treated, fairly and equitably

²⁶⁸ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁶⁹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁷⁰ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁷¹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁷² [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

Human resources policies should include parental leave and flexible work arrangements for persons with parental and/or caretaking responsibilities. Women and men should be guaranteed their positions or equivalent positions upon return from parental leave.

Internal training on women's rights and gender issues should be offered on a regular basis, to ensure that staff are kept up-to-date on recent developments. Gender-sensitivity training for all officials and staff should be part of NHRIs' overall learning strategy as well.

...It is also important for the NHRIs to ensure that staff-training programmes on women's rights and gender equality are regularly offered, in order to ensure sustainability and knowledge transfer within the institution²⁷³

Knowledge Management

Knowledge management describes the strategies and practices used to identify, create, disseminate, enable and evaluate an organization's insights, experiences and learning. For NHRIs, knowledge management extends to case processing, development of information systems, archival and documentation practices, and research programmes and publications.

The promotion and protection of women's rights and gender equality present unique challenges to NHRIs. Because women continue to suffer the effects of deep-rooted societal and systemic inequality, it is difficult to single out causes without losing sight of the full picture of the problem. It is also a challenge to measure progress based on individual benchmarks. Knowledge management is one key element to successful assessment and performance in the field of women's rights and gender equality

Knowledge management can further assist NHRIs to:

Determine whether operational priorities are supported by national data on the status of women's rights and gender equality;

Link planning and priorities to evidence;

Use case-management data to inform research, planning and academic work on human rights;

Evaluate organizational and programmatic performance across all areas of activity; and

Contribute quantitative and qualitative information about progress on implementation of human rights commitments and development targets,

including the Millennium Development Goals.²⁷⁴

ODIHR recommendations:

NHRI planning processes should incorporate consideration of women's rights and gender equality in all relevant areas of the NHRIs substantive work, as well as organizationally within the NHRIs.

Where national specialized institutions exist, in particular gender equality bodies, these could be consulted during the planning process. Civil society actors and other partners could also be consulted and invited to provide input.

NHRIs should appoint a focal point on gender equality and women's rights. The focal point should have adequate authority to ensure that gender perspectives are fully integrated.

NHRIs should track the representation of women and men at all levels in the NHRIs. This information should be included in the NHRIs' annual reports, and steps should be taken to address any significant imbalances.

NHRIs should provide regular training on gender sensitivity, sexual harassment, women's rights and non-discrimination to staff members. All staff, from senior management to administrative and service staff, should be required to participate in gender-sensitivity training.

NHRIs should put in place policies to prevent gender-based discrimination, including against pregnant women. NHRIs should provide flexible hours and work-at-home arrangements to accommodate persons with parental and/or caretaking responsibilities. Attention should be paid to ensure fairness to other employees.

NHRIs should evaluate factors that may prevent women from accessing them and take steps to address these. This may include the establishment of regional or mobile offices, flexible opening hours, a child corner in the NHRI office, access for persons with disabilities and means of reporting that allow for confidentiality.²⁷⁵

With respect to training, the principal gap appears to be the gender sensitivity training within NHRIs, which was undertaken in only 9 per cent of cases.²⁷⁶

²⁷⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁷⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁷⁶ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

Reporting

Most NHRIs are legally required to produce annual reports. This allows them to present their work to the parliament (or any other state institution or body to which they report), but it also presents an opportunity for the reports to be communicated to the public. Annual reports should provide, at a minimum, statistics about complaints and/or investigations on a sex-disaggregated basis, as well as analyses or overviews of the situation of women and/or gender equality in their states, or even at the regional level. Information can then be repackaged and communicated through targeted avenues and channels to women's groups, NGOs and other parts of civil society, or to governments, as appropriate.²⁷⁷

It is particularly important to avoid referring specifically to women when speaking only about certain violations (ex. sexual violence) while using gender neutral nouns when reporting on others (ex. killings, torture, etc.).²⁷⁸

In engaging with treaty bodies, NHRIs can promote the inclusion of women's rights and gender equality by:

- Ensuring that its own report or contribution mainstreams and fully reflects the impact of the issue at hand on women's rights and gender equality;²⁷⁹

National human rights institutions should promote a wide understanding and acceptance of human rights principles. They may seek to do this through programmes of public awareness sessions and/or the use of the media.

Sessions to promote public awareness may be of two general types:

- **General or public awareness campaigns**, during which basic information on human rights is presented to the public and the role of the NHRI is explained;
- **Targeted campaigns**, which focus on a specific right or set of rights.²⁸⁰

move to best practice section on capacity building/education/expertise Better understanding of entire human rights landscape

Considering the interests, needs and priorities of both women and men will give a better understanding of the human rights landscape. A more comprehensive understanding allows for more effective solutions, and can prevent unintended consequences.

²⁷⁷ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁷⁸ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²⁷⁹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

²⁸⁰ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

*Women and men often highlight different concerns and bring different perspectives, experiences and solutions to the issues. They also have differing perceptions and concerns regarding culturally acceptable practices. A clear and accurate picture of a situation cannot be attained if 50% or more of the population has not been consulted, as it can mean that 50% of the information needed is missing.*²⁸¹

men and women's interests are linked together and can't really be isolated.

Women's and men's lives are linked. Human rights abuses that affect one, affect the other indirectly.

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

— Martin Luther King Jr., Letter from the Birmingham Jail

Identify previously unknown human rights issues.

Gender analysis that includes men and boys means that we can uncover hidden human rights abuses that men and boys are facing.

Monitoring

The protection and promotion of human rights requires monitoring in order to understand the human rights situation.

The United Nations says:

*The purpose of monitoring is not simply to document where things stand, but to encourage positive change.*²⁸²

Monitoring human rights treaties

Article 3 of both CCPR and ICESCR require States to ensure equal enjoyment of rights between women and men. General Comments^{283 284} from the United Nations elaborate on states requirements to ensure enjoyment of rights.

Importantly, the General Comments say that equal enjoyment of rights is a cross-cutting requirement that affects all of the other rights in CCPR and ICESCR. Therefore monitoring CCPR and ICESCR requires monitoring the rights of both men and women.

The UN manual on human rights monitoring says:

Integrating a gender perspective in human rights monitoring is a process to ensure that all violations against men and women of all ages and sections of

²⁸¹ [Towards gender equality in humanitarian response: Addressing the needs of women & men in Gaza - A guidebook for the humanitarian sector](#)

²⁸² [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

²⁸³ [CCPR General Comment No. 28: Article 3 \(The Equality of Rights Between Men and Women\)](#)

²⁸⁴ [General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights](#)

society are recognized and accounted for. It is also a strategy for making women's as well as men's experiences and concerns an integral dimension of the design and implementation of the monitoring cycle. It helps to better understand the causes and types of human rights violations and, hence, the measures required for prevention and protection.

*Integrating gender implies a proactive attitude of looking at and analysing how situations affect women, girls, men and boys differently. It is also about making such differences visible throughout the monitoring cycle.*²⁸⁵

Gender Sensitive & Gender Analysis

Monitoring the human rights of men and boys requires 'gender sensitive' approaches that are sensitive enough to detect human rights issues for men and boys.

Good data

Requires disaggregated data.

Reporting

Accuracy

Not clumping women and children together.

*Avoid the "women and children" categorization The use of the category "women and children" should be avoided. It obscures the fact that different substantive human rights guarantees may apply to women and to children, and reinforces the historical tendency to make concern for women's human rights derivative of their roles as mothers, rather than recognizing their status as independent rights holders.*²⁸⁶

²⁸⁵ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

²⁸⁶ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

NHRIs role is to protect and promote human rights

Gender equality is a human right.

Gender equality means equal consideration of men's and women's needs and interests, therefore we must know what men's needs and interests are.

To know what men's needs and interests are we must have a system in place that can identify those needs and interests.

An NHRI's protection and promotion system must be able to work equally well for both men and women.

To do that the system must (follow best practice by):

Meet obligations and requirements to include men and boys

Paris Principles – pluralism

Non-discrimination and equality

Remove barriers that prevent it working equally well for men

Address Lack of recognition and visibility of men's rights

Address Attitudes and beliefs of leadership and staff that devalue men's rights

Cognitive biases

Address Lack of Knowledge and expertise about men's rights in government, organisation and public

Create jurisprudence for men's rights to balance jurisprudence for women's rights

Address Culture, tradition, and norms that see abuses of men's rights as normal, natural or "just the way it is".

Actively work to identify men's needs and interests

Proactive

Gender sensitive

Include men, and men's advocates at all levels

Participation and collaboration with men and men's advocates

Report on men's rights

Once men's and women's needs have been identified, prioritisation must be fair, objective and transparent. Prioritisation can't be done before adequate understanding of both men's and women's needs.

Identifying gender issues must be objective.

Gender equality/gender mainstreaming has 2 sides. Targeted measures and also incorporating gender analysis etc into normal work. Having justified targeted measures for women does not mean proper gender analysis etc is not required, in fact proper gender analysis is required to justify targeted measures

Reporting

Checklist to integrate gender in human rights reports/documents

Does the report or document address gender as a specific subject?

Does the report address gender in a specific section and/or is gender mainstreamed throughout?

*Does the report contain **gender-disaggregated data** or information?*

Does the report use **gender-sensitive language**?

If the report contains images, are these representative of the reality of women, men, girls and boys? Do they convey stereotypical images of women and men?

Does the report address gender as an add-on or is it integrated in the subject of the document?

Is the report only about women, or men, or about gender relations, **highlighting the differences in the experiences, needs, power, positions, participation and enjoyment of human rights of women and men?**

Does the report **represent the point of view of both men and women?**

Does the report consider women as **victims, rights holders or both?**

If the report deals with specific cases, **do these concern women as well as men, girls as well as boys?**

If the report deals with human rights violations, **does it analyse how they affect girls, women, boys and men differently?**

If the report mentions human rights or development indicators, does it include indicators to measure gender equality?

Does the report refer to:

- *International and regional human rights instruments or national legislation on gender equality?*
- *Concluding observations, recommendations and reports of international and regional mechanisms on women's rights and gender equality (Committee on the Elimination of Discrimination against Women, Special Rapporteur on violence against women, Special Rapporteur on the Rights of Women in Africa of the African Commission on Human and Peoples' Rights, etc.)?*
- **Jurisprudence on gender** and women's rights?
- *International, regional and national policies on equality and non-discrimination and on gender (e.g., Beijing Declaration and Platform for Action, national action plans on gender equality)?*
- *Institutions for the promotion of gender equality (e.g., national machineries for the advancement of women) or other governmental or non-governmental actors dealing with gender issues?*
- *Literature, tools or other documents on gender equality?*

Does the report portray the human rights field presence as an organization committed to gender equality?

Does the report **explicitly indicate** the actions taken or the position and policies adopted by the field presence to promote gender equality or women's human rights? ²⁸⁷

Gender equality and non-discrimination are fundamental principles of human rights

The term gender is not interchangeable with women. ²⁸⁸

Gender analysis is fundamental to understanding how gender affects human rights and to designing interventions accordingly. **There are two ways in which gender affects human rights:**

All forms of discrimination against women in the enjoyment of all human rights are **gender-specific violations**. Their legal determination is anchored in the Convention on the Elimination of All Forms of Discrimination against Women and other core international human rights treaties;

Other human rights violations are not overtly or directly discriminatory but have a different impact on men than on women. For example, refugee women have different security and health needs and problems than refugee men, access to education can be different for boys and girls depending on the choices their parents make. ²⁸⁹

Gender equality definition

UN Women defines gender equality as:

*the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. **Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration**, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.*

Source: UN Women, OSAGI Gender Mainstreaming - Concepts and definitions

from *UN Women Training Centre Gender Equality Glossary*

<https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=letter&hook=G&sort>

²⁸⁷ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

²⁸⁸ [Women's Rights are Human Rights 2014](#)

²⁸⁹ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

Gender equality must be **constantly fought for**, protected and promoted – like human rights, of which it is an integral part. Achieving gender equality is a continuous process that has to be constantly put into question, thought about and redefined. At present, the most important targets for gender equality include the following aspects:

An important target is the recognition and full implementation of women's rights as human rights. **This includes effectively respecting, protecting and promoting the human rights of both women and men and, by taking the necessary measures, enabling both women and men to enjoy fully these rights.**²⁹⁰

The last problem is partly due to the **methods used** up until now to promote gender equality. **Most policies were concerned with the specific needs of women.** Additionally, these policies mainly targeted women and not men, even those aimed at redressing the imbalances between the sexes. These policies, therefore, only reached a limited public which mainly consisted of women. **It is clear that changes will be limited, as long as they only focus on one side of the problem**²⁹¹. Equality policy should ensure that a gender perspective is integrated into all policy areas and that the whole of society is involved in promoting equality.²⁹²

Specific gender equality policy is a strategy that directly addresses gender imbalances: **it takes into account the specific needs of women and men** and elaborates policies on issues that are not covered by other policy areas.²⁹³

A further difficulty has to do with the need for a broader concept of equality. Gender equality is often misunderstood. As mentioned in chapter 1.2, **one of the main problems hindering further progress in the field of gender equality is the limited and narrow conception of gender equality.** Gender equality is not the same as anti-discrimination, it is much more. It is not only equality de jure either, meaning that all references to women and men in legislation are removed. **Equality as such must be promoted, for example by positive actions, plans of action, mainstreaming and other instruments.** The goal is equality as a positive right or equality de facto respecting women's and men's rights to diversity and difference, but it also implies that women and men are free individuals. **Mainstreaming requires a gender perspective and not a focus limited on women's issues.** Gender mainstreaming requires taking into account the relations between women and men, and not simply reducing the

²⁹⁰ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁹¹ Berget, 1996

²⁹² [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁹³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

concept to the two categories of women and men. In countries where a “traditional” approach of gender equality prevails, the concepts on which gender equality policy is based have to be revised and a gender approach has to be developed.²⁹⁴

Gender equality refers to the equal rights, responsibilities and opportunities for people of all sexes and gender identities. Equality does not mean that women and men will become the same but that their rights, responsibilities and opportunities will not depend on whether they are born male, female or outside those binary categories. Substantive or de facto equality, as required by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), does not mean guaranteeing women treatment that is identical to that of men in all circumstances. Rather, it recognizes that non-identical treatment of women and men, based on biological as well as socially and culturally constructed differences between women and men, is required in certain circumstances to achieve equality of opportunities and results. This is sometimes referred to as affirmative action or temporary measures.²⁹⁵

“Gender equality” refers to the equal rights, responsibilities and opportunities of all persons of all genders. Equality does not mean that people should be the same but that rights, responsibilities and opportunities ascribed to persons will not depend on gender identities. Gender equality implies that the interests, needs and priorities of all persons of all genders are taken into consideration – recognising the diversity among and within different groups. Gender equality is not a one-gender issue but concerns and fully engages all genders. Gender equality is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.²⁹⁶

Gender-based discrimination

Gender-based discrimination includes any distinction, exclusion or restriction due to gender that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms. Direct discrimination occurs when a difference in treatment relies directly on distinctions based exclusively on characteristics of an individual related to their sex and gender, which cannot be justified on objective and reasonable grounds (e.g. laws excluding women from serving as judges). Indirect discrimination occurs when a law, policy, programme or practice appears to be neutral but has a disproportionately negative effect on women or men when implemented (e.g. pension schemes that exclude, for instance, part-time workers, most of whom are women).²⁹⁷

Gender mainstreaming

Gender mainstreaming is the way to achieve gender equality, therefore it must work for

²⁹⁴ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

²⁹⁵ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

²⁹⁶ [A Manual on National Human Rights Institutions - APE](#)

²⁹⁷ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

men and boys as well.

Gender mainstreaming is the way to achieve gender equality, gender equality is considering the needs of men and boys as well as women and girls, therefore gender mainstreaming must be about realising the needs of men and boys as well as women and girls.

*Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.*²⁹⁸

*Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.*²⁹⁹

*This means that, when policies having a large impact on society are devised, the specificity, interests and values of both sexes are taken into account.*³⁰⁰

*Gender integration (also commonly referred to as “gender mainstreaming”) is the process of assessing the implications for women, men and other gender identities of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is often misunderstood as only referring to the monitoring of women’s human rights or GBV. The integration of a gender perspective in human rights investigations implies an analysis of the gender dimensions of the violations that includes the perspectives of everyone, including LGBTI persons, and the impacts of the human rights violations on all individuals and populations, which can differ depending on their sex and gender. Focus is often placed on making sure that women’s perspectives are reflected, as women and girls are generally among the more marginalized populations and their perspectives can be made invisible by non-gendered analysis. Gender integration is part of the global strategy of the United Nations for promoting gender equality.*³⁰¹

²⁹⁸ [Report of the Economic and Social Council for the year 1997 – A_52_3_Rev-1-EN.pdf](#)

²⁹⁹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

³⁰⁰ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

³⁰¹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

Gender mainstreaming

Gender equality is the goal. Gender mainstreaming is the strategy.³⁷⁴

The protection and promotion of the rights of women and girls can be institutionalised within NHRIs through two distinct approaches. These two approaches are complementary as NHRIs have found that a single approach is not sufficient to ensure that issues related to the rights of women and girls receive the attention and support they require to be comprehensively addressed.

The first approach, discussed below, is the use of specialised mechanisms. The second approach is to mainstream a gender perspective throughout the work of the NHRI.

Gender mainstreaming was established as a major global strategy for achieving gender equality in the Beijing Platform for Action in 1995.³⁷⁵ The 2030 Agenda and SDG 5, “Achieve gender equality and empower all women and girls,” follow this approach. It calls for a gender mainstreaming strategy in all policies and programmes to ensure concrete gender equality outcomes. Integrating a gender perspective into the implementation and monitoring of all the SDGs is a fundamental strategy for delivering on the promise of the Agenda as a whole.

...

Achieving equality can often require treating people differently, in such a way that the result can be the same. Equal, or the same, treatment of people in unequal situations tends to perpetuate discrimination and inequality. A gender mainstreaming strategy therefore involves addressing the experiences, issues and solutions for women and men in different ways.

The APF incorporates an inclusive understanding of gender into its gender mainstreaming policies and processes and defines it as a process that

- *assesses gender considerations, putting into effect strategies to achieve formal and substantive equality between women and men and monitoring the outcomes*
- *incorporates an understanding of gender as i) non-binary and ii) inclusive of cis and trans women and girls*
- *requires an intersectional analysis to highlight and address the discrimination and disadvantage women and girls can face as a result of their race, disability,*

age, class, caste, sexual orientation, gender identity or sex characteristics, or as a result of being an indigenous woman/girl or a migrant or refugee woman/girl, or a female migrant worker or other status.

Gender mainstreaming the work of an NHRI: Checklist

NHRIs will develop gender mainstreaming processes that are most suitable for their own contexts. However, the following questions may be useful. They focus on gender equality and inclusion as a way of combatting marginalisation of and discrimination against women and girls.

Area	Questions/checklist
Governance	<p>Are all genders equitably represented in the NHRI governance body?</p> <p>Do governance processes enable the full participation of women across multiple and intersecting diversities?</p> <p>Has the NHRI made a clear statement regarding its commitment to gender equality? Is gender equality implicit (and explicit where appropriate) in the NHRI's vision, values, goals and objectives?</p> <p>Does the NHRI monitor and report on its progress toward gender equality?</p>
Policy and procedures	<p>Does the NHRI have policies and procedures that explicitly refer to gender equality?</p> <p>Are women able to participate fully and openly in the work environment?</p> <p>Do other relevant and related policies include gender considerations?</p>
Awareness, attitudes and behaviours of staff and Commissioners	<p>Do Commissioners and staff understand the concept of gender mainstreaming and have the skills required to implement gender mainstreaming in their work?</p> <p>If not, have Commissioners and staff received gender equality, gender awareness and gender mainstreaming capacity building?</p> <p>Do Commissioners and staff understand the added discrimination and disadvantage experienced by women and girls as a result of multiple and intersectional identities?</p> <p>Does the culture of the organisation celebrate gender inclusion and diversity?</p>
Human resource management	<p>Are human resource management policies and practices gender inclusive? For example recruitment, job descriptions, staff data, induction programmes, performance assessments, professional development, internal support systems, complaints processes, staff acknowledgement, remuneration levels, promotion and</p>

	<p>retention?</p> <p>Does the NHRI offer affirmative action practices where women are not equitably represented in all levels of the organisation?</p>
Language	<p>Is the formal and informal language, signage, and iconography of the NHRI gender neutral and inclusive?</p>
Functional or portfolio divisions/units	<p>Does the NHRI gender mainstream its strategies, priorities and practice throughout all functional and portfolio areas?</p> <p>Does the NHRI have a designated division, unit or work programme focused on the human rights of women and girls?</p> <p>Have all divisions/units of the NHRI analysed gender issues in their particular fields of activity, operationalised gender equality objectives and developed approaches for addressing gender issues?</p>
Data gathering and monitoring	<p>Does the NHRI record and disaggregate its data across all genders? For example, does it record and disaggregate its activities related to the human rights of women and girls? Does it use other categories such as type of discrimination, category of the alleged violation or broader human rights matter?</p> <p>Does it undertake research that is specifically aimed at developing an evidence base for its work on gender and the human rights of women? Are women appropriately involved in the planning and conduct of such research?</p>
Communications, branding, marketing	<p>Do external communications, branding material and marketing tools make it clear to the public that the NHRI is gender inclusive across multiple and intersecting diversities?</p>
External cooperation and engagement	<p>Does the NHRI use processes that enable the full and genuine participation of women and girls, including those most marginalised, in external engagement, including consultations, monitoring and reporting?</p> <p>Does the NHRI have partnerships with key government agencies and civil society organisations that work with issues for women and girls?</p> <p>Can all women report human rights violations without experiencing barriers?</p>
Procurement and contracting	<p>Can all women and their organisations bid for tenders and carry out contracts for the NHRI without experiencing barriers or disadvantages?</p> <p>Does the NHRI promote gender equity through its procurement and contracting activities?</p> <p>Does the NHRI ensure that women and girls are not harmed through its procurement practices and supply chains? For example, women and girls working in global</p>

	supply chains are most at risk of being victims of human rights abuses such as unfair employment practices, violence, child labour and slavery.
Reporting	Are gender considerations included in the NHRI reporting? For example, does it allocate a separate section to the rights of women and girls in its annual report? Are there sections on issues of particular concern to women of diverse backgrounds and identities?

History of gender in human rights

*Until now, work for the promotion of gender equality has mostly been undertaken by a few women.*³⁰³

Assumptions about men's rights

It was assumed that men's human rights were adequately protected by existing human rights treaties because they were written predominately by men. Women recognised that women and men face different human rights issues, and identified how that affected women, but no-one applied the same logic to men.

*Gender mainstreaming usually involves a reorganisation of policy processes, because all too often existing procedures and routines are gender-blind or gender-biased. In contrast to the standard assumption of policy makers and policy making organisations that their work is gender-neutral, it has been proven over and over again that gender differentials are not recognised, and that unreflected assumptions include biases in favour of the existing unequal gender relations. Gender mainstreaming as a strategy is meant to actively counteract this, and to use the normal mandate of policy makers to promote more equitable relations between women and men.*³⁰⁴

*Acknowledge that "gender" implies more than women's issues and sexual violence.*³⁰⁵

"Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.

It is a strategy for making women's as well as men's concerns and

³⁰³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

³⁰⁴ Gender Mainstreaming: Practice And Prospects – Council of Europe - <https://rm.coe.int/1680596141>

³⁰⁵ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.

The ultimate goal is to achieve gender equality.”

See Official Records of the UN General Assembly, Fifty-Second Session, Supplement No. 3 (A/52/3/Rev.1), (1997), Chapter IV.³⁰⁶

Gender mainstreaming is as important internally to NHRIs as it is to external programming. This requires the consideration of both women’s and men’s experiences at all levels and stages. It extends to decisionmaking, policy and programme development. There are many terms used for this process: gender mainstreaming, gender integration or gender-relevancy assessments. In all cases, however, it involves the integration of gender perspectives throughout all programmes and activities, with the goal of achieving gender equality. A number of gender-mainstreaming tools are listed in Annex 3.³⁰⁷

Gender hierarchy

Assumption that gender is a hierarchy with men on top (male domination) limits thinking and obscures situations where this is not true. It is stereotypical thinking.

We need to be able to identify areas where men are worse off, or there are more men worse off. Also identify where a hierarchy is not the best model for understanding gender relations.

A hierarchy applies stereotype of powerful man and weak women.

Why The Rights Of Women And Girls Need Special Attention³⁰⁸

International human rights law and the rights of women and girls

International human rights law makes clear that all human rights apply equally to women and girls and that certain rights, such as political or economic rights, cannot be reserved solely for men or otherwise protected and respected differently for women. This understanding was first recognized in the Universal Declaration of Human Rights, which proclaimed that everyone was entitled to enjoy human rights and fundamental freedoms “without distinction of any kind”, including distinction based on sex.³⁴⁹ The core international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, also affirm that the rights they contain apply to all persons, without distinction of any kind, and expressly guarantee the right of all people to the equal enjoyment of those rights, regardless of sex.

³⁰⁶ [Handbook for National Human Rights Institutions on Women’s Rights & Gender Equality OSCE 2012](#)

³⁰⁷ [Handbook for National Human Rights Institutions on Women’s Rights & Gender Equality OSCE 2012](#)

³⁰⁸ [A Manual on National Human Rights Institutions - APF](#)

However, from the earliest days of the human rights movement, it was apparent that forces within society – forces of culture and tradition, as well as the dominant economic, social and political interests – operate to prevent human rights from applying equally to women and girls. Those same forces have also had a direct impact on how human rights were conceived and how the international human rights system itself has evolved over time.

The main challenges relating to the recognition of “women’s human rights” are summarised below.

The process by which human rights were conceptualised and defined did not involve significant participation by women or consideration of violations of human dignity that particularly affect women. This exclusion, at such a crucial stage, at least partly explains the general failure to consider gender as a factor in defining the substantive content of human rights.

A widespread belief in and commitment to the underlying objectivity and “gender neutrality” of core human rights prevented recognition of the fact that equal treatment of persons in unequal situations will invariably perpetuate, rather than eradicate, injustices.

Many issues of urgent concern to women – such as underdevelopment, extreme poverty, illiteracy, gender segregation, lack of reproductive choice and systemic violence – were either not defined as human rights issues at all or were not made the subject of legally binding norms. This has contributed to a failure of the main international human rights mechanisms to address these issues.

The structure of international human rights law has traditionally excluded actions that occur in the private sphere and violations caused by non-State actors. This approach disadvantages women, who more often live outside the public domain, by rendering invisible many of the violations committed against them.

Discrimination against women and other violations of their rights – in areas such as family law, nationality, property, health, bodily integrity, movement and expression – have often been justified by governments on the basis of culture, religion or ethnicity. This approach has helped to obscure violations committed against women, to perpetuate an ideological resistance to the notion of women’s human rights and to inhibit a unified response from the international community.

For much of its history, the international human rights system has dealt with women as a “special” category, occasionally identifying areas where women’s interests are particularly affected but not integrating women into mainstream human rights activities and concerns. The situation has been somewhat different for girls, where the category of “children’s rights” has been relatively more open to recognising the distinct needs and vulnerabilities of girls. However, within the broader human rights system, there has been a marginalisation of the rights of girls, as well as the rights of women.

Human rights issues of special concern for women

There is little disagreement today with the notion that “human rights are

women's rights". Few would openly challenge the idea that core human rights – from political participation, to education, to criminal justice – apply equally to men, women and others identifying across the gender spectrum, without discrimination on the basis of sex.

But the concept of “women’s human rights” takes this a step further. It recognises that women experience their human rights – and experience violations of their human rights – in ways that are different from men. It also recognises that women are vulnerable to human rights violations in ways that reflect the fact that they are women and the structures and expectations that are built into the idea of what it is to be “female”.

Gender equality and non discrimination

The CEDAW Committee has stated that it “expects national human rights institutions to ensure that their work concerning, inter alia, the consideration of individual complaints and the elaboration of recommendations on laws, policies and their activities in human rights education is based on the principle of formal and substantive equality between women and men and non-discrimination (...) and that women have easy access to all services for the protection of their rights provided by National Human Rights Institutions.”³⁰⁹

Inclusion:

Men must be included in, and benefit from, gender related activities, such as gender analysis.

Need to be explicitly included or danger is men will be left out. Forces of culture and tradition will dominate if not explicitly included. If women are explicitly included but not men, that will reinforce stereotypes and prejudices.

Gender mainstreaming will increase the attachment of importance to topics that have formerly been defined as ‘only concerning women’, and the number of such topics that receive a place on the agenda.³¹⁰

*Available guidance and good practices in interviewing and establishing trust with victims, including victims of GBV, both male and female, should be considered and discussed at the outset of the investigation.*³¹¹

While the appropriate methods used to gather information vary depending on the circumstances, there are common challenges that arise concerning identifying/contacting victims or witnesses, obtaining statements and planning field missions. The team might need to consider different approaches in order to

³⁰⁹ [Handbook for National Human Rights Institutions on Women’s Rights & Gender Equality OSCE 2012](#)

³¹⁰ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

³¹¹ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

ensure that women's and men's voices are equally represented. The team might choose to map out possible challenges and develop appropriate strategies in order to gather information, as indicated in the examples below.

The reports on the outcome, findings and conclusions of the human rights investigation should illustrate the experiences of women and men, as well as specific instances and larger systematic patterns of discrimination and oppression. Accordingly, reports should use a gender-sensitive approach throughout, including in the recommendations. Gender-sensitive report writing does not simply refer to the choice of language or disaggregated data, but also relates to the report's content, structure and focus. This chapter will build on the guidance provided in the previous chapters and present aspects to consider when drafting a gender-sensitive report.³¹²

While each investigation mandate is different, structure and emphasis would vary, gender specific concerns should be addressed both in stand-alone sections and throughout the report. The responsibility of integrating a gender perspective falls on the whole team.³¹³

The findings of the report related to gendered violations or gender-specific impacts should be addressed in the recommendations, in order to promote equal and inclusive accountability and redress.³¹⁴

NHRIs can employ a range of **organizational tools** to strengthen their effectiveness in addressing women's rights and gender equality. Women's rights and gender aspects should be included in all stages of NHRI planning, decision-making and policy and programme development. In addition, NHRIs should designate particular resources to women's rights and gender equality by appointing an internal focal point, with adequate funding and staffing. While 47 per cent of NHRIs surveyed have established internal gender focal points, approximately two-thirds of the NHRIs identified lack of financial and human resources as a barrier to systemic work on women's rights and gender equality.³¹⁵

Equal representation of women and men at all staffing levels within the NHRI is an important aspect of gender mainstreaming. Steps must be taken to ensure equal opportunities for promotion and human resource policies that take into consideration particular needs of pregnant women and persons with parental and/or caretaking responsibilities. Staff should receive regular training on women's rights and gender equality³¹⁶

³¹² [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

³¹³ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

³¹⁴ [Integrating a Gender Perspective into Human Rights Investigations – Guidance and Practice](#)

³¹⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³¹⁶ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

*NHRIs should integrate a gender perspective in their programmes and policies, even if there is a specialized anti-discrimination or gender equality body in their country. International gender equality policies – such as the UN Fourth World Conference on Women: Platform for Action (Beijing, 1995) – recommend that governments and national mechanisms should promote mainstreaming of gender perspectives in all policies and programmes, so that an analysis is made of the effects on both women and men, before decisions are taken.*³¹⁷

ODIHR recommendations

Regardless of institutional model, each NHRI should pay specific attention to the promotion and protection of women's rights and gender equality. Even if assigned additional responsibilities by the government, the engagement in women's rights and gender equality should persist.

...

*Where specialized bodies exist, NHRIs should strive to institutionalize their relationship with these bodies, creating rules and procedures for engagement, and should continue to mainstream gender perspectives into their own programmes and policies*³¹⁸

ODIHR recommendations

*NHRIs should ensure that gender equality and women's rights are mainstreamed into all protection strategies, and that policies are in place to address the particular protection needs of women and girls in the national context.*³¹⁹

Human Resources Management

Women should be equitably represented in hiring and promotions across the organization, including in senior positions. For organizations with women clustered in the administrative levels of service or in junior positions, it is important to develop strategies to address these issues, including temporary special measures to support their professional development, as well as ensuring that steps are taken so that male colleagues are treated, and perceived to be treated, fairly and equitably

Human resources policies should include parental leave and flexible work arrangements for persons with parental and/or caretaking responsibilities.

³¹⁷ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³¹⁸ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³¹⁹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

Women and men should be guaranteed their positions or equivalent positions upon return from parental leave.

Internal training on women's rights and gender issues should be offered on a regular basis, to ensure that staff are kept up-to-date on recent developments. Gender-sensitivity training for all officials and staff should be part of NHRIs' overall learning strategy as well.

...It is also important for the NHRIs to ensure that staff-training programmes on women's rights and gender equality are regularly offered, in order to ensure sustainability and knowledge transfer within the institution

ODIHR recommendations:

NHRI planning processes should incorporate consideration of women's rights and gender equality in all relevant areas of the NHRIs substantive work, as well as organizationally within the NHRIs.

Where national specialized institutions exist, in particular gender equality bodies, these could be consulted during the planning process. Civil society actors and other partners could also be consulted and invited to provide input.

NHRIs should appoint a focal point on gender equality and women's rights. The focal point should have adequate authority to ensure that gender perspectives are fully integrated.

NHRIs should track the representation of women and men at all levels in the NHRIs. This information should be included in the NHRIs' annual reports, and steps should be taken to address any significant imbalances.

NHRIs should provide regular training on gender sensitivity, sexual harassment, women's rights and non-discrimination to staff members. All staff, from senior management to administrative and service staff, should be required to participate in gender-sensitivity training.

NHRIs should put in place policies to prevent gender-based discrimination, including against pregnant women. NHRIs should provide flexible hours and work-at-home arrangements to accommodate persons with parental and/or caretaking responsibilities. Attention should be paid to ensure fairness to other employees.

NHRIs should evaluate factors that may prevent women from accessing them and take steps to address these. This may include the establishment of regional or mobile offices, flexible opening hours, a child corner in the NHRI office, access for persons with disabilities and means of reporting that allow

for confidentiality.³²⁰

*Integrating a gender perspective in human rights monitoring is a process to ensure that all violations against men and women of all ages and sections of society are recognized and accounted for. It is also a strategy for making women's as well as men's experiences and concerns an integral dimension of the design and implementation of the monitoring cycle. It helps to better understand the causes and types of human rights violations and, hence, the measures required for prevention and protection.*³²¹

Field presences can use some of the following questions to integrate gender in human rights monitoring work and other activities:

How is a human rights problem affecting women and men differently? Why do such differences exist? What are their root causes?

Do women (or men) tend to be more exposed to particular types of human rights violations?

What is the gender dimension of human rights violations?

Are human rights violations in the private sphere monitored? How do such violations affect women, girls, men and boys differently?

Do female and male rights holders have different coping mechanisms and access to protection measures and to remedies?

Are human rights monitoring reports issued by field presences gender-sensitive?

Do corrective actions benefit women as well as men affected by a human rights problem?

*Are corrective measures adapted to the specific needs of women, men, girls and boys?*³²²

*Gender analysis makes the assessment of a situation more thorough and results in better targeted corrective actions, so that women and men benefit equally, and inequality is not perpetuated. Gender analysis also implies the use of gender-sensitive language.*³²³

³²⁰ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³²¹ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³²² [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³²³ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

Information on gender is to be integrated into the whole information-gathering process. While specific gender concerns can be summarized under the heading “women”, it is important to remember that, in general, women as such do not constitute a “vulnerable group”, but are half of the population and their presence (or absence) has to be acknowledged and analysed in all spheres of life for the analysis of the contextual situation to be complete ³²⁴

Vulnerability

Do threats affect women and men differently? If so, how?

Are there threats specifically targeting men or women? If so, is it because of their gender?

Are men and women vulnerable in a different way to threat(s)? If so, how? ³²⁵

Being a man or a woman has an impact on one’s work as a human rights officer. ³²⁶

Protecting and promoting the rights of specific groups, including those who are vulnerable because of their gender, age, disability, sexual orientation, migrant or other minority status. These rights are often controversial and NHRIs are frequently the only ones that can speak out in defence of those who have no voice. ³²⁷

Core protection activities should focus primarily on the prevention of torture, arbitrary detention, disappearances and the protection of human rights defenders. ... In all the core protection areas mentioned here, NHRIs have particular responsibility for considering gender when carrying out their mandate ³²⁸

A strong and effective civil society is vital to a vibrant human rights system. The Paris Principles require NHRIs to ensure pluralism. Pluralism is not only about

³²⁴ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³²⁵ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³²⁶ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³²⁷ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³²⁸ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

internal makeup, but also about how outreach and programming are conducted. The Paris Principles require NHRIs to maintain ties with civil society, which includes:

...

An NHRI may be a country's focal point for human rights, but it must respect the major role played by civil society in supporting the promotion and protection of human rights. Civil society is not its junior partner.

In developing relationships with civil society, an NHRI must, therefore, not seek to dominate or control. Not only would this be rejected as inappropriate by representatives of civil society, it would not be conducive to improving the country's human rights situation either³²⁹

Protecting and promoting the rights of specific groups

While human rights are interdependent and indivisible, NHRIs have special responsibilities to help those least able to help themselves. The rights of specific groups are often contested and controversial. National human rights institutions are often the only ones that can and do speak out in defence of: ...³³⁰

Involving stakeholders representing a diversity of interests ensures that pluralism is built into the process and that civil society buys into the concept of an NHRI.³³¹

Because NHRIs must demonstrate that the staff profile is merit-based, gender-balanced and representative of the population they serve, this may require a search beyond those already employed in Government.

An institution must demonstrate that it has been absolutely non-discriminatory and shown no nepotism in recruitment. It must stand as an example. Because of the need for the institution to demonstrate pluralism and diversity at all levels, an institution should also, where appropriate, use special measures to advance the position of underrepresented minorities and women. Finally, while all employees of an institution must bring the necessary skills to the job, they must also have a personal commitment to human rights in order to perform their assignments. The selection process must therefore look beyond skills to determine the personal suitability of candidates. The institution's recruitment and promotion policies must serve as a model: they must be progressive, and

³²⁹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³³⁰ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³³¹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

may include special or temporary measures.³³²

GOOD PRACTICE

While individual selection criteria should highlight the fundamental skills, knowledge and experience required of each applicant, in subsequently determining the overall composition of the Commission there should be a focus on ensuring a broad mix of relevant skills and diversity (including equitable gender representation).³³³

In giving priority to victims and those at particular risk of human rights violation, NHRIs recognise that in every country members of some groups are over-represented among both victims and those at risk. These groups are especially vulnerable to human rights violation. NHRIs should identify these groups and ensure that their work in promoting and protecting human rights is targeted specifically to them.

Designated members of NHRIs

In some NHRIs, individual members are designated with specific responsibility for a particular group or groups. This can be done formally, through the NHRI's legislation, or informally, as an internal administrative arrangement. This approach can be very effective in drawing public and political attention to the situations of the specific groups but there are always more groups that will seek the addition of a specialist member for their group. Groups without designated members will feel that their concerns are not recognised by the legislature or the government and that they too should have designated members.³³⁴

The Committee expects national human rights institutions to ensure that their work concerning, inter alia, the consideration of individual complaints and the elaboration of recommendations on laws, policies and their activities in human rights education, is based on the principle of formal and substantive equality between women and men and non-discrimination, as contained in the Convention, and that women have easy access to all services for the protection of their rights provided by national human rights institutions. The Committee also expects that the composition of members and staff of national human rights institutions is gender balanced at all levels.³³⁵

³³² [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³³³ [A Manual on National Human Rights Institutions - APE](#)

³³⁴ [A Manual on National Human Rights Institutions - APE](#)

³³⁵ [Statement by the Committee on the Elimination of Discrimination against Women on its relationship with national human rights](#)

Requirements of Paris Principles.

What is more relevant than the label attached to an institution is the fact that its mandate, functions and powers accord with the **letter and the spirit of the Paris Principles.**³³⁶

An NHRI's mandate should be interpreted in a **broad, liberal and purposive** manner to promote a progressive definition of human rights which **includes all rights** set out in international, regional and domestic instruments, including economic, social and cultural rights. Specifically, the mandate should:

- extend to the **acts and omissions** of both the public and private sectors;³³⁷

General Observation 1.7 **Ensuring pluralism of the NHRI**

A diverse decision-making and staff body facilitates the NHRI's appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates, and promotes the accessibility of the NHRI for all citizens.

Pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status. This includes, for example, ensuring the equitable participation of women in the NHRI.

The SCA notes there are diverse models for ensuring the requirement of pluralism in the composition of the NHRIs as set out in the Paris Principles. For example:

- Members of the decision-making body represent different segments of society as referred to in the Paris Principles. Criteria for membership of the decision-making body should be legislatively established, be made publicly available and subject to consultation with all stakeholders, including civil society. Criteria that may unduly narrow and restrict the diversity and plurality of the composition of the NHRI's membership should be avoided;**
- Pluralism through the appointment procedures** of the governing body of the NHRIs for example, where diverse societal groups suggest or recommend candidates;
- Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or**

[institutions E/CN.6/2008/CRP.1](#)

³³⁶ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³³⁷ [General Observations of the Sub-Committee on Accreditation - GANHRI](#)

- d. *Pluralism through staff that are representative of the diverse segments of society. This is particularly relevant for single member NHRIs, such as an Ombudsperson*

Justification

Ensuring the pluralistic composition of the NHRI is a prime requirement of the Paris Principles as a guarantee of institutional independence. Section B.1 states: "The composition of the national institution and the appointment of its members [...] shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights." The same provision highlights that pluralism is intended to promote effective cooperation with an indicative list of stakeholders representing:

- a. *Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;*
- b. *Trends in philosophical or religious thought;*
- c. *Universities and qualified experts;*
- d. *Parliament;*
- e. *Government departments*

The SCA considers the pluralistic composition of the NHRI to be fundamentally linked to the requirement of independence, credibility, effectiveness and accessibility.

Where the members and staff of NHRIs are representative of a society's social, ethnic, religious and geographic diversity, the public are more likely to have confidence that the NHRI will understand and be more responsive to its specific needs. Additionally, the meaningful participation of women at all levels is important to ensure an understanding of, and access for, a significant proportion of the population. Likewise, in multilingual societies, the NHRI's capacity to communicate in all languages is key to its accessibility

The diversity of the membership and staff of an NHRI, when understood in this way, is an important element in ensuring the effectiveness of an NHRI and its real and perceived independence and accessibility.

Ensuring the integrity and quality of members is a key factor in the effectiveness of the NHRI. For this reason, selection criteria that ensure the appointment of qualified and independent decision-making members should be legislatively established and made publicly available prior to appointment.

The SCA recommends that the adoption of such criteria be **subject to consultation with all stakeholders, including civil society, to ensure the criteria chosen is appropriate and does not exclude specific individuals or groups.**

The SCA cautions that criteria that may be unduly narrow and restrict the diversity and plurality of the composition of the NHRI's membership and staff body, such as the requirement to belong to a specific profession, may limit the capacity of the NHRI to fulfil effectively all its mandated activities. If staff and members have a diverse range of professional backgrounds, this will **help to ensure that issues are not narrowly framed.**³³⁸

A checklist for assessing compliance with the Paris Principles³³⁹

The following checklist may be helpful in assessing an institution's compliance with the Paris Principles. It identifies the Paris Principles and the minimum requirements to satisfy them. If the principle or requirement, or any part of it, is not directly taken from the Paris Principles, it is italicized.

Principle	REQUIREMENTS	Y	N
Competence (Mandate)	Mandate is set out in constitution or legislation Mandate gives authority to promote and protect human rights		
Competence (General Jurisdiction)	Competence is defined in legislation		
Competence (Subject-Matter Jurisdiction)	Competence is as broad as possible (from most to least broad) <i>Includes both CP and ESC Rights</i> <i>Includes most CP and ESC Rights</i> <i>Includes only CP Rights</i> <i>Includes a subset of CP Rights</i> <i>Includes most CP and ESC Rights</i>		
Competence (Object Matter Jurisdiction)	Competence is as broad as possible (from most to least broad) <i>Over State and Private Sector (with public function), without restriction²⁴</i> <i>Over State, without restriction</i> <i>Partial 25 restriction with regard to sensitive State Organs²⁶</i> <i>Total restrictions with regard to sensitive State Organs</i>		
Competence (Time Jurisdiction)	Competence is as broad as possible (from most to least broad) <i>Can examine matter even if it predates institution</i> <i>No limits providing matter occurred since set up of institution</i> <i>Discretionary power to limit examination of 'old' cases</i> <i>Limits on capacity to examine matters that are 'old' set in law</i>		

³³⁸ [General Observations of the Sub-Committee on Accreditation - GANHRI](#)

³³⁹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

Responsibility
(To Provide
Advice)

Can provide advice on own initiative

- On legislative or administrative provisions
- On any violation the institution takes up
- On the national situation generally or in specific
- On situations of violations and government reactions to it

Can provide advice directly without referral

Can publicise the advice without referral or prior approval

Responsibility
(Other)

To encourage the harmonisation of national legislation and practices with international human rights instruments, as well as their effective implementation, including by

Participating in reviews of legislation and policy at time of ratification

Regularly reviewing and providing formal comments on draft legislation and policy

Regularly reviewing and formally commenting on the human rights situation generally or with respect to key issues

To encourage the ratification of international human rights instruments

To contribute to States human rights reports (from most to least broad)

Directly participates in drafting of complete report

Drafts section(s) on work of institution and reviews report

Drafts section(s) on work of institution

Reviews report in whole or in part

To cooperate with international and regional human rights organs and other national institutions

To elaborate and take part in education and research programs in human rights, including by:

Assisting in developing/reviewing curricula for schools

Assisting in training of Prison Guards, Police, Army and Security Forces

To sensitise people on human rights through publicity, education, information and the use of press organs, including by

Publishing an Annual Report

Regularly reporting on important cases through the media

Developing basic brochures on the institution

Composition
(General
Pluralism)

Member Composition demonstrates pluralism (High to Lower)

Includes representatives of most social forces including NGOs, trade unions or professional associations

Includes representatives of most vulnerable groups (ethnic, religious minorities, persons with disabilities, etc.)

Single member, with representative consultative boards or committees, or similar structural mechanisms to facilitate and ensure pluralistic engagement

Single member

Member composition demonstrates gender balance

Staff composition is broadly representative and gender balanced

Composition
(Appointment
Process)

Appointment effected by official act

Appointment is for a specific duration, (but not too short – e.g., two-years - as to potentially effect independence and effectiveness)

Appointment may be renewable so long as pluralism is assured
Appointment process, duration, renewability and criteria set out in legislation

Appointment process supports pluralism and independence

Nominations include input from civil society
Selection process involves Parliament
Criteria for selection includes demonstrated experience in human rights

Composition
 (Dismissal
 Process)

Conditions for which a member may be dismissed are set out in legislation
 Conditions relate to serious misconduct, inappropriate conduct, conflict of interest or incapacity only
 Decision to dismiss requires approval preferably by autonomous body such as a panel of high court judges, at a minimum by 2/3rds vote of Parliament

Independence

If Government Officials in membership, they have advisory capacity only
 Institution reports directly to Parliament
 Members have immunity for official acts
 State funding is sufficient to allow for independent staff and separate premises
State funding is sufficient to allow for core programming²⁷ in protection and promotion
 Funding not subject to financial control which might affect independence
Budget drawn up by the institution
 Budget separate from any Department's budget
Institution has authority to defend budget requests directly before Parliament
 Budget are secure
Not subject to arbitrary reduction in year for which it is approved
Not subject to arbitrary reduction from one year to the next

Methods Of
 Operation
 (Examination
 Of Issues)

The institution can consider any issue within its competence on its own initiative on the proposal of its member or any petitioner
 The institution can hear any person or obtain and information or document necessary to carry out its work
The right to hear any person and obtain any document is enforceable in law
The right to enter any premises to further an investigation is set out in law
Obstruction in obtaining, or denial of, access to a person, document or premises is punishable in law
The institution has the legal authority to enter and monitor any place of detention
The institution can enter the place of detention without notice

Methods Of
 Operation
 (Meetings)

The institution can let the public know of opinions or recommendations, including through the media, without higher approval
 The institution meets regularly and in plenary
 Special meetings can be convened as necessary
 All members are officially convened for meetings

Methods Of
 Operation
 (Organisational
 Structure)

The institution can set up working groups (which may contain non-NHRI members)
 The institution can set up regional or local offices

Methods Of
 Operation
 (Consultation)

The institution consults with other bodies responsible for promoting and protecting human rights
 The institution consults with NGOs working in human rights or related fields

The Paris Principles are the international normative framework for NHRIs. They provide benchmarks against which NHRIs legitimacy can be assessed. It is important, therefore, that those involved in institutions, and those involved in creating and strengthening them, fully appreciate **the letter and the spirit** of the Paris Principles. The Paris Principles are not always as clear as they might be, and **represent a set of minimum expectations**. Nonetheless, especially when interpreted generously and in keeping with international rights norms generally, they are an important development in the national and international human rights system

*While pluralism is best demonstrated when an institution's membership visibly reflects the social forces at play in the State, this does not mean that all groups must be represented at any one time, but it should mean that, over time, **groups feel that they are included**. Remember:*

- Pluralism is easiest to achieve if an institution has a number of members;*
- Institutions that have only one head or senior member, or very few members, can achieve pluralism through the use of advisory councils or an equivalent mechanism;*
- Women are always represented within the membership of an institution, including in senior positions;*
- Where the structure of the organization provides for only one member, consideration should be given to appointing women on an alternating basis;*
- **In all circumstances, NHRIs should collaborate and cooperate with other stakeholders, and doing so is itself a test of their commitment to pluralism.**³⁴⁰*

Pluralism and staff composition. *Pluralism and diversity will be enhanced if staff composition also reflects societal realities. This means that diversity is reflected across all parts of the organization and all levels of seniority. Diversity is not achieved, for example, if women hold 50 per cent of jobs but these are all at the secretarial and support level.*

Pluralism at the staff level can serve to strengthen the visibility of an institution's commitment to full participation, as well as positively influence programme

credibility and effectiveness. Such diversity is not formally part of the Paris Principles, but can make an institution's commitment to it more visible. It should be noted that the Sub-Committee, in its general observations (para. 2.4), places limits on the extent of secondments that are possible from the Government to the NHRI³⁴¹

Therefore the composition of the staff, and of any advisory committees or working groups, should reflect the broader community to ensure that the NHRI itself is able to hear the broadest range of voices and views.³⁴²

Wide range of different men

It is generally acknowledged that women – and men – are not a homogenous group³⁴³

NHRIs should also be aware of intersectional issues that affect vulnerable populations of women and girls (for example, discrimination based on age; minority and migrant status; or disability). These types of issues can form the basis of targeted campaigns, whereby appropriate outreach opportunities and communications strategies need to be identified and used to reach the targeted group³⁴⁴

What steps are necessary to make sure that women from disadvantaged, minority or migrant groups can access the NHRI?³⁴⁵

The intensity or severity of discrimination that individuals may face depends on the number and interplay of their personal characteristics that generate discrimination against them. The interplay of identities linked to gender, ethnicity, religion, race, sexual orientation, disability, national origin, age, etc. results in experiences of exclusion and disadvantage that are unique to those with multiple identities. This is known as multiple discrimination. The interplay of different grounds of discrimination is analysed by intersectional analysis, which acknowledges that human rights violations rarely occur merely on the grounds of gender but are often the result of the intersection of age, ethnicity, national origin, sexual orientation, class, health status, etc. with gender.³⁴⁶

³⁴¹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³⁴² [A Manual on National Human Rights Institutions - APE](#)

³⁴³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

³⁴⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁴⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁴⁶ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

Supporting MRAs

Vulnerabilities

*Are men and women human rights defenders vulnerable in a different way to attacks?*³⁴⁷

Capacities

Do protection measures (and their limitations) affect men and women human rights defenders differently?

Typically, police protection of human rights defenders is limited to the protection of leaders (mostly men) and far less of their family members.

Do men and women human rights defenders have different capacities to defend themselves against attacks?

*In many countries, women's organizations are among the best organized parts of civil society and the human rights movement. Women human rights defenders, therefore, often have more resources, a better capacity and a stronger will to protect themselves in networks of organizations supporting each other and showing solidarity.*³⁴⁸

Human rights education and training encompasses:

(a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;

(b) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;

*(c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.*³⁴⁹

Accountability

Duty-bearers must be accountable to rights holders.

The Paris Principles do not have a specific provision on accountability but every organisation and individual needs to be accountable for performance. For NHRIs, there are legal accountability consequences that come from being State

³⁴⁷ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³⁴⁸ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³⁴⁹ [A Manual on National Human Rights Institutions - APF](#)

institutions established by law, as well as moral accountability consequences of being human rights organisations.

*...NHRIs also have moral accountability obligations to the community, especially to those who are victims of or at risk of human rights violations. The mandate to promote and protect human rights is a mandate of leadership on behalf of actual and potential victims of violations and service to actual and potential victims. NHRIs owe the community generally and victims particularly reports on their work, including their effectiveness and their failings.*³⁵⁰

*Responsibility for translating gender mainstreaming into practice is system-wide and rests at the highest levels. Accountability for outcomes needs to be monitored constantly.*³⁵¹

*The Council welcomes the Secretary-General's commitment to mainstreaming a gender perspective and encourages him to demand accountability from senior managers for gender mainstreaming*³⁵²

Policy evaluating stage

It is more and more common for policies to be assessed, in order to determine how far the goals set out have been reached and how useful a given policy has proved to be. The aim of mainstreaming at this stage is to evaluate the effects of policies on the current gender relations. Given its input in the policy preparing and planning process, this is especially important: evaluations serve as a starting point for the development of new policies³⁵³

Once a gender mainstreaming policy plan has been constructed and the mainstreaming process has been started, it is important to watch over the quality of mainstreaming initiatives. In recent years there has been a growing awareness that policy initiatives require follow-up and evaluation, in order to gather the necessary information on their effect and efficiency. Monitoring serves this purpose. Monitoring is more than evaluation. It consists of the continuous scrutinising, evaluation and follow-up of policies.³⁵⁴

The ultimate goal of monitoring – continuously improving the quality of gender mainstreaming – can only be reached if the results of evaluation reports and other monitoring activities have consequences for the development of future policies.³⁵⁵

³⁵⁰ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

³⁵¹ [Report of the Economic and Social Council for the year 1997 – A_52_3_Rev-1-EN.pdf](#)

³⁵² [Report of the Economic and Social Council for the year 1997 – A_52_3_Rev-1-EN.pdf](#)

³⁵³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

³⁵⁴ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

³⁵⁵ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

Gender budgeting

Governments should report on how public resources are mobilized for human rights, and this includes women's rights. By monitoring how public funds are spent, NHRIs can help to ensure that public-policy choices are not discriminatory and that they reflect a progressive approach to the realization of women's rights and the achievement of gender equality. NHRIs should also be prepared to deal with scrutiny in terms of their own spending allocations.³⁵⁶

To complement gender mainstreaming, NHRIs can foster expertise within their organization by creating a central point with accountability for women's rights and gender equality. NHRIs bring a variety of organizational responses to this challenge, ranging from individual staff focal points to senior officials who are designated with specific responsibilities, to the establishment of units, departments or even centres dedicated to gender equality, in whole or in part.

Gender mainstreaming can also be made more effective if there is an internal point of expertise and accountability for protecting and promoting women's rights and achieving gender equality.³⁵⁷

Internal Gender-Responsive Budgeting

If NHRIs work to encourage the state to undertake gender-responsive budgeting, they should also track their own spending. This approach will allow the NHRI to maintain a focus on women's rights and gender equality issues, and also to demonstrate the NHRI's commitment as a credible and reliable partner. It is only natural that NHRIs should be able to answer questions about how they themselves are allocating resources in the area of gender, given that they are asking others to do the same.³⁵⁸

It is imperative that NHRIs have internal policies based on gender equality principles.³⁵⁹

National human rights institutions have two levels of accountability, one to the State and one to the public. Being accountable to the public also strengthens their independence.³⁶⁰

³⁵⁶ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁵⁷ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁵⁸ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁵⁹ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁶⁰ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

*Any public and democratic institution must be open and transparent in its activities. An NHRI must lead by example in this respect.*³⁶¹

*The Paris Principles do not have a specific provision on accountability but every organisation and individual needs to be accountable for performance. For NHRIs, there are legal accountability consequences that come from being State institutions established by law, as well as moral accountability consequences of being human rights organisations.*³⁶²

NHRIs also have moral accountability obligations to the community, especially to those who are victims of or at risk of human rights violations. The mandate to promote and protect human rights is a mandate of leadership on behalf of actual and potential victims of violations, as well as one of service to actual and potential victims. NHRIs owe the community generally, and victims particularly, reports on their work, including their effectiveness and their failings. This is not a legal obligation but a moral and ethical one. It certainly requires NHRIs to release publicly and promote their reports to parliaments and to make them generally available. However, it also requires a variety of less formal reporting mechanisms, including briefings, consultation meetings, regular statements, news reports and so on. Accountability to the community is not an annual activity but a continuing process of reporting and seeking feedback, of consulting and listening.

Legal obligations

International and national laws prohibit discrimination on the ground of sex and gender.

NHRIs must not break laws and ensure their own policies and practices do not discriminate. And in their role to protect and promote human rights, must protect and promote equality and non-discrimination,

substantive equality, which is the standard to be met under human rights law, requires measures to achieve equality of results.³⁶³

International human rights law has a non-derogable requirement to eliminate discrimination.

De facto and de jure

Paris principles

³⁶¹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³⁶² [A Manual on National Human Rights Institutions - APE](#)

³⁶³ [Women's Rights are Human Rights 2014](#)

Because few people advocate for men's rights

NHRIs have an obligation to speak up for those whose voices and interests get little attention

International engagement

*A number of mechanisms for the protection and promotion of women's rights and gender equality exist at the **international and regional levels**. **NHRIs should engage actively in international and regional human rights forums and should make such engagement part of the overall strategy to promote and protect women's rights and gender equality**. This includes collaboration with ODIHR. They should also support civil society actors to engage with UN and other relevant mechanisms. In addition, NHRIs should seek to engage actively with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and its regional groups.³⁶⁴*

NHRIs play an important role in linking national governments and domestic legislation with the international human rights community and standards. The Paris Principles task NHRIs with promoting the harmonization of national legislation, regulations and practices with applicable international human rights instruments; encouraging ratification of or accession to such treaties; contributing to treaty reports to the UN and regional bodies; and co-operating with the UN, regional institutions and NHRIs in other countries.³⁷

***This provides opportunities for NHRIs to promote women's rights and gender equality in their interactions with the Human Rights Council and its procedures and mechanisms, and when monitoring their states' commitments under the Millennium Development Goals and Beijing Platform for Action. It also provides opportunities to promote and facilitate implementation of regional human rights commitments, including those made by the OSCE participating States.**³⁶⁵*

questions to consider

Does the NHRI make use of the increasing recognition and new opportunities in the Human Rights Council to engage on women's rights and gender equality?

How does the NHRI promote the adequate inclusion of women's rights and gender equality in state reports to treaty bodies, in stakeholders reports to treaty bodies and in its own submissions?

Does the NHRI attend pre-sessions or sessions of the CEDAW Committee, the Committee on the Status of Women or other forums?

³⁶⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁶⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

Does the NHRI include training on women's rights and gender equality when building the capacity of civil society actors to prepare shadow reports?

In what ways does the NHRI engage with special procedures? Which special procedures are most relevant to the human rights situation? To what extent are women's rights and gender equality reflected in the engagement?

*In relation to the promotion of women's rights and gender equality, NHRIs could use this access by, for example, highlighting women's rights and equality issues in the UPR stakeholders report; including gender issues in its comments following state reports;*³⁶⁶

In engaging with treaty bodies, NHRIs can promote the inclusion of women's rights and gender equality by:

- *Monitoring and providing objective information on women's rights and gender-related issues during the drafting of the government report;*
- *Ensuring that its own report or contribution mainstreams and fully reflects the impact of the issue at hand on women's rights and gender equality;*
- *Taking note of any recommendations and concluding observations related to gender or women's rights, translating recommendations into local languages and facilitating their distribution at the national level, supporting the government in developing strategies to implement these recommendations, and monitoring the implementation; and*
- *Including gender and women's rights in any capacity-building initiatives for civil society, and promoting the inclusion of these in stakeholders' reports, as well as ensuring that civil society groups with expertise in women's rights are included in capacity-building initiatives.*³⁶⁷

ODIHR recommendations

NHRIs should engage actively in international and regional human rights forums, taking into account new opportunities to do so, making this part of the strategy to ensure that women's rights and gender equality are adequately addressed.

NHRIs with A-status should include a separate section with NHRI contributions in the stakeholders report during the UPR process. This submission should ensure adequate coverage of women's rights and gender equality.

³⁶⁶ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁶⁷ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

*In developing the capacity of civil society to engage with UN mechanisms, including the UPR process, special procedures and treaty bodies, **NHRIs should emphasize the importance of including** women's rights and **gender equality**.*

NHRIs should support the ICC campaign for independent participation status at the Committee on the Status of Women.

NHRIs should collaborate with OSCE field operations, where these exist, and with the OSCE/ODIHR, as appropriate. NHRIs can approach ODIHR directly or via the OSCE Field Operations, requesting a legal review of draft or existing legislation related to women's rights, gender equality, its own founding legislation, or any other human rights issues.³⁶⁸

4.7 Monitoring

The protection and promotion of human rights requires monitoring in order to understand the human rights situation.

The United Nations says:

The purpose of monitoring is not simply to document where things stand, but to encourage positive change.³⁶⁹

Monitoring human rights treaties

Article 3 of both CCPR and ICESCR require States to ensure equal enjoyment of rights between women and men. General Comments from the United Nations elaborate on states requirements to ensure enjoyment of rights.

Importantly, the General Comments say that equal enjoyment of rights is a cross-cutting requirement that affects all of the other rights in CCPR and ICESCR. Therefore monitoring CCPR and ICESCR requires monitoring the rights of both men and women.

*The obligation to ensure to all individuals the rights recognized in the Covenant, established in articles 2 and 3 of the Covenant, **requires that States parties take all necessary steps to enable every person to enjoy those rights.** These steps include the removal of obstacles to the equal enjoyment of such rights, the education of the population and of State officials in human rights, and the adjustment of domestic legislation so as to give effect to the undertakings set forth in the Covenant. The State party must not only adopt measures of protection, but also positive measures in all areas so as to achieve the effective and equal empowerment of women.³⁷⁰*

³⁶⁸ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁶⁹ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³⁷⁰ General Comment 28 on Equality of Rights between Men and Women)

Therefore NHRIs must monitor if the State is taking all necessary steps to ensure men and boys enjoy their rights.

The UN manual on human rights monitoring says:

Integrating a gender perspective in human rights monitoring is a process to ensure that all violations against men and women of all ages and sections of society are recognized and accounted for. It is also a strategy for making women's as well as men's experiences and concerns an integral dimension of the design and implementation of the monitoring cycle. It helps to better understand the causes and types of human rights violations and, hence, the measures required for prevention and protection.

Integrating gender implies a proactive attitude of looking at and analysing how situations affect women, girls, men and boys differently. It is also about making such differences visible throughout the monitoring cycle.³⁷¹

1. Gender Sensitive & Gender Analysis

Monitoring the human rights of men and boys requires 'gender sensitive' approaches that are sensitive enough to detect human rights issues for men and boys.

Requires disaggregated data.

The purpose of monitoring is not simply to document where things stand, but to encourage positive change.³⁷²

Monitoring refers to the activity of observing, collecting, cataloguing and analysing data and reporting on a situation or event. Depending on the circumstances, its aim can be to document human rights abuses so as to recommend corrective action or to be preventive and educational, or it may serve the purpose of advocacy. An institution should attempt to verify that its presentation of an event or situation is factually correct. Nonetheless, a monitoring report is essentially an account of what has been observed either directly by the institution or reported by others. The standards that guide the institution in preparing such a monitoring report are therefore usually less rigorous than those that guide it when it investigates complaints and reports on its investigations.³⁷³

Monitoring and data collection are key aspects of human rights-protection responsibilities and should also serve as the basis for opinions, recommendations, proposals and reports issued by the NHRI (this latter aspect

³⁷¹ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³⁷² [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³⁷³ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

is addressed in the next section, on promotional strategies). Women's rights and gender equality aspects must be considered at all stages of the monitoring process, from the planning and data-collection strategy to analysis and response.³⁷⁴

ODIHR recommendations

Women's rights and gender equality aspects must be considered at all stages of the monitoring process, from the planning and data-collection strategy to analysis and response.³⁷⁵

Integrating a gender perspective in human rights monitoring is a process to ensure that all violations against men and women of all ages and sections of society are recognized and accounted for. It is also a strategy for making women's as well as men's experiences and concerns an integral dimension of the design and implementation of the monitoring cycle. It helps to better understand the causes and types of human rights violations and, hence, the measures required for prevention and protection.³⁷⁶

Field presences can use some of the following questions to integrate gender in human rights monitoring work and other activities:

How is a human rights problem affecting women and men differently?
Why do such differences exist? What are their root causes?

Do women (or men) tend to be more exposed to particular types of human rights violations?

What is the gender dimension of human rights violations?

Are human rights violations in the private sphere monitored? How do such violations affect women, girls, men and boys differently?

Do female and male rights holders have different coping mechanisms and access to protection measures and to remedies?

Are human rights monitoring reports issued by field presences gender-sensitive?

Do corrective actions benefit women as well as men affected by a human rights problem?

³⁷⁴ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁷⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

³⁷⁶ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

Are corrective measures adapted to the specific needs of women, men, girls and boys? ³⁷⁷

The Paris Principles provide that NHRIs should promote and protect human rights. The protection aspect of the mandate requires that the NHRI should have the power to investigate and monitor human rights and, in many cases, to accept and investigate individual complaints. ³⁷⁸

Two types of indicators are typically used in monitoring progressive realization: process indicators and result indicators.

Process indicators are the actions (legislative, regulatory, policy and practice) that have been taken to ensure that the right in question is being effectively implemented and adequately protected.

Result indicators, on the other hand, show the extent to which a right is being enjoyed. That the Government has passed a law outlawing torture is a process indicator; that torture has decreased is a result indicator.

4.7.1.1 Impartial

An NHRI can meet all the formal requirements of the Paris Principles and still lack independence if its members and staff do not possess independent thinking. If members and staff see themselves as defenders of the current regime or the current political system, or if they consider themselves as being under some form of obligation to the Government, or if they owe their loyalty to the Government, then they cannot be independent, no matter how good the law is and how closely the NHRI complies with the Paris Principles. True independence is a personal quality, best described as independent thinking. ³⁷⁹

True independence requires independent thinking, in addition to the formal requirements of the Paris Principles. ³⁸⁰

4.7.2 Accurate & impartial

The UN states

The integration of a gender perspective into human rights investigations is

³⁷⁷ [Integrating gender into human rights monitoring – Manual on Human Rights Monitoring – Chapter 15](#)

³⁷⁸ [National Human Rights Institutions – History, Principles, Roles and Responsibilities](#)

³⁷⁹ [A Manual on National Human Rights Institutions - APF](#)

³⁸⁰ [A Manual on National Human Rights Institutions - APF](#)

*critical to ensuring high quality analysis that accurately depicts the different human rights violations, including by revealing underlying gender-based discrimination...*³⁸¹

The UN's 'Economic Cultural and Social Rights – Handbook for National Human Rights Institutions' states

the process of monitoring must be thorough, accurate and impartial and must be perceived as such.”³⁸²

Accuracy means not only getting individual facts right but providing an objective and fair assessment. Unfortunately the Commission undermines accuracy by consistently ignoring or minimising gender differences when they negatively affect men. Conversely, where gender differences negatively affect women, these issues are highlighted.

For example, in 2009 Callister³⁸³ pointed out that the commission describes a 14% differential in favour of men as large, but describes a 14% differential in favour of women as small.

The UN's 'Economic Cultural and Social Rights – Handbook for National Human Rights Institutions', states:

“the process of monitoring must be thorough, accurate and impartial and must be perceived as such”³⁸⁴

The UN 'Manual on Human Rights Monitoring' states

*“Integrating gender implies a proactive attitude of looking at and analysing how situations affect women, girls, men and boys differently. It is also about making such differences visible throughout the monitoring cycle.”*³⁸⁵

*Women and men often highlight different concerns and bring different perspectives, experiences and solutions to the issues. They also have differing perceptions and concerns regarding culturally acceptable practices. A clear and accurate picture of a situation cannot be attained if 50% or more of the population has not been consulted, as it can mean that 50% of the information needed is missing.*³⁸⁶

³⁸¹ [Integrating a Gender Perspective Into Human Rights Investigations – Guidance and Practice](#) — United Nations, 2018 – page 58

³⁸² [Economic, Social and Cultural Rights – Handbook for National Human Rights Institutions](#)— United Nations, 2005 – page 58

³⁸³ 'Missing men': The politics of gender analysis - Paul Callister, 2009

³⁸⁴ [Economic, Social and Cultural Rights – Handbook for National Human Rights Institutions](#)— United Nations, 2005 – page 58

³⁸⁵ [Manual on Human Rights Monitoring – Chapter 15: Integrating gender into human rights monitoring](#) – page 4

³⁸⁶ AddressingtheneedsofwomenandmeninGazaA.pdf

4.8 Reporting

Don't use or reinforce stereotypes in reports

Accuracy

Not clumping women and children together.

Avoid the “women and children” categorization The use of the category “women and children” should be avoided. It obscures the fact that different substantive human rights guarantees may apply to women and to children, and reinforces the historical tendency to make concern for women’s human rights derivative of their roles as mothers, rather than recognizing their status as independent rights holders.

The Human Rights Act 1993 requires the Commission to develop a National Plan of Action.³⁸⁷ The UN has set some for the requirements for the plan³⁸⁸:

1. The National Plan of Action must have appropriate strategies to ensure equal enjoyment of rights between women and men³⁸⁹.
2. These strategies should systematically identify policies and activities to protect, respect and fulfil the equal enjoyment of rights between men and women³⁹⁰.

4.9 Including men in your organisation

4.9.1 Gender balanced staff

4.9.1.1 Pluralism required

The Paris Principles require NHRIs to be pluralistic. The *Global Alliance Of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA)* assesses NHRIs compliance with the Paris Principles. The SCA states “Pluralism refers to broader representation of national society”³⁹¹³⁹² and

³⁸⁷ [Human Rights Act 1993, Section 5 \(2\)](#) The Commission has, in order to carry out its primary functions under subsection (1), the following functions: ... (m) to develop a national plan of action, in consultation with interested parties, for the promotion and protection of human rights in New Zealand

³⁸⁸ [Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights – General comment No. 16](#) - Paragraphs 38 and 39

³⁸⁹ [Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights – General comment No. 16](#) - Paragraphs 32

³⁹⁰ [Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights – General comment No. 16](#) - Paragraph 33

³⁹¹ General Observation 1.7 Ensuring pluralism of the NHRI

³⁹² General Observation 1.7 Ensuring pluralism of the NHRI

*Consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status. This includes, for example, ensuring the equitable participation of women in the NHRI.*³⁹³

Pluralism provides these benefits:

“as a guarantee of institutional independence.”

...facilitates the NHRI’s appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates, and promotes the accessibility of the NHRI for all citizens.

the public are more likely to have confidence that the NHRI will understand and be more responsive to its specific needs.

meaningful participation... at all levels is important to ensure an understanding of, and access for, a significant proportion of the population.

...ensuring the effectiveness of an NHRI and its real and perceived independence and accessibility.

... help to ensure that issues are not narrowly framed.³⁹⁴

The Office of the United Nations High Commissioner for Human Rights points out “Pluralism is not only about internal makeup, but also about how outreach and programming are conducted.”³⁹⁵

and

Pluralism, including through membership and/or effective cooperation;³⁹⁶

but it should mean that, over time, groups feel that they are included³⁹⁷

The requirement of pluralism is not limited to NHRI members, but to NHRIs as a whole and to their internal and external structures for consultation – members, staff and committees. Some NHRIs have a single member, or a small number of members, and it would be impossible to represent all the relevant “social forces” among the NHRI members. Therefore the composition of the staff, and of any advisory committees or working groups, should reflect the broader community to ensure that the NHRI itself is able to hear the broadest range of voices and views.³⁹⁸

4.9.1.2 Gender balance recommended

Because NHRIs must demonstrate that the staff profile is merit-based, gender-balanced and representative of the population they serve, this may require a search beyond those

³⁹³ General Observation 1.7 Ensuring pluralism of the NHRI

³⁹⁴ General Observation 1.7 Ensuring pluralism of the NHRI

³⁹⁵ National Human Rights Institutions – History, Principles, Roles and Responsibilities

³⁹⁶ National Human Rights Institutions – History, Principles, Roles and Responsibilities

³⁹⁷ National Human Rights Institutions – History, Principles, Roles and Responsibilities

³⁹⁸ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

already employed in Government.³⁹⁹

GOOD PRACTICE

While individual selection criteria should highlight the fundamental skills, knowledge and experience required of each applicant, in subsequently determining the overall composition of the Commission there should be a focus on ensuring **a broad mix of relevant skills** and diversity (including **equitable gender representation**).⁴⁰⁰

Special measures may be required

Because **NHRIs must demonstrate that the staff profile is merit-based, gender-balanced and representative of the population they serve**, this may require a search beyond those already employed in Government.

An institution must demonstrate that it has been absolutely non-discriminatory and shown no nepotism in recruitment. It must stand as an example. Because of the need for the institution to demonstrate pluralism and diversity at all levels, an institution should also, where appropriate, use special measures to advance the position of under-represented minorities...⁴⁰¹

4.9.2 Staff act in the interests of men and boys

*Involving **stakeholders representing a diversity of interests ensures that pluralism** is built into the process and that civil society buys into the concept of an NHRI*⁴⁰²

4.9.3 Staff have knowledge about men's rights and access to (internal) experts

- Capacity building

4.9.4 Independent thinking

that is, staff have a variety of views on how to help men and boys and don't just follow one train of thought (eg feminism))

An NHRI can meet all the formal requirements of the Paris Principles and still lack independence if its members and staff do not possess independent thinking. If members and staff see themselves as defenders of the current regime or the current political system, or if they consider themselves as being under some form of obligation to the Government, or if they owe their loyalty to the Government, then they cannot be independent, no matter how good the law is and how closely the NHRI complies with the Paris Principles. True

³⁹⁹ National Human Rights Institutions – History, Principles, Roles and Responsibilities

⁴⁰⁰ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴⁰¹ National Human Rights Institutions – History, Principles, Roles and Responsibilities

⁴⁰² National Human Rights Institutions – History, Principles, Roles and Responsibilities

| *independence is a personal quality, best described as independent thinking.*⁴⁰³

4.9.5 Best practice is gender balanced staff, and decision makers

Pluralism and staff composition. Pluralism and diversity will be enhanced if staff composition also reflects societal realities. This means that diversity is reflected across all parts of the organization and all levels of seniority. Diversity is not achieved, for example, if women hold 50 per cent of jobs but these are all at the secretarial and support level. Pluralism at the staff level can serve to strengthen the visibility of an institution's commitment to full participation, as well as positively influence programme credibility and effectiveness. Such diversity is not formally part of the Paris Principles, but can make an institution's commitment to it more visible. It should be noted that the Sub-Committee, in its general observations (para. 2.4), places limits on the extent of secondments that are possible from the Government to the NHRI⁴⁰⁴

NHRIs that comply with the Paris Principles do not and cannot include institutions established with responsibility only for a specific area of human rights or for the rights of a specific group. Institutions established to promote and protect only women's rights or children's rights or minority rights or to deal only with racial discrimination or sex discrimination are important institutions doing important human rights work. However, they are not NHRIs established in conformity with the Paris Principles.⁴⁰⁵

...

GOOD PRACTICE

An NHRI has a broad mandate for the promotion and protection of human rights. In determining the NHRI's mandate, the definition of "human rights" should be broadly defined to include:

- rights protected in the national constitution
- rights protect in domestic legislation
- rights contained in international human rights law.

There should be no limitations on the mandate except the limitations contained in human rights themselves, such as derogations during short periods of officially declared emergencies. Where there are other limitations, they must be narrowly confined, particularly when they relate to national security and the activities of military and security forces. General exemptions on the grounds of national security should be

⁴⁰³ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴⁰⁴ National Human Rights Institutions – History, Principles, Roles and Responsibilities

⁴⁰⁵ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

avoided in favour of provisions, where necessary, that allow the relevant minister to certify to the NHRI on a case-by-case basis that a particular matter raises national security concerns.⁴⁰⁶

4.9.5.1 Including men also means including men's needs and interests

- Need to have experience and expertise in men's human rights issues, not just have men present in organisation because NHRI's broad mandate includes the rights of men and boys

In all the core protection areas mentioned here, NHRI's have particular responsibility for considering gender when carrying out their mandate⁴⁰⁷

4.9.6 General Observation 1.2 Human rights mandate

The SCA understands 'promotion' to include those functions which seek to create a society where human rights are more broadly understood and respected. Such functions may include education, training, advising, public outreach and advocacy. 'Protection' functions may be understood as those that address and seek to prevent actual human rights violations. Such functions include monitoring, inquiring, investigating and reporting on human rights violations, and may include individual complaint handling.

An NHRI's mandate should be interpreted in a broad, liberal and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional and domestic instruments, including economic, social and cultural rights. Specifically, the mandate should:

⁴⁰⁶ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴⁰⁷ National Human Rights Institutions – History, Principles, Roles and Responsibilities

NHRIs should not have their jurisdiction restricted to some human rights only or to those human rights that have domestic recognition or definition. The broadest possible mandate for human rights required by the Paris Principles includes all internationally recognised human rights.⁴⁰⁸

4.9.6.1 implications for men and boys

Including all rights means including Article 3 of CCPR and ICESCR. And those articles apply to all of the rights in those treaties.

This means regardless of the specific work of the NHRI, ensuring the equal enjoyment of rights for men and boys, as well as for women and girls, is part of their mandate

4.9.7 General Observation 1.7 Ensuring pluralism of the NHRI

NHRIS are required to be pluralistic. This means:
a wide range of different elements of society are included in the staff of the organisation.
A wide range of society is engaged
the needs and interests of various groups are considered, not just symbolically represented.
etc..

NHRIS are required to protect everyone's rights and having a wide-range of people as staff helps.

4.9.7.1 General Observation 1.7 Ensuring pluralism of the NHRI

A diverse decision-making and staff body facilitates the NHRI's appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates, and promotes the accessibility of the NHRI for all citizens.

Pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status. This includes, for example, ensuring the equitable participation of women in the NHRI.

The SCA notes there are diverse models for ensuring the requirement of pluralism in the composition of the NHRIs as set out in the Paris Principles. For example:

- a. Members of the decision-making body represent different segments of society as referred to in the Paris Principles. Criteria for membership of the decision-making body should be legislatively established, be made publicly available and subject to consultation with all

⁴⁰⁸ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

stakeholders, including civil society. Criteria that may unduly narrow and restrict the diversity and plurality of the composition of the NHRI's membership should be avoided;

- b. Pluralism through the appointment procedures of the governing body of the NHRIs for example, where diverse societal groups suggest or recommend candidates;
- c. Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or
- d. Pluralism through staff that are representative of the diverse segments of society. This is particularly relevant for single member NHRIs, such as an Ombudsperson

4.9.7.2 Justification

Ensuring the pluralistic composition of the NHRI is a prime requirement of the Paris Principles as a guarantee of institutional independence. Section B.1 states: "The composition of the national institution and the appointment of its members [...] shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights." The same provision highlights that pluralism is intended to promote effective cooperation with an indicative list of stakeholders representing:

- a. Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
- b. Trends in philosophical or religious thought;
- c. Universities and qualified experts;
- d. Parliament;
- e. Government departments

The SCA considers the pluralistic composition of the NHRI to be fundamentally linked to the requirement of independence, credibility, effectiveness and accessibility.

Where the members and staff of NHRIs are representative of a society's social, ethnic, religious and geographic diversity, the public are more likely to have confidence that the NHRI will understand and be more responsive to its specific needs. Additionally, the meaningful participation of women at all levels is important to ensure an understanding of, and access for, a significant proportion of the population. Likewise, in multilingual societies, the NHRI's capacity to communicate in all languages is key to its accessibility

The diversity of the membership and staff of an NHRI, when understood in this way, is an important element in ensuring the effectiveness of an NHRI and its real and perceived independence and accessibility.

Ensuring the integrity and quality of members is a key factor in the effectiveness of the NHRI. For this reason, selection criteria that ensure the appointment of qualified and

independent decision-making members should be legislatively established and made publicly available prior to appointment.

The SCA recommends that the adoption of such criteria be **subject to consultation with all stakeholders**, including civil society, **to ensure the criteria chosen is appropriate and does not exclude specific individuals or groups.**

The SCA cautions that criteria that may be unduly narrow and restrict the diversity and plurality of the composition of the NHRI's membership and staff body, such as the requirement to belong to a specific profession, may limit the capacity of the NHRI to fulfil effectively all its mandated activities. If staff and members have a diverse range of professional backgrounds, this will **help to ensure that issues are not narrowly framed.**

4.9.7.3What this means for men and boys.

Pluralism requires representation of the needs and interests of men and boys in an NHRI's work. Simply having men present is not sufficient. A person who is a man is not necessarily acting on behalf of men, nor an expert on men's human rights. And experts in men's human rights are not necessarily men. The important thing is that they are people who are acting on behalf of men and boys, and there are people who can provide expertise and experience of men's human rights issues.

Meaningful participation of men and men's advocates. Meaningful participation means that the men and men's advocates can influence the decisions made by the NHRI

- Men's rights issues are explicitly included in public consultations
- Men are asked about their experiences *as men*

The rights of men and boys are included in the work of the NHRI

- Promotional work
- monitoring
- etc

Wide range of men included.

Gender balance in staff

4.9.8 gender mainstreaming

Mainstreaming a gender perspective is the process of assessing implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate

goal is to achieve gender equality.³⁷⁶⁴⁰⁹

Area	Questions/Checklist ⁴¹⁰
Policy and procedures	<p>Does the NHRI have policies and procedures that explicitly refer to gender equality?</p> <p>Are women able to participate fully and openly in the work environment?</p> <p>Do other relevant and related policies include gender considerations?</p>
Awareness, attitudes and behaviours of staff and Commissioners	<p>Do Commissioners and staff understand the concept of gender mainstreaming and have the skills required to implement gender mainstreaming in their work? If not, have Commissioners and staff received gender equality, gender awareness and gender mainstreaming capacity building?</p> <p>Do Commissioners and staff understand the added discrimination and disadvantage experienced by women and girls as a result of multiple and intersectional identities?</p> <p>Does the culture of the organisation celebrate gender inclusion and diversity?</p>
Human resource management	<p>Are human resource management policies and practices gender inclusive? For example recruitment, job descriptions, staff data, induction programmes, performance assessments, professional development, internal support systems, complaints processes, staff acknowledgement, remuneration levels, promotion and retention?</p> <p>Does the NHRI offer affirmative action practices where women are not equitably represented in all levels of the organisation?</p>
Language	<p>Is the formal and informal language, signage, and iconography of the NHRI gender neutral and inclusive?</p>
Functional or portfolio divisions/units	<p>Does the NHRI gender mainstream its strategies, priorities and practice throughout all functional and portfolio areas?</p> <p>Does the NHRI have a designated division, unit or work programme focused on the human rights of women and girls?</p> <p>Have all divisions/units of the NHRI analysed gender issues in their particular fields of activity, operationalised gender equality objectives and developed approaches for addressing gender issues?</p>
Data gathering and monitoring	<p>Does the NHRI record and disaggregate its data across all genders? For example, does it record and disaggregate its activities related to the human rights of women and girls? Does it use other categories such as type of discrimination, category of the alleged violation or broader human rights matter?</p> <p>Does it undertake research that is specifically aimed at developing an evidence base for its work on gender and the human rights of women? Are women appropriately involved in the planning and conduct of such research?</p>
Communications, branding, marketing	<p>Do external communications, branding material and marketing tools make it clear to the public that the NHRI is gender inclusive across multiple and intersecting diversities?</p>
External cooperation and engagement	<p>Does the NHRI use processes that enable the full and genuine participation of women and girls, including those most marginalised, in external engagement, including consultations, monitoring and reporting?</p> <p>Does the NHRI have partnerships with key government agencies and civil society organisations that work with issues for women and girls?</p>

⁴⁰⁹ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴¹⁰ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

	Can all women report human rights violations without experiencing barriers?
Procurement and contracting	Can all women and their organisations bid for tenders and carry out contracts for the NHRI without experiencing barriers or disadvantages? Does the NHRI promote gender equity through its procurement and contracting activities? Does the NHRI ensure that women and girls are not harmed through its procurement practices and supply chains? For example, women and girls working in global supply chains are most at risk of being victims of human rights abuses such as unfair employment practices, violence, child labour and slavery
Reporting	Are gender considerations included in the NHRI reporting? For example, does it allocate a separate section to the rights of women and girls in its annual report? Are there sections on issues of particular concern to women of diverse backgrounds and identities?

4.9.9 GOOD PRACTICE

An NHRI should be aware of the particular groups within its society that are especially vulnerable to human rights violations, either through their experiences of human rights violations or their particular risks of human rights violation. It should then consciously give priority to those groups in its work and plan strategically to address the human rights issues that most affect those groups. It should develop specific mechanisms through which the needs and concerns of those groups will be made visible within the NHRI itself.⁴¹¹

KEY POINTS: CHAPTER 20

Within their broad, comprehensive responsibility for every person, NHRIs have a priority concern for those whose rights have been violated and those whose rights are at particular risk of violation.

Part of each NHRI's analytical work is to identify those groups present in its country that are at particular risk of human rights violation. It will generally find them among the poorest, the most marginalised and the least powerful people in the country.

NHRIs have developed many different mechanisms to respond to groups at particular risk of human rights violation, including designated NHRI members, sub-commissions and sub-committees, designated staff units within the NHRIs, focal points, advisory and consultative groups, and conferences and seminars.

Gender mainstreaming is a critical global strategy for the achievement of gender equality.

4.9.10 Options for including men and boys

4.9.10.1 Designated members of NHRIs

In some NHRIs, individual members are designated with specific responsibility for a particular group or groups.

4.9.10.2 Sub-commissions

Some NHRIs will work through a series of sub-commissions or sub-committees, some of which are directed to human rights issues affecting a specific group.

⁴¹¹ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

4.9.10.3 Designated units

Some NHRIs establish specialist units among the staff, sometimes headed by a member of the NHRI, to take responsibility for the human rights of particular groups.

4.9.10.4 Focal points

NHRIs may not have the resources or the priority to designate a group of staff to act on behalf of a specific group. Instead they may decide on a less resource intensive approach, appointing one staff person to be a focal point for a particular group.

4.9.10.5 Advisory committees

NHRIs may choose a less formal mechanism that brings expert groups to the NHRI to provide advice to members and staff on their areas of expertise.

4.9.10.6 Conferences and seminars

NHRIs may decide to use very informal processes to obtain advice. Conferences and seminars provide structured opportunities for experts to present their views and the results of their research, as well for discussion and exchange.

...

In seeking to promote and protect the rights of groups of persons at particular risk of human rights violations, NHRIs call on the full range of functions and powers available to them. **Comprehensive, integrated strategies are required, not piecemeal approaches.** Working with other organisations, both governmental and non-governmental, will increase the capacity of the NHRI to have an impact.

Each NHRI should identify the mechanism most appropriate to its situation and incorporate it within the structure of the institution.⁴¹²

4.10 Accountability

*7 The Commission will regularly examine and report on measures to support the operational implementation of this policy and will actively encourage other entities to adopt and implement a human rights policy.*⁴¹³

*Responsibility for translating gender mainstreaming into practice is system-wide and rests at the highest levels. **Accountability for outcomes needs to be monitored constantly.***⁴¹⁴

⁴¹² A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴¹³ https://www.hrc.co.nz/files/2114/7147/3368/Human_Rights_Policy_Statement.pdf

⁴¹⁴ [Report of the Economic and Social Council for the year 1997 – A 52 3 Rev-1-EN.pdf](#)

To complement gender mainstreaming, NHRIs can foster expertise within their organization by creating a central point with accountability for women's rights and gender equality. NHRIs bring a variety of organizational responses to this challenge, ranging from individual staff focal points to senior officials who are designated with specific responsibilities, to the establishment of units, departments or even centres dedicated to gender equality, in whole or in part.

Gender mainstreaming can also be made more effective if there is an internal point of expertise and accountability for protecting and promoting women's rights and achieving gender equality.⁴¹⁵

18.3. MORAL ACCOUNTABILITY³³⁴

NHRIs also have moral accountability obligations to the community, especially to those who are victims of or at risk of human rights violations. The mandate to promote and protect human rights is a mandate of leadership on behalf of actual and potential victims of violations, as well as one of service to actual and potential victims. NHRIs owe the community generally, and victims particularly, reports on their work, including their effectiveness and their failings. This is not a legal obligation but a moral and ethical one. It certainly requires NHRIs to release publicly and promote their reports to parliaments and to make them generally available. However, it also requires a variety of less formal reporting mechanisms, including briefings, consultation meetings, regular statements, news reports and so on. Accountability to the community is not an annual activity but a continuing process of reporting and seeking feedback, of consulting and listening.⁴¹⁶

5 General Observations of the Sub-Committee on Accreditation

paris principles EN_GeneralObservations_Revisions_adopted_21.02.2018_vf.pdf

5.1.1 Introduction

1. The 'Principles relating to the status of national institutions' (Paris Principles), endorsed by the World Conference on Human Rights and the United Nations General Assembly, are the minimum international standards for the establishment of National Human Rights Institutions (NHRIs). They provide a broad normative framework for the status, structure, mandate, composition, power and methods of operation of the principal domestic human

⁴¹⁵ [Handbook for National Human Rights Institutions on Women's Rights & Gender Equality OSCE 2012](#)

⁴¹⁶ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

rights mechanism.

2. NHRIs are established by States for the specific purpose of advancing and defending human rights at the national level, and are acknowledged to be one of the most important means by which States bridge the implementation gap between their international human rights obligations and actual enjoyment of human rights on the ground. The establishment and strengthening of NHRIs pursuant to the Paris Principles falls within the set of international human rights commitments made by States. It is therefore the responsibility of the State to ensure that it has in place a Paris Principle-compliant NHRI.
3. As a core function, the Global Alliance of NHRIs (GANHRI) promotes the establishment and strengthening of NHRIs in conformity with the Paris Principles and uses the Principles as criteria to determine GANHRI membership. The GANHRI Sub-Committee on Accreditation (SCA) has been delegated the task of assessing institutional compliance with the Paris Principles.
4. Since 2006, the SCA has used the knowledge gained through the GANHRI accreditation process to develop an important body of jurisprudence to give meaning to the content and scope of the Principles. Section 2.2 of the SCA Rules of Procedure provide the SCA with authority to develop 'General Observations' on common and important interpretative issues on the implementation of the Paris Principles.
5. The SCA, with its depth of experience and extensive study of the guiding principles, is wellplaced to articulate its standards and deliver the necessary guidance to ensure a consistency of approach in its implementation and application. The SCA possesses an understanding of the issues faced by NHRIs, operating in a wide range of circumstances, including a diversity of institutional models and political systems. As a result, it has developed clear examples of compliance with the Paris Principles in practice
6. The General Observations are referred to in the SCA's recommendations issued to NHRIs upon review of their application for GANHRI accreditation, re-accreditation or special review. The General Observations, as interpretative tools of the Paris Principles, may be used to:
 - a. Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;
 - b. Persuade domestic governments to address or remedy issues relating to an institution's compliance with the standards articulated in the General Observations;
 - c. Guide the SCA in its determination of new accreditation applications, re-accreditation applications or other review:
 - i. If an NHRI falls substantially short of the standards articulated in the General Observations, it will be open for the SCA to find that it was not Paris Principle compliant.
 - ii. If the SCA has noted concern about an NHRI's compliance with any of the General Observations, it may consider what steps, if any, have been taken by the NHRI to

address those concerns in future applications. If the SCA is not provided with proof of efforts to address the General Observations previously made, or offered a reasonable explanation why no efforts have been made, it will be open to the SCA to interpret such lack of progress as non-compliance with the Paris Principles

7. The SCA is aware of the different NHRI structural models in existence, including: commissions; ombudsman institutes; hybrid institutions; consultative and advisory bodies; research institutes and centres; civil rights protectors; public defenders; and parliamentary advocates. (For a more complete discussion of the different model-types, the SCA refers to *Professional Training Series No.4: National Human Rights Institutions: History, Principles, Roles and Responsibilities*, United Nations Office of the High Commissioner for Human Rights, New York and Geneva, 2010, pp. 15-19). The SCA is of the view that its General Observations must be applied to every NHRI, regardless of its structural model type
8. The citation of General Observations is done in tandem with the issuance of specific recommendations on individual accreditation applications, the latter of which are narrow in application and value to the NHRI concerned. Inversely, the General Observations, being independent of a specific set of facts pertaining to a single domestic context, are universal in their application and provide guidance in both individual cases and more generally.
9. **The categorization of the General Observations into the following two sections** clarifies for all stakeholders which of the General Observations are direct interpretations of the Paris Principles, and which are drawn from the SCA's extensive experience in identifying proven practices to ensure independent and effective NHRIs in line with the Paris Principles:
 - i. **Essential requirements of the Paris Principles;** and
 - ii. **Practices that directly promote Paris Principles compliance.**
10. As it gains further experience, the SCA will seek to develop new General Observations. In 2011, GANHRI adopted a formalized multi-stage process for doing so. This procedure was designed to promote their accessibility by ensuring consistency in their content and format; being clearly written, of reasonable length and readily understandable to a broad range of readers, primarily NHRIs and States.
11. The first stage consists of a discussion amongst SCA members, representatives of GANHRI Regional Networks, and OHCHR on the topic of the General Observation. Secondly, a Working Group is established. It canvasses GANHRI members, through the Regional Networks, for their views on the topic to be addressed. Thirdly, the Working Group, taking into account any comments received from the GANHRI membership, develops a draft and presents it to the SCA for review and comment. Lastly, once approved, the SCA will recommend the revised draft be formally adopted through its sessional reports to the GANHRI Bureau.
12. The SCA's work in developing a comprehensive and detailed interpretation of the Paris Principles is of widespread value as it serves to enrich the understanding of the requirements to ensure the effective establishment, functioning and strengthening of NHRIs. Ultimately a synthesis of the most important issues of interpretation that have been uncovered by the individual accreditation applications, the General Observations are relevant to NHRIs

globally, including those not currently the subject of the immediate accreditation review. The General Observations further enable stakeholders to take a proactive approach to effect the necessary changes to their own processes and mechanisms without requiring the SCA to provide them with specific recommendations resulting from the outcome of an accreditation review.

13. NHRIs are reliant upon their national government to implement many of the provisions of the Principles, including their legislative establishment and provision of adequate funding. Where the SCA notes as an issue of concern, the failure of the State to fulfill its obligations pursuant to the Paris Principles, the NHRI may use the standards articulated in the General Observations to recommend the action required by the State to effect the necessary change to address or remedy issues before the accreditation status of the NHRI is next reviewed.
14. The General Observations have also been developed to preserve the institutional memory of the SCA and to ensure a consistency in approach taken by its rotational membership.
15. The appropriate implementation of General Observations is key to advancing NHRI maturity. By clarifying the requirements of the Paris Principles, the General Observations provide NHRIs with accessible, relevant and readily contextualized norms to speed their evolution into more efficient and effective institutions, resulting in the enhanced promotion and protection of human rights on the ground.

5.1.2 General Observations

5.1.3 Essential requirements of the Paris Principles

...

5.1.3.1 General Observation 1.2 Human rights mandate

All NHRIs should be legislatively mandated with specific functions to both promote and protect human rights.

The SCA understands 'promotion' to include those functions which seek to create a society where human rights are more broadly understood and respected. Such functions may include education, training, advising, public outreach and advocacy. 'Protection' functions may be understood as those that address and seek to prevent actual human rights violations. Such functions include monitoring, inquiring, investigating and reporting on human rights violations, and may include individual complaint handling.

An NHRI's mandate should be interpreted in a broad, liberal and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional and domestic instruments, including economic, social and cultural rights. Specifically, the mandate should:

extend to the acts and omissions of both the public and private sectors;

vest the NHRI with the competence to freely address public opinion, raise public awareness on human rights issues and carry out education and training programs;

provide the authority to address recommendations to public authorities, to analyse the

human rights situation in the country, and to obtain statements or documents in order to assess situations raising human rights issues;

authorize unannounced and free access to inspect and examine any public premises, documents, equipment and assets without prior written notice;

authorize the full investigation into all alleged human rights violations, including the military, police and security officers.

Justification

According to sections A.1 and A.2 of the Paris Principles, an NHRI should possess, “as broad a mandate as possible”, which is to be, “set forth in a constitutional or legislative text”, and should include both, “the promot[ion] and protect[ion] of human rights”.

Section A.3 of the Paris Principles enumerates specific responsibilities the NHRI must, at a minimum, be vested with. **These requirements identify two main issues which must necessarily be addressed in the establishment and operation of an NHRI:**

- (i) The mandate of the NHRI must be established in national law. This is necessary to guarantee the independence and autonomy with which an NHRI undertakes its activities in the fulfilment of its public mandate;
- (ii) The NHRI’s **mandate to both promote and protect human rights must be defined as broadly as possible** so as to give the public the protection of a wide range of international human rights standards: civil; political; economic; cultural; and social. **This gives effect to the principle that all rights are universal, indivisible, and interdependent**

5.1.3.2 General Observation 1.5 Cooperation with other human rights bodies

Regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates. NHRIs should develop, formalize and maintain working relationships, as appropriate, with other domestic institutions established for the promotion and protection of human rights, including sub-national statutory human rights institutions, thematic institutions, as well as civil society and non-governmental organizations.

Justification

In prescribing the NHRI’s methods of operation, sections C(f) and C(g) of the Paris Principles require NHRIs to: “*maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions)*”.

The Principles specifically recognize “*the fundamental role played by the non-governmental organizations in expanding the work of the national institutions*”, and therefore encourage NHRIs to, “*develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized*

areas”.

To give full effect to these Paris Principle requirements, the SCA recommends that NHRI should develop, formalize and maintain regular, constructive and systematic working relationships with other domestic institutions and actors established for the promotion and protection of human rights. Interaction may include the sharing of knowledge, such as research studies, best practices, training programmes, statistical information and data, and general information on its activities. For the following reasons the SCA considers such cooperation necessary to ensure the full realization of human rights nation-wide:

National human rights framework – The effectiveness of an NHRI in implementing its mandate to protect and promote human rights is largely dependent upon the quality of its working relationships with other national democratic institutions such as: government departments; judicial bodies; lawyers’ organizations; non-governmental organizations; the media; and other civil society associations. Broad engagement with all stakeholders may provide a better understanding of: the breadth of human rights issues across the state; the impact of such issues based on social cultural, geographic and other factors; gaps, as well as potential overlap and duplication in the setting of policy, priorities and implementation strategies. NHRIs working in isolation may be limited in their ability to provide adequate human rights protections to the public.

Unique position of NHRIs – The character and identity of an NHRI serves to distinguish it from both government bodies and civil society. As independent, pluralistic institutions, NHRIs can play an important role

Improved accessibility – The NHRI’s relations with civil society and NGOs is particularly important in improving its accessibility to sections of the populations who are geographically, politically or socially remote. These organizations are likely to have closer relations with vulnerable groups as they often have a more extensive network than NHRIs and are almost always likely to be closer to the ground. In this way, NHRIs may utilize civil society to provide an outreach mechanism to engage with vulnerable groups.

Expertise of other human rights bodies – As a result of their specialized mandates, other human rights bodies and civil society groups may provide an NHRI with valuable advice on the major human rights issues facing vulnerable groups across the nation. As such, NHRIs are encouraged to regularly consult with other human rights bodies and civil society at all stages of programme planning and implementation, as well as policy making, to ensure the NHRI’s activities reflect public concerns and priorities. Developing effective relationships with the mass media, as a section of civil society, is a particularly important tool for human rights education

Formalized relationships – The importance of formalizing clear and workable relationships with other human rights bodies and civil society, such as through public memoranda of understanding, serves as a reflection of the importance of ensuring regular, constructive working relationships and is key to increasing the transparency of the NHRI’s work with these bodies.

5.1.3.3 General Observation 1.6 Recommendations by NHRIs

Annual, special and thematic reports of NHRIs serve to highlight key national human rights concerns and provide a means by which these bodies can make recommendations to, and monitor respect for, human rights by public authorities.

NHRIs, as part of their mandate to promote and protect human rights, should undertake follow up action on recommendations contained in these reports and should publicize detailed information on the measures taken or not taken by public authorities in implementing specific recommendations or decisions.

In fulfilling its protection mandate, **an NHRI must not only monitor, investigate and report on the human rights situation in the country, it should also undertake rigorous and systematic follow up activities** to promote and advocate for the implementation on its recommendations and findings, and the protection of those whose rights were found to have been violated.

Public authorities are encouraged to respond to recommendations from NHRIs in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.

Justification

The Paris Principles are not only explicit in their direction that NHRIs have the responsibility to make recommendations to public authorities on improving the national human rights situation, but also that NHRIs ensure their recommendations are widely publicized. Specifically, section A.3(a) of the Paris Principles requires NHRIs to “submit to the Government, Parliament and any other competent body, [...] recommendations [...] on any matters concerning the promotion and protection of human rights”, and enumerates the three areas that these recommendations shall relate to:

1. The creation or amendment of any legislative or administrative provisions, including bills and proposals;
2. **Any situation of violation of human rights within a state;**
3. Human rights in general and on more specific matters

...

5.1.3.4 General Observation 1.7 **Ensuring pluralism of the NHRI**

A diverse decision-making and staff body facilitates the NHRI's appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates, and promotes the accessibility of the NHRI for all citizens.

Pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status. This includes, for example, ensuring the equitable participation of women in the NHRI.

The SCA notes there are diverse models for ensuring the requirement of pluralism in the composition of the NHRIs as set out in the Paris Principles. For example:

- a. **Members of the decision-making body represent different segments of society** as referred to in the Paris Principles. Criteria for membership of the decision-making body should be legislatively established, be made publicly available and subject to consultation with all stakeholders, including civil society. **Criteria that may unduly narrow and restrict the diversity and plurality of the composition of the NHRI's membership should be avoided;**
- b. **Pluralism through the appointment procedures** of the governing body of the NHRIs for example, where diverse societal groups suggest or recommend candidates;
- c. **Pluralism through procedures enabling effective cooperation with diverse societal groups,** for example advisory committees, networks, consultations or public forums; or
- d. **Pluralism through staff that are representative of the diverse segments of society.** This is particularly relevant for single member NHRIs, such as an Ombudsperson

Justification

Ensuring the pluralistic composition of the NHRI is a prime requirement of the Paris Principles as a guarantee of institutional independence. Section B.1 states: "The composition of the national institution and the appointment of its members [...] shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights." The same provision highlights that pluralism is intended to promote effective cooperation with an **indicative list of stakeholders** representing:

- a. Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
- b. Trends in philosophical or religious thought;
- c. Universities and qualified experts;
- d. Parliament;
- e. Government departments

The SCA considers the pluralistic composition of the NHRI to be fundamentally linked to the requirement of independence, credibility, effectiveness and accessibility.

Where the members and staff of NHRIs are representative of a society's social, ethnic, religious and geographic diversity, the public are more likely to have confidence that the NHRI will understand and be more responsive to its specific needs. Additionally, **the meaningful participation of women at all levels is important to ensure an understanding of, and access for, a significant proportion of the population.** Likewise, in multilingual societies, the NHRI's capacity to communicate in all languages is key to its accessibility

The diversity of the membership and staff of an NHRI, when understood in this way, is **an important element in ensuring the effectiveness of an NHRI and its real and perceived independence and accessibility.**

Ensuring the integrity and quality of members is a key factor in the effectiveness of the NHRI. For this reason, selection criteria that ensure the appointment of qualified and independent decision-making members should be legislatively established and made publicly available prior to appointment.

The SCA recommends that the adoption of such criteria be **subject to consultation with all stakeholders**, including civil society, **to ensure the criteria chosen is appropriate and does not exclude specific individuals or groups.**

The SCA cautions that criteria that may be unduly narrow and restrict the diversity and plurality of the composition of the NHRI's membership and staff body, such as the requirement to belong to a specific profession, may limit the capacity of the NHRI to fulfil effectively all its mandated activities. If staff and members have a diverse range of professional backgrounds, this will **help to ensure that issues are not narrowly framed.**

6 ***Gender mainstreaming by theme**

7 Gender mainstreaming is about women.

7.1 Report of the Economic and Social Council for the year 1997 - General Assembly Official Records • Fifty-second Session - Supplement No. 3 (A/52/3/Rev.1)

A. Definition of the concept of gender mainstreaming

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.⁴¹⁷

7.2 Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe

Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS) Strasbourg, May 1998

The last problem is partly due to the **methods used** up until now to promote gender equality. **Most policies were concerned with the specific needs of women.** Additionally, these policies mainly targeted women and not men, even those aimed at redressing the

⁴¹⁷ [Report of the Economic and Social Council for the year 1997 - A/52/3/Rev.1](#)

imbalances between the sexes. These policies, therefore, only reached a limited public which mainly consisted of women. It is clear that changes will be limited, as long as they only focus on one side of the problem⁴¹⁸. Equality policy should ensure that a gender perspective is integrated into all policy areas and that the whole of society is involved in promoting equality.⁴¹⁹

7.3 Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?

Petra Debusscher – Kvinder, Køn & Forskning (Women, Gender and Research) 2011

By contrast, in the gender mainstreaming approach – linked with the concept of transformation – it is the gendered world itself that is problematic and “not only the exclusion of women or the existence of a male norm” (Verloo & Lombardo 2007: 23). Gender mainstreaming should then ideally involve analysis of how current systems benefit men or cause indirect discrimination in order to redesign these systems and structures (Rees 2002).⁴²⁰

...

This transformation will require “giving primacy to woman’s agency” and “strengthening women’s groups and organisations.” (Jahan 1995: 126-127).

...

Analysis of formal aspects

In the quantitative analysis of the programming documents I have counted references that relate exclusively to men and references that relate exclusively to women,⁵ as a first step to examine the formal appearance of a language where men and women are both included. I have learned from this formal language analysis that there is a significant over-representation of references that relate exclusively to women: 56 percent of all gender specific references refer exclusively to women compared to 13 percent of gender specific references that relate exclusively to men.⁶ The language used in the EC programming documents is thus more the typical WID language that focuses on women, than a genuine GAD or gender mainstreaming language that involves both men and women in the analysis and solutions for gender equality⁴²¹

...

Furthermore, it was apparent that gender equality is framed as a women’s problem only, since it is mainly women who are mentioned when analysing gender inequalities. Most of the time, men are absent in the gender analysis, serving as a silent norm. When men are mentioned this is mostly in a general phrase referring to equality between men and women. What is more, women are not only seen as the main problem holders in the gender (in)equality question, they are also made solely responsible for the solution. Men are never the target group to address gender inequalities.⁴²²

...

⁴¹⁸ Berget, 1996

⁴¹⁹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

⁴²⁰ [Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?](#)

⁴²¹ [Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?](#)

⁴²² [Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?](#)

Gender equality is thus not framed as a goal in itself, but is used instrumentally to attain other goals, like poverty eradication or economic growth. Secondly, gender equality is framed as a women's responsibility only, since men are almost never explicitly addressed in the analysis nor as a target group to resolve gender inequalities. In this sense, the EC gender mainstreaming approach has more the features of the previous WID perspective. Lastly, regional civil society working on gender equality in the developing regions is not consulted enough by the Commission. What is more, analysis of civil society voices reveals, not only that there is a lack of participation in the programming phase of EC aid, but also that there is a wide breach between how the EC frames gender (in)equality and how regional civil society frames this. Not only is this lack of space for civil society voices harmful to empowerment, it is also harmful for the relevance of policies because the policymakers' view of problem and solution is limited by the institutional culture and its predetermined goals. Clearly this restricts the scope of policy making and of the allocation of resources (Beveridge & Nott 2002).⁴²³

7.4 Advancing Gender Equality and Women's Empowerment: An Assessment of Gender Mainstreaming in UN Operational Activities for Development

UN Women 2015

Under Example's of Good Practice:

"Key factors were: extensive partnership with national women's movements" and a path-breaking opening of space for women's voices to be heard in the negotiations"

"A major result was the definition of a scoring system that classifies expenditures in all sectors according to their impact on women"

"This initiative is the result of a partnership between UN Women (UNIFEM), women's groups and gender experts and the women's ministry, in dialogue with the Planning Commission, sector ministries and the Ministry of Finance on the other."

"These successes were attributed to the clear political support of the government, active canvassing of women and women's organizations, and formal partnerships with a variety of associations and civil-society organizations to create awareness of the various programmes offered."

"Such examples illustrate the long-term nature of the gender mainstreaming endeavour (requiring a clear strategic vision on the part of personnel, and predictable funding), and the importance of partnership and of leadership, especially the full expression of national ownership. In this context, one assessment has identified the four most common types of effective gender mainstreaming practice to be:⁵⁴

- Research and analytical work that is directed towards integrating "women's concerns" into national and sectoral development plans. This requires on-going political support, advocacy and active engagement if the outcomes of such analysis are to be actually translated into action;

⁴²³ [Promoting Gender Equality in EU Development Aid: From Transformative Policy to Transformative Practice?](#)

- Efforts to change unequal power relations through the review, amendment and enactment of laws that mainstream commitments to **women's rights** and outlaw discrimination;
- Organizational changes that promote effective implementation of gender mainstreaming, such as: staff capacity development; visible signs of political will and management commitment; establishment of **accountability** mechanisms; development of guidelines, manuals and other tools; establishment of a resource base of gender mainstreaming expertise. Such interventions may be reported at the outset at different levels of success.
- Dialogue and collaboration between and among government agencies, civil society **women's organizations**, academia and donors, propelling the incorporation of gender perspectives into discussions, planning and implementation. In some countries, national policy agendas are increasingly informed by active participation of gender advocates in national priority-setting for a"⁴²⁴

The biggest human rights issue for men is the recognition of men's human rights issues as important. Currently recognition and action on men's human rights issue is poor.

The mechanism for identifying gender related human rights issues is gender mainstreaming. It is supposed to reveal hidden gender issues.

There seems to be a disconnect between the principles of gender mainstreaming and the application of those principles.

Men's gender issue are not being incorporated into policy and practice. So gender mainstreaming is not working

To help solve this problem, I propose collecting and summarizing already existing guidelines gender mainstreaming and human rights and explaining how they apply to men's human rights and gender issues.

7.5 Gender mainstreaming made easy: handbook for programme staff

United Nations Development Programme (UNDP) 2013

Page 5 (9)

Initiatives focused on men support promotion of gender equality by developing male allies. It is crucial to understand that these two strategies

⁴²⁴ [Advancing Gender Equality and Women's Empowerment: An Assessment of Gender Mainstreaming in UN Operational Activities for Development](#)

– gender mainstreaming and women’s empowerment – are in no way in competition with each other. The endorsement of gender mainstreaming within an organization does not imply that targeted activities are no longer needed. The two strategies are complementary in a very real sense as gender mainstreaming must be carried out in a manner which is empowering for women.⁴²⁵

8 History of Gender Mainstreaming

8.1 Gender mainstreaming made easy: handbook for programme staff

United Nations Development Programme (UNDP) 2013
page 5 (9)

Gender mainstreaming was established as an intergovernmental mandate in the Beijing Declaration and Platform for Action on Gender Equality and Women’s Empowerment in 1995 (BPFA), and again in the ECOSOC Agreed Conclusions in 1997. The mandate for gender mainstreaming was considerably strengthened in the outcome of the General Assembly special session to follow-up the Beijing Conference (June 2000). Gender mainstreaming is not being imposed on governments by the United Nations. Member states have been involved in the intergovernmental discussions on gender mainstreaming since the mid-1990s and have, in consensus, adopted mainstreaming as an important global strategy for promoting gender equality⁴²⁶

9 Definitions

9.1 Empowerment of women

9.1.1 Gender mainstreaming made easy: handbook for programme staff

United Nations Development Programme (UNDP) 2013

The empowerment of women concerns women gaining power and control over their own lives. It involves awareness-raising, building self-confidence, expansion of choices, increased access to and control over resources and actions to transform the structures and institutions which reinforce and perpetuate gender discrimination and inequality. The process of empowerment is as important as the goal. Empowerment comes from within; women empower themselves. Inputs to promote the empowerment of women should facilitate women’s articulation of their needs and priorities and a more active role in

⁴²⁵ [Gender mainstreaming made easy: handbook for programme staff](#)

⁴²⁶ [Gender mainstreaming made easy: handbook for programme staff](#)

promoting these interests and needs. Empowerment of women cannot be achieved in a vacuum; men must be brought along in the process of change. Empowerment should not be seen as a zero-sum game where gains for women automatically imply losses for men. Increasing women's power in empowerment strategies does not refer to power over, or controlling forms of power, but rather to alternative forms of power: power to; power with and power from within which focus on utilizing individual and collective strengths to work towards common goals without coercion or domination.⁴²⁷

9.2 Gender

9.2.1 Gender mainstreaming made easy: handbook for programme staff

United Nations Development Programme (UNDP) 2013

The concept of gender needs to be understood clearly as a cross-cutting socio-cultural variable. It is an overarching variable in the sense that gender can also be applied to all other cross-cutting variables such as race, class, age, ethnic group, etc. Gender systems are established in different socio-cultural contexts which determine what is expected, allowed and valued in a woman/man and girl/boy in these specific contexts. Gender roles are learned through socialization processes; they are not fixed but are changeable over time and between cultures. Gender systems are institutionalized through education systems, political and economic systems, legislation, and culture and traditions. In utilizing a gender approach the focus is not on individual women and men but on the system which determines gender roles/responsibilities, access to and control over resources, and decision-making potentials.⁴²⁸

9.3 Gender Mainstreaming

9.3.1 Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe

Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS) Strasbourg, May 1998

At the United Nations Fourth World Conference on Women (Beijing, 1995), the strategy of gender mainstreaming was explicitly endorsed by the Platform for Action which was adopted at the end of the Conference. The Platform for Action calls for the promotion of the policy of gender mainstreaming, repeatedly stating that "governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men, respectively"⁴²⁹. Even though it does not give any guidelines on how to develop and implement this policy, many countries have adopted a national plan for gender mainstreaming as a result of the Platform for Action (see Part III).

In recent years, it has mostly been within the different intergovernmental European

⁴²⁷ [Gender mainstreaming made easy: handbook for programme staff](#)

⁴²⁸ [Gender mainstreaming made easy: handbook for programme staff](#)

⁴²⁹ See paragraphs 79, 105, 123, 141, 164, 189, 202, 229, 238, 252, 273

organisations that the concept of gender mainstreaming has been promoted. It was mentioned in the European Commission's third medium-term Community action programme on equal opportunities for women and men (1991-1995) and became a central issue in the current fourth action programme. The Commission also adopted a communication on gender mainstreaming^{430 431}

<See previous footnote

9.3.2 ...

Secondly, it mentions the functional and structural implications **gender mainstreaming involves, i.e. the reorganisation, improvement, development and evaluation of policy processes**. Gender mainstreaming is a political process as well as a technical one⁴³². It involves new ways of devising and approaching policies, shifts in organisational or in institutional culture and will lead to changes in societal structures. **Gender mainstreaming involves the reorganisation of policy processes** because it moves the attention of gender equality policies to everyday policies and to the activities of the actors ordinarily involved in the policy processes at stake.⁴³³

9.3.3 Gender mainstreaming made easy: handbook for programme staff

United Nations Development Programme (UNDP) 2013

Page 9

Gender mainstreaming is not an end in itself, but a means to an end. The calls for increased gender mainstreaming in the Economic and Social Council (ESCSOC) Agreed Conclusions (1997/2) are not for increased gender balance within the United Nations but for increased attention to gender perspectives and the goal of gender equality in the work of the United Nations. Gender mainstreaming does not only entail developing separate women's projects within work programmes, or even women's components within existing activities in the work programmes, it requires that attention is given to gender perspectives as an integral part of all activities across all programmes. **This involves making gender perspectives – what women and men do and what resources and decision-making processes they have access to – more central to all policy development, research, advocacy, development, implementation and monitoring of norms and standards, and planning, implementation and monitoring of projects.**⁴³⁴

⁴³⁰ It states that mainstreaming involves "mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of men and women (the gender perspective)." COM(96) 67 final from 21.2.1996.

⁴³¹ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

⁴³² IDS, 1997.

⁴³³ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

⁴³⁴ [Gender mainstreaming made easy: handbook for programme staff](#)

9.4 Gender Equality

9.4.1 Gender mainstreaming made easy: handbook for programme staff

United Nations Development Programme (UNDP) 2013

Page 8

Gender equality is the preferred terminology within the United Nations, rather than gender equity. Gender equity denotes an element of interpretation of social justice, usually based on tradition, custom, religion or culture, which is most often to the detriment to women. Such use of equity in relation to the advancement of women is unacceptable. During the Beijing conference in 1995 it was agreed that the term equality would be utilized. Gender equality means that the rights, responsibilities and opportunities of individuals will not depend on whether they are born male or female. Equality does not mean 'the same as' – promotion of gender equality does not mean that women and men will become the same. Equality between women and men has both a quantitative and a qualitative aspect. The quantitative aspect refers to the desire to achieve equal representation of women – increasing balance and parity, while the qualitative aspect refers to achieving equal influence on establishing development priorities and outcomes for women and men. Equality involves ensuring that the perceptions interests, needs and priorities of women and men (which can be very different because of the differing roles and responsibilities of women and men) will be given equal weight in planning and decision-making.

There is a dual rationale for promoting gender equality. Firstly, that equality between women and men – equal rights, opportunities and responsibilities - is a matter of human rights and social justice. And secondly, that greater equality between women and men is also a precondition for (and effective indicator of) sustainable people-centered development. The perceptions, interests, needs and priorities of both women and men must be taken into consideration not only as a matter of social justice but because they are necessary for successful development processes.⁴³⁵

9.4.2 Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe

Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS) Strasbourg, May 1998

9.4.2.11. What is gender equality?

Gender equality means an equal visibility, empowerment and participation of both sexes in all spheres of public and private life. Gender equality is the opposite of gender inequality, not of gender difference, and aims to promote the full participation of women and men in society.

For a long time – and it is often still the case - gender equality in Europe was defined as giving girls and boys, women and men, *de jure* equal rights, equal opportunities, equal conditions and equal treatment in all fields of life and in all spheres of society. Nowadays, it is recognised that equality *de jure* does not automatically lead to equality *de facto*. It is important to understand that men's and women's living conditions are very different – to some degree because of the childbearing function of women. The main point is not the mere existence of

⁴³⁵ [Gender mainstreaming made easy: handbook for programme staff](#)

such differences, but the fact that these differences should not have a negative impact on the living conditions of both women and men, should not discriminate against them and should contribute to an equal sharing of power in economy, society and policy-making processes. Gender equality is not synonymous with sameness, with establishing men, their life style and conditions as the norm.

In order to define gender equality, a closer look has to be taken at the gender concept. Two aspects are important in this context: the social construction of gender and the relationship between the sexes

Gender is a socially constructed definition of women and men. It is the social design of a biological sex, determined by the conception of tasks, functions and roles attributed to women and men in society and in public and private life. It is a culture-specific definition of femininity and masculinity and therefore varies in time and space. The construction and reproduction of gender takes place at the individual as well as at the societal level. Both are equally important. Individual human beings shape gender roles and norms through their activities and reproduce them by conforming to expectations.

There is a growing awareness that gender has to be considered also at a political and institutional level⁴³⁶. Policies and structures play a very important role in shaping the conditions of life, and in doing so, they often institutionalise the maintenance and reproduction of the social construction of gender. A history of discrimination and restraining roles is unconsciously written into everyday routines and policies.

Gender is not only a socially constructed definition of women and men, it is a socially constructed definition of the relationship between the sexes. This construction contains an unequal power relationship with male domination and female subordination in most spheres of life. Men and the tasks, roles, functions and values contributed to them are valued – in many aspects – higher than women and what is associated with them. It is increasingly recognised that society is characterised by this male bias: the male norm is taken as the norm for society as a whole, which is reflected in policies and structures. Policies and structures often unintentionally reproduce gender inequality⁴³⁷.

Gender equality means accepting and valuing equally the differences between women and men and the diverse roles they play in society. Gender equality includes the right to be different. This means taking into account the existing differences among women and men, which are related to class, political opinion, religion, ethnicity, race or sexual orientation. Gender equality means discussing how it is possible to go further, to change the structures in society which contribute to maintaining the unequal power relationships between women and men, and to reach a better balance in the various female and male values and priorities. Looking back at the two aspects of the gender concept discussed above, this implies calling into question the domination of ways of life, thinking and interests associated with men and the way in which our societal structures reproduce this norm. The problem is gender hierarchy, not women. The quintessence is to assure that the social construction of gender leaves room for difference and does not

⁴³⁶ UNIFEM, 1995:7. Conclusions of the Conference on "Equality and democracy: Utopia or challenge, Council of Europe, 1995.

⁴³⁷ Final Report of the Group of Specialists on Equality and Democracy, Council of Europe, 1996. 2 Scott's definition of gender links gender and power, because she states that "gender is a primary way of signifying relationships of power". According to Scott, gender becomes implicated in the conception and construction of power itself, because gender references establish to a certain extent distributions of power, that is differential control over, or access to, material and symbolic resources. (Scott, 1986: 1067)

contain a notion of hierarchy placing men higher than women⁴³⁸. It implies a real partnership between women and men and their shared responsibility in removing imbalances in public and private life. It is a question of using the competencies, skills and talents of each and every citizen, of involving both women and men in building society, solving problems and preparing the future. Society, in order to develop, is dependent on the utilisation of all human resources, and both women and men must participate fully to meet the different needs of society.

Gender equality must be constantly fought for, protected and promoted – like human rights, of which it is an integral part. Achieving gender equality is a continuous process that has to be constantly put into question, thought about and redefined. At present, the most important targets for gender equality include the following aspects:

An important target is the recognition and full implementation of women's rights as *human rights*. This includes effectively respecting, protecting and promoting the human rights of both women and men and, by taking the necessary measures, enabling both women and men to enjoy fully these rights. It also means combating interferences with women's liberty and dignity (combating violence against and trafficking in women or forced prostitution, promoting free choice in matters of reproduction and lifestyles, addressing the specific problems of migrant and minority women).

Besides human rights, the development and improvement of representative *democracy* is the most important pole. The persistent under-representation or sometimes absence of women in decision-making at all levels and in all fields of life is a major problem, even though there are great variations in this respect between countries. Promotion of the equal participation of women and men in political and public life and all other walks of life is part of the development of society. It is important for society as a whole that both women and men participate in all decisions taken in a society, given their various experiences in life. When women or men constitute about one third (the critical mass) of the members of a decision-making body, they influence the agenda and there is a real possibility for change. It is important also that women become visible in societal events to the same degree as men, and in the history of every state.

Another very important target for gender equality is the individual's *economic independence*, which leads to the securing of equal pay, equal access to credit, equal conditions on the labour market and the distribution of assets that take into account gender differences in private life. The position that women and men have in the economy is in many ways crucial to the balance of power between them. Fighting the feminisation of poverty is also important in this regard. Linked to the need for the individual's economic independence is the aim to reconcile family and working life for both men and women.

Education is a key target for gender equality as it involves the ways in which societies transfer norms, knowledge and skills. It is crucial that the education systems and all elements of these systems (teachers, schools, textbooks, research institutes and so on) empower both girls and boys, and take care in counterbalancing the existing gender

⁴³⁸ UNIFEM, 1995:7. Final Report of the Group of Specialists on Equality and Democracy, Council of Europe, 1996

hierarchies. Media professionals can be a target here too, as they have a very powerful position in the transfer and consolidation of norms and knowledge.

The last target to be mentioned is women's and men's common acknowledgement of the need to remove imbalances in society and their *shared responsibility* in doing so^{439, 440}.

10 Institutional framework for gender mainstreaming

10.1 Gender mainstreaming made easy: handbook for programme staff

United Nations Development Programme (UNDP) 2013

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is the international bill of rights for women; it spells out the meaning of equality and how it can be achieved, and provides an agenda for action by countries to guarantee the enjoyment of those rights. Ratification of CEDAW by the Government of Somalia in the coming years will be a major achievement towards promoting gender equality for the people of Somalia, UNDP and the UNCT as a whole.⁴

Beijing Declaration and Platform for Action on Gender Equality and Women's Empowerment, 1995 (BPFA) which provides the first global commitment to gender mainstreaming as the methodology by which women's empowerment will be achieved. In providing a blueprint for women's empowerment the Platform includes analysis of problems and opportunities in 12 critical areas of concern with clear and specific standards for action by all actors. In implementing the suggested actions the PFA requires that, 'an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively'.⁵

Millennium Development Goals (MDGs) recognize that gender equality is both a goal in itself (MDG-3), and a condition for the achievement of all other goals. Achieving the MDGs will strengthen the capacities of Somalia for peace and development. It is recognized that a constructive post-conflict recovery is essential towards achieving the MDGs and that women should take part in its accomplishment.⁶

UN Security Council Resolution 1325 on Women Peace and Security (UNSCR 1325) reaffirms 'the important role of women in the prevention and resolution of conflicts and in peace-building, and the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security'. Subsequent Resolutions 1820, 1888 and 1889 all address sexual violence in armed conflict, which is part of Outcome 4 of the CPD implementation and proffers special mechanisms to end impunity for sexual violence, increase expertise for response to sexual violence in conflict and enhance monitoring and reporting of states compliance.⁷

UN System-wide Policy on Gender Equality and the Empowerment of

⁴³⁹ Declaration and Resolutions adopted at the 4th European Ministerial Conference on equality between women and men, Istanbul, 1997

⁴⁴⁰ [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

Women (CEB 2006) requires that action plans should include a clear statement in support of gender equality; between one third and one half of results statements integrate the production of gender equality, and that all data are disaggregated by sex, or specific reasons for not doing so are noted.⁸ UNDP Global Gender Equality Strategy 2008 – 2013 (GES), which aims to: 1) Develop capacities, in-country and in-house, to integrate gender concerns into all programmes and practice areas; 2) Provide gender-responsive policy advisory services that promote gender equality and women’s empowerment in all focus areas, including in-country programmes, planning instruments and sector-wide programmes; and 3) Support specific interventions that benefit women and scale up innovative models.⁹ The Eight-Point Agenda for Women’s Empowerment and Gender Equality in Crisis Prevention and Recovery (The 8PA), was developed by UNDP, and has become a blueprint for action and advocacy on gender-responsive crisis prevention and recovery focusing on eight key areas: stopping violence against women, providing justice and security for women, advancing women and decision-makers, involving women in all peace processes, supporting women and men to build back better, promoting women as leaders of recovery, including women’s issues on the national agenda and working together to transform society. The full 8PA is provided on page 14. UNDP Somalia Gender Equality and Women’s Empowerment Strategy 2011 – 2015 (CO Gender Strategy) aligns with the CPD (2011-2015) and describes how the CO will establish a system to integrate gender equality and women’s empowerment in its policies, operations and programming. The strategy outlines a four-pronged approach: 1) Mainstreaming gender equality and women’s empowerment (GEWE) outputs and indicators under Outcomes 1, 2, and 3 of the CPD; 2) Undertaking specific interventions to support GEWE through Outcome 4: Somali women and men attain greater gender equality and are empowered; 3) Mainstreaming gender equality considerations in all institutional and organizational practices; and 4) Developing strategic partnerships in implementing gender-responsive interventions. UNDP Guideline/Checklist on Gender Mainstreaming. The document can be used both as a guide to mainstream gender equality considerations in UNDP country office activities and as a tool to assist in monitoring and reporting upon gender mainstreaming the activities. See the full guideline/checklist on pages 41-44.⁴⁴¹

11 Gender work mostly done by women and feminists.

Note: feminist approaches are meant to look at who does the research and makes the policies.

11.1 GENDER MAINSTREAMING – Conceptual framework, methodology and presentation of good practices – Council of Europe

Final Report of Activities of the Group of Specialists on Mainstreaming

⁴⁴¹ [Gender mainstreaming made easy: handbook for programme staff](#)

(EG-S-MS) Strasbourg, May 1998

The Group relied mainly on two sources of information. Firstly, it collected the existing policy documents, strategy or working papers. Secondly, women's studies centres and other organisations and institutions possessing specialist gender related knowledge were consulted. The report is based on this material and on discussions in the group.⁴⁴²

Including the Human Rights of Men and Boys

Guidance for NHRIs

12 Brief History of gender and human rights

Equal rights of men and women in UDHR

Recognition that women face different and unique human rights issues compared to men
assumption that because the majority of authors of human rights treaties were men, that men's rights are magically understood, included and protected by those treaties.

Instead of understanding those treaties as 'men's rights' treaties, it can be understood as identifying the most obvious, public human rights issues. Especially as the UDHR was written after the horrors of WWII and certain human rights issues were prominent peoples minds.

It was recognised that a lot of human rights issues facing women were not obvious and public but occurred in private spaces, but this thought was not extended to non-obvious men's right issues.

13 Basic principles

Everyone has human rights. They are 'human' rights because all humans have them. Men and boys are human beings and therefore have the same rights as everybody else.

Human rights need protecting. Therefore the human rights of men and boys need protecting.

One of the roles of NHRIs is to protect human rights, so NHRIs must consider how to protect the rights of men and boys, in addition to the rights of women and girls.

Likewise, one of the roles of NHRIs is to promote human rights, so NHRIs must consider how to promote the rights of men and boys, in addition to the rights of women and girls

Little has been written about protecting the rights of men and boys. Fortunately,

⁴⁴² [Gender Mainstreaming – Conceptual framework, methodology and presentation of good practices – Council of Europe](#)

protecting the rights of men and boys only requires applying human rights principles and standards that *are* widely supported and written about.

One of the barriers to protecting the rights of men and boys is our own preconceived ideas and assumptions. So this guidance primarily takes the role of explicitly stating how already established human rights principles and standards apply to men and boys to encourage work that aligns with those principles and standards.

Because human rights principles and standards apply to everyone, in most cases the term ‘men and boys’ in this document can be substituted for any other group.

This guidance is focused on NHRIs but is useful for anyone who applies human rights principles to their work.

For example, we can consider the principle of gender equality and how that relates to men and boys. UN Women defines gender equality as

the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women’s issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.

Source: UN Women, OSAGI Gender Mainstreaming - Concepts and definitions

from *UN Women Training Centre Gender Equality Glossary*

<https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=letter&hook=G&sortkey&sortorder&fullsearch=0&page=-1>

So applying the principle of gender equality with regard to men and boys requires considering “the interests, needs and priorities” of men and boys, in addition to women and girls, and ensuring that men and boys have equal rights, responsibilities and opportunities with women and girls.

Unfortunately this principle is often not followed through in practice. For example, the targets for SDG 5 ‘Achieve gender equality and empower all women and girls’ mention women and girls but does not mention men and boys at all. Failing to include the interests, needs and priorities of men and boys means that SDG 5 is not, in fact, about gender equality.

SDG 5 targets

- 5.1 End all forms of discrimination against all women and girls everywhere
- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female

genital mutilation

5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life

5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences

5.A Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws

5.B Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women

5.C Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels



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We are the global champion for *gender equality*.

UN Women is the UN organization delivering programmes, policies and standards that uphold women's human rights and ensure that every woman and girl lives up to her full potential.

About UN Women <https://archive.ph/KCFQb>

14 Consultation and co-operation with men

14.1 General Observation 1.5 Cooperation with other human rights bodies

Regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates. NHRIs should develop, formalize and maintain working relationships, as appropriate, with other domestic institutions established for the promotion and protection of human rights, including sub-national statutory human rights institutions, thematic institutions, as well as civil society and non-governmental organizations.

...

justification ...

To give full effect to these Paris Principle requirements, the SCA recommends that NHRIs should develop, formalize and maintain regular, constructive and systematic working relationships with other domestic institutions and actors established for the promotion and protection of human rights. Interaction may include the sharing of knowledge, such as research studies, best practices, training programmes, statistical information and data, and general information on its activities. For the following reasons the SCA considers such cooperation necessary to ensure the full realization of human rights nation-wide:

National human rights framework – The effectiveness of an NHRI in implementing its mandate to protect and promote human rights is largely dependent upon the quality of its

working relationships with other national democratic institutions such as: government departments; judicial bodies; lawyers' organizations; non-governmental organizations; the media; and other civil society associations. Broad engagement with all stakeholders may provide a better understanding of: the breadth of human rights issues across the state; the impact of such issues based on social cultural, geographic and other factors; gaps, as well as potential overlap and duplication in the setting of policy, priorities and implementation strategies. NHRIs working in isolation may be limited in their ability to provide adequate human rights protections to the public.

- *Unique position of NHRIs* – The character and identity of an NHRI serves to distinguish it from both government bodies and civil society. As independent, pluralistic institutions, NHRIs can play an important role.

16

- *Improved accessibility* – The NHRI's relations with civil society and NGOs is particularly important in improving its accessibility to sections of the populations who are geographically, politically or socially remote. These organizations are likely to have closer relations with vulnerable groups as they often have a more extensive network than NHRIs and are almost always likely to be closer to the ground. In this way, NHRIs may utilize civil society to provide an outreach mechanism to engage with vulnerable groups.

- *Expertise of other human rights bodies* – As a result of their specialized mandates, other human rights bodies and civil society groups may provide an NHRI with valuable advice on the major human rights issues facing vulnerable groups across the nation. As such, NHRIs are encouraged to regularly consult with other human rights bodies and civil society at all stages of programme planning and implementation, as well as policy making, to ensure the NHRI's activities reflect public concerns and priorities. Developing effective relationships with the mass media, as a section of civil society, is a particularly important tool for human rights education.

- *Formalized relationships* – The importance of formalizing clear and workable relationships with other human rights bodies and civil society, such as through public memoranda of understanding, serves as a reflection of the importance of ensuring regular, constructive working relationships and is key to increasing the transparency of the NHRI's work with these bodies

14.1.1 implications for men and boys

NHRIs should be working with men's advocates and organisations.

Have a person who is responsible for liaising with men's organisations. Improves accessibility for men's organisations and continuity.

Explicitly include men's organisations and men's advocates in consultations.

The Paris Principles recognise that **effective human rights work requires engagement of and collaboration among all relevant actors**. They require that NHRIs work in cooperation with other State institutions, NGOs and other parts of civil society, including parliament, judicial bodies,⁷⁹ the civil service, other State institutions with responsibility for the promotion and protection of human rights, such as ombudsmen and mediators, sub-national statutory human rights institutions and thematic institutions,⁸⁰ and the

media.⁴⁴³

14.2 Accessibility

The Paris Principles do not have a specific section dealing with the accessibility of NHRIs. However, accessibility is implied in many provisions and indeed in broader human rights law dealing with access to remedies for violations of human rights. As NHRIs are established to provide remedies for violations, they must be accessible to victims seeking remedies. Accessibility has socio-economic, cultural, geographical and procedural dimensions⁴⁴⁴

...

International human rights law provides that victims of human rights violations are entitled to a remedy to which they have “equal and effective access”.⁹¹ As providers of remedies, NHRIs must ensure that they are accessible to victims on an “equal and effective” basis.

...

In short, any person who is a victim of human rights violation or at risk of human rights violation may encounter accessibility issues. NHRIs are required to take positive steps to ensure “equal and effective access”. These steps can include:

- not imposing fees on filing complaints and cases
- providing legal advice and assistance to victims filing complaints and cases
- ensuring that offices and facilities are physically accessible to persons with disabilities⁹⁴ and all gender identities⁹⁵
- providing information in oral and written form, in simple language, in minority languages and in forms accessible to people with visual and hearing impairment
- opening offices outside the capital, in regional and district locations⁹⁶
- providing mobile services and clinics to reach people in remote locations
- having members and staff who are drawn from and have lived experience of minority groups, are female and are able to communicate well with children and with older people using appropriate technology to facilitate access and communications⁴⁴⁵

15 Obligations

NHRIs have obligations

15.1 Paris principles

The Paris principles set out the minimum standards for NHRIs

The *Sub-Committee on Accreditation (SCA)* of the *Global Alliance Of National Human Rights Institutions (GANHRI)* is responsible for assessing NHRIs compliance with the Paris Principles. The SCA released some General

⁴⁴³ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴⁴⁴ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

⁴⁴⁵ A Manual on National Human Rights Institutions - Asia Pacific Forum of National Human Rights Institutions May 2015 (updated May 2018)

Observations on the Paris Principles which can be used to ensure compliance with the Paris Principles.

Here are the most relevant General Observations for men and boys. The SCA considered these general observations essential to compliance with the Paris Principles.:

Men's Rights Website

16 Men's rights 101

16.1 What are Men's Rights

Men's rights are human rights issues that uniquely or predominately affect men or boys.⁴⁴⁶

Men have the same human rights as everyone else and if a human rights violation affects only men, such as a law that explicitly discriminates against men, then that is a men's rights issue. Likewise, if men are the majority of victims of a human rights violation, that is also a men's rights issue.

Men's rights can also refer to men's right to be free from discrimination as men, and their right to have their human rights taken seriously and given equal weight with everyone else's rights.

More broadly, *men's rights* also includes discussion of social issues that affect men, especially when these issues contribute to human rights issues for men and boys.

17 Men's rights advocacy

Men's rights advocacy consists of advocating for:

17.1 Recognition of men as equal rights-holders

Recognising that people have human rights means ensuring our behaviour reflects that.

⁴⁴⁶ For example, in "Human Rights as Men's Rights" Hilary Charlesworth argues that because much human rights law concerns issues that predominately affect men, human rights law can be seen as "men's rights" law.

Decision-makers have special responsibility for considering how their decisions impact people and their human rights. Governments have accepted responsibility to protect, respect, and fulfil human rights by ratifying or signing international human rights treaties.

MRAs advocate for decision-makers treating men's human rights as seriously as everyone else. That means considering the human right consequences for decisions.

Applying a human rights based approach.

Unfortunately people don't always recognise the consequences of men having the same rights as everyone else. Equal rights means decision-makers and other duty-bearers must give men's rights the same consideration as everyone else.

Human rights based approach

Video – A human rights based approach to men's rights

17.1.1 Introduction

The subject of "men's rights" is controversial. Various human rights organisations have expressed concern about "men's rights" groups. But there have been few suggestions for resolving the concern.

In this video I propose a solution for organisations and other decision-makers.

The solution is to take a *human rights based approach* to men's rights.

A human rights based approach is relevant for everyone, but in this video I focus on men.

17.1.2 A Human Rights Based Approach

A human rights based approach was introduced by the UN and is widely supported by human rights organisations. This video is based on the work of:

The New Zealand Human Rights Commission

The Scottish Human Rights Commission

The Danish Institute for Human Rights

A human rights based approach incorporates human rights principles into your organisation's policy and practices. It's a method to ensure a commitment to human rights results in practical improvement to people's lives.

A rights-based approach recognises that human beings are *rights-holders* and Governments and other organisations are *duty-bearers*. Duty-bearers have obligations to protect, respect and fulfil the rights of rights-holders.

A rights based approach applies the human rights principles to your organisation's policies and practices. It is relevant to both **processes**, and the **outcomes**.

The principles are summarised as Participation, Accountability,

Non-discrimination, Empowerment, and Legality

Or the PANEL principles.

17.1.3 Men as rights holders

Duty-bearers, like governments, have the obligation to uphold the rights of women and men, and to ensure they have equal rights.

In this video I highlight men as *rights-holders*.

This is because many human rights and gender equality frameworks treat men as duty-bearers, or even rights-violators, rather than rights holders.

Let's look at how you can apply the PANEL principles to men's rights.

17.1.4 Participation

The principle of participation is often summarized as *Nothing about us, without us*.

Participation means more than just having men present in your policy development and implementation. It means considering men's needs and what effect your decisions will have on men.

Men should have genuine and meaningful participation in a way that can influence your decisions.

You should actively seek out men and men's organisations to participate and remove barriers that would prevent participation.

Men are not one homogenous group, so you should engage with all kinds of men, from all kinds of backgrounds.

17.1.5 Accountability

You should be accountable to men as *rights-holders*. Accountability means identifying and fixing issues and responding to complaints.

You should proactively monitor how your policies and programs affect men.

Your monitoring process should be able to detect if there are any problems for men. At a minimum, you should collect sex-disaggregated data in your evaluations.

You should have your processes and programs independently assessed for their effect on men, and to see if they are meeting the required standards.

When issues are identified, you should fix the problem, or clearly explain why you have chosen not to.

17.1.6 Non-discrimination and equality

You should make sure all forms of discrimination against men are prohibited, prevented and eliminated.

You should make sure that your activities do not indirectly discriminate against men. Unforeseen issues may mean that gender-neutral policies and programs do not have gender neutral results.

You should prioritise the most vulnerable and those who face the biggest barriers to realising their rights. But don't use gender-stereotypes about vulnerability in place of an evidence-based assessment.

Be aware that broad statistical averages can hide vulnerable men.

Men can be over-represented in both the most-vulnerable *and* least-vulnerable. For example, men can be over-represented in school drop-outs and also over-represented in the most-educated.

17.1.7 Empowerment

Your organisation should make it easier for men to know what their rights are and to claim their rights. This includes things like educating men about their rights and how those rights affect their day to day lives.

You should support men to advocate for their rights.

Your policies and programs should make it easier for you, and other duty-bearers, to meet your obligations to rights-holders.

You should support, value, learn from and act on what men say about their human rights.

17.1.8 Legality

Human rights are a moral issue and a legal one. A human rights based approach requires the recognition of rights as *legally enforceable entitlements*.

Your organisation should respect national and international human rights law.

International human rights treaties recognise equal enjoyment of rights between men and women is a right in itself. That is, men have a right to equal enjoyment of their rights.

Failing to ensure men have equal enjoyment of their rights is a violation of those treaties.

17.1.9 Conclusion

A human rights based approach to men's rights treats men as *rights-holders*.

Duty-bearers have an obligation to men as rights-holders.

As a duty-bearer you should apply the PANEL principles.

Participation

Accountability

Non-discrimination and equality

Empowerment

Legality

17.2 Redress for violations of men's rights

MRAs advocate for addressing violations of men's rights. For example repealing discriminatory laws.

17.3 Education and awareness of men's rights issues

One of the significant issues for addressing men's rights issues is widespread ignorance of the issues.

17.4 Opposing ideas that undermine men's equal rights.

Protecting men's rights means countering ideas that undermine men's rights. There are a number of ideas that create problems for men realising their rights.

17.4.1 Myth of men's in-group bias

The false idea having men in power benefits men as a group.

Rights need to be protected regardless of who is in power.

17.4.2 Men have all their rights/men's rights don't need protecting

Men have the right to advocate for their rights

17.4.3 Ladies first

The idea that women's rights are more important than men's rights

All rights are equal and no one's rights are more important than anyone else's.

17.4.4 Men's issues are cause by men

Men's human rights issues are caused by a wide variety of factors that both women and men contribute to

17.4.5 Men's issues are not **because** they are men

17.5 Opposing gender stereotypes

MRA's highlight how gender stereotypes affect men and boys.

See UN stuff on gender stereotyping

OHCHR_Gender_Stereotyping_as_HR_Violation_2013_en.pdf

If all people have the same rights then making distinctions about rights based on beliefs about certain groups, eg men, or characteristics, is wrong because that would mean different people have different rights.

18 Foundations of Men's Human Rights

The concept of the equal rights for men and women has been formalised into international human rights law.

18.1 Recognition of equal rights in human rights law

The equal rights of women and men have been recognised in international human rights law for decades.

United Nations Charter(1945):

Preamble — “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...”

Article 1 — “To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

The Universal Declaration of Human Rights (1948):

Preamble — “Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,”

Article 1 — “All human beings are born free and equal in dignity and rights”

Article 2 — “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, ... birth or other status.”

International Covenant on Civil and Political Rights(1966):

“Article 3 — The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”

International Covenant on Economic, Social and Cultural Rights(1966):

Article 3 — The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Convention on the Elimination of All Forms of Discrimination against Women
preamble(1979):

Preamble — “Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights, “

18.1.1 State Obligations

2 General Comment 28 on Equality of Rights between Men and Women) that the ICCPR

The obligation to ensure to all individuals the rights recognized in the Covenant, established in articles 2 and 3 of the Covenant, **requires that States parties take all necessary steps to enable every person to enjoy those rights.** These steps include the removal of obstacles to the equal enjoyment of such rights, the education of the

population and of State officials in human rights, and the adjustment of domestic legislation so as to give effect to the undertakings set forth in the Covenant. The State party must not only adopt measures of protection, but also positive measures in all areas so as to achieve the effective and equal empowerment of women.

Therefore men's rights advocacy is about holding governments accountable for their obligation to protect men's rights.

19 Gender equality

How does men's rights fit into gender equality.

Gender equality is a natural consequence of human rights. If all people have the same rights, then this applies to everyone regardless of gender.

Gender equality means “the rights, responsibilities, and opportunities of individuals do not depend on whether they are male or female. It implies that the perceptions, interests, needs, and priorities of women and men will be given equal weight in planning and decision-making.”⁴⁴⁷

In the context of men's rights, this means that gender equality measures should give equal weight to men's needs and interests. Unfortunately, many people understand 'gender equality' to mean 'women's empowerment'. For example Jackie Blue from New Zealand Human Rights Commission describes gender equality as “XXXX” and the SDG for gender equality does not mention men and boys at all.

Defining Gender equality has, ironically, been unequal. It has been dominated by women and women's movements. This may have led to the definition inadequately representing men's perceptions, interests, needs, and priorities.

<https://natlib.govt.nz/he-tohu/learning/social-inquiry-resources/gender-equality/gender-equality-supporting-activities-and-resources/definitions-of-key-gender-equality-terms>

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<https://natlib.govt.nz/he-tohu/learning/social-inquiry-resources/gender-equality/gender-equality-supporting-activities-and-resources/definitions-of-key-gender-equality-terms>

Gender equality

The rights, responsibilities, and opportunities of individuals do not depend on whether they are male or female. It implies that the perceptions, interests, needs, and priorities of women and men will be given equal weight in planning and decision-making.

Gender equity

The process of allocating resources, programmes, and decision-making fairly to both males and females without any discrimination on the basis of sex and addressing any imbalances in the benefits available to males and females.

<https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

Equality between women and men (gender equality): refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.

<https://www.unfpa.org/gender-equality>

Gender equality is a human right.

Women are entitled to live with dignity and freedom from fear. Gender equality is also a precondition for advancing development and reducing poverty: Empowered women contribute to the health and productivity of entire families and communities, improving prospects for the next generation. Still, despite solid evidence demonstrating the centrality of women's empowerment to realizing human rights, reducing poverty, promoting development and addressing the world's most urgent challenges, gender equality remains an unfulfilled promise.

For decades UNFPA has advocated for women and girls, promoting legal and policy reforms and gender-responsive data collection, as well as supporting initiatives that improve the health of women and girls and expand their choices in life.

<https://www.gatesgenderequalitytoolbox.org/definitions-concepts/gender-equality-lexicon/>

19. Gender Equity

Fairness in treatment of all people regardless of sex or gender identity and/or expression.

The concept of gender equity recognizes that individuals have different needs and power based on their sex or gender identity and/or expression, and that these differences should be identified and addressed in a manner that rectifies inequities. To ensure fairness, affirmative action is often used to remedy gaps and compensate for historical and social disadvantages that prevent individuals from otherwise operating as equals. Gender equity is a strategy that can lead to gender equality using targeted time-bound policies.

20. Gender Equality

The state of being equal in status, rights and opportunities, and of being valued equally, regardless of sex or gender identity and/or expression.

In a state of gender equality, people are free to develop their personal abilities and make choices without the limitations set by stereotypes, gender norms, or prejudices. Gender equality is widely recognized as a fundamental human rights concern and a precondition for advancing development, reducing poverty, and promoting sustainable development. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration and that achievement of development outcomes does not depend on an individual's sex or gender identity and/or expression.

19.2 3 types of gender equality

Contested Gender Equality and Policy Variety in Europe: Introducing a Critical Frame Analysis Approach

Mieke Verloo and Emanuela Lombardo

19.2.1 Contested Gender Equality: Different Visions, Debates, and Locations across Europe

Gender equality is a contested notion. Its contested character is obscured partly by its frequent appearance as a harmonious and a-conflictual concept, either due to a tendency to homogenize diversity under a dominant norm (for instance, that of the European Union) or due to an explicit "strategic framing" of the concept to make it enter more easily into the policy agenda as a common and accepted goal (Verloo 2005a). Nevertheless, **the meaning of gender equality always has been highly debated within feminist theory and today**, as much as any other time in history, it is capable of generating continuous questions and dilemmas. What is the problem of gender in/equality? What could be a solution to the problem? Should the goal be equality? Or difference? Or

diversity? There is little consensus among actors from politics, from civil society, and from academia on what gender equality actually means and should mean.

The concept therefore can be seen as an empty signifier that takes as many meanings as the variety of visions and debates on the issue allow it to take.

Feminism in fact has been defined as a cluster of contesting views on the gender problematic (Arneil 1999; Verloo 2005b). Similarly, gender equality policies can be studied as clusters of contesting views on addressing the gender problematic.

This book therefore explores the diverse and contested nature of gender equality. It does so by relating to three different levels of analysis: the first concerns the existence of different visions of gender equality; the second focuses on the different political and theoretical debates that arise within the framework of these visions; and the third refers to the different contextual locations in which such visions and debates over gender equality take place in actual policy practices.

22

19.2.2 Visions of Gender Equality

The variety of feminist traditions or paths to achieve a society free from gender domination and oppression is seen to have articulated at least three main different visions of gender equality, which then can translate into different political strategies (Walby 2005). Gender equality can be conceptualized as a problem of achieving equality as sameness (this is linked to the strategy of equal opportunities), or of affirming difference from the male norm (positive actions fit with this approach, although they are not limited to it), or of transforming all established norms and standards of what is/should be female and male (gender mainstreaming has been considered as a strategy suitable to achieve this) (Rees 1998; Walby 2005; Squires 2005; Verloo 2005a). This variety of visions has also been referred to as "inclusion," "reversal," and "displacement," whereby each of them refers to the principles of equality, difference, and transformation, respectively (Squires 1999; 2005). By providing different conceptual and explanatory frameworks, equality, difference, and transformation seek to respond to the fundamental questions "what is the problem of gender inequality?" and "how could the problem of gender inequality be solved?"

According to the vision of equality as sameness, the problem is that women have been excluded from the political and the solution proposed is to include them in the world as it is, without challenging the underlying male norm. The idea is that each individual, irrespective of gender, should have access to the rights and opportunities enjoyed by men and should be treated according to the same principles, norms, and standards. However, this feminist route is criticized for not directly challenging dominant patriarchal values. It aspires to a gender-neutral world in which women are treated as if they were equal to men and is commonly linked to the liberal tradition of feminism (Squires 1999; Verloo 2005a).

In contrast, the approach of difference or reversal rather problematizes the existence of an unquestioned male norm that women must either imitate or be compensated for not attaining (Mackinnon 1987). The proposed solution then is seen to reconstruct the political by seeking recognition of (women's)

non-hegemonic gendered identities that have been treated as different in comparison to male normative identities and cultures. The notion of positive actions, which recommends to take gender into account in establishing the criteria for employment, promotions, and participation in decision-making institutions (and favoring, in cases of equal merit, a woman over a man), originates from this theoretical approach. This vision frequently is associated with radical and cultural feminists (Squires 1999; Verloo 2005a; Ferguson 1993).

In the vision of transformation or displacement, more typical of postmodern feminists, it is the gendered world itself that is problematized, not only the exclusion

23

of women or the existence of a male norm. The proposed solution is to move beyond the fictitious dilemma of equality versus difference by deconstructing political discourses that engender the subject and by adopting diversity politics. This transformative vision of gender equality is, according to Squires (2005), particularly apt for conceptualizing the strategy of gender mainstreaming. This is due to the fact that its changing character makes it particularly suitable to embrace the challenge of incorporating gender into the mainstream, a process that implies the continuous questioning of established categories and meanings both in the mainstream and in gender theory. In order for displacement to be a politically feasible strategy, Verloo (2005a) recommends to link the emphasis on diversity and displacement with the aspect of empowerment, which would be based on the opening of public spaces for the expression of ongoing feminist political debates over the meanings of gender equality. Mainstreaming gender in all policy areas also would require, according to Walby, the need to take into account the complex interaction between different gender regimes and policy areas by considering the specificity of each domain with its particular institutions and gender equality politics and policies "to understand whether changes in one domain are likely, ultimately, to have implications for other domains" (Walby 2005: 328; 2004).

19.3 Gender equality as a women's issue

<https://arabstates.unfpa.org/en/topics/human-rights-gender-equality-0>

<https://www.un.org/en/global-issues/gender-equality#:~:text=a%20human%20right-,Gender%20Equality%20was%20made%20part%20of%20international%20human%20rights%20law,Assembly%20on%2010%20December%201948.>

<https://cambodia.ohchr.org/en/issues/gender-equality-and-human-rights>

20 Unique Issues

20.1 Paternity Uncertainty

20.2 Discriminatory laws

20.3 Predominant Issues

20.4 Women's rights and men's rights

What is the relationship between women's rights and men's rights?

Both women and men have the same human rights. Women's rights are the human rights issues that uniquely or predominately affect women and girls.

20.5 Discrimination

AddressingtheneedsofwomenandmeninGazaA.pdf

THE BASICS OF GENDER IN CRISIS

I. Why Does Gender Matter in Crisis Situations?

The Gaza crisis situation has profoundly different impacts on women, girls, boys and men. They face different risks and are thus affected in different ways. Here are some other ways of understanding why gender issues matter in crisis situations:

Women and men have different concerns and bring different issues to the table:

When analysing a situation, who you consult with has implications not only for what you hear and understand, but also for what your response options are likely to be. This may be stating the obvious, but experience to date shows that gender aspects of crises are often overlooked and invisible when interventions are planned without consulting women.

Women and men often highlight different concerns and bring different perspectives, experiences and solutions to the issues. They also have differing perceptions and concerns regarding culturally acceptable practices. **A clear and accurate picture of a situation cannot be attained if 50% or more of the population has not been consulted, as it can**

mean that 50% of the information needed is missing.⁴⁴⁸

21 General Comment 28 on Equality of Rights between Men and Women) that the ICCPR

The obligation to ensure to all individuals the rights recognized in the Covenant, established in articles 2 and 3 of the Covenant, requires that States parties take all necessary steps to enable every person to enjoy those rights. These steps include the removal of obstacles to the equal enjoyment of such rights, the education of the population and of State officials in human rights, and the adjustment of domestic legislation so as to give effect to the undertakings set forth in the Covenant. The State party must not only adopt measures of protection, but also positive measures in all areas so as to achieve the effective and equal empowerment of women.

22 Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural

Rights General comment No. 16 (2005)

The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights)

22.1 Introduction

1. The equal right of men and women to the enjoyment of all human rights is one of the fundamental principles recognized under international law and enshrined in the main international human rights instruments. The International Covenant on Economic, Social and Cultural Rights (ICESCR) protects human rights that are fundamental to the dignity of every person. In particular, article 3 of this Covenant provides for the equal right of men and women to the enjoyment of the rights it articulates. This provision is founded on Article 1, paragraph 3, of the United Nations Charter and article 2 of the Universal Declaration of Human Rights. Except for the reference to ICESCR, it is identical to article 3 of the International Covenant on Civil and Political Rights (ICCPR), which was drafted at the same time.

2. The travaux préparatoires state that article 3 was included in the Covenant, as well as in ICCPR, to indicate that beyond a prohibition of discrimination, “the

⁴⁴⁸ AddressingtheneedsofwomenandmeninGazaA.pdf

same rights should be expressly recognized for men and women on an equal footing and suitable measures should be taken to ensure that women had the opportunity to exercise their rights Moreover, even if article 3 overlapped with article 2, paragraph 2, it was still necessary to reaffirm the equality rights between men and women. That fundamental principle, which was enshrined in the Charter of the United Nations, must be constantly emphasized, especially as there were still many prejudices preventing its full application".⁴⁴⁹ Unlike article 26 of ICCPR, articles 3 and 2, paragraph 2, of ICESCR are not stand-alone provisions, but should be read in conjunction with each specific right guaranteed under part III of the Covenant.

3. Article 2, paragraph 2, of ICESCR provides for a guarantee of non-discrimination on the basis of sex among other grounds. This provision, and the guarantee of equal enjoyment of rights by men and women in article 3, are integrally related and mutually reinforcing. Moreover, the elimination of discrimination is fundamental to the enjoyment of economic, social and cultural rights on a basis of equality.

4. The Committee on Economic, Social and Cultural Rights (CESCR) has taken particular note of factors negatively affecting the equal right of men and women to the enjoyment of economic, social and cultural rights in many of its general comments, including those on the right to adequate housing,⁴⁵⁰ the right to adequate food,⁴⁵¹ the right to education,⁴⁵² the right to the highest attainable standard of health,⁴⁵³ and the right to water.⁴⁵⁴ The Committee also routinely requests information on the equal enjoyment by men and women of the rights guaranteed under the Covenant in its list of issues in relation to States parties' reports and during its dialogue with States parties.

5. Women are often denied equal enjoyment of their human rights, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination. Many women experience distinct forms of discrimination due to the intersection of sex with such factors as race, colour, language, religion, political and other opinion, national or social origin, property, birth, or other status, such as age, ethnicity, disability, marital, refugee or migrant status, resulting in compounded disadvantage.⁴⁵⁵

⁴⁴⁹ Draft International Covenants on Human Rights Report of the Third Committee. A/53/65 (17 December 1962), para. 85.

⁴⁵⁰ Committee on Economic, Social and Cultural Rights (hereinafter CESCR), general comment No. 4 (1991): The right to adequate housing (article 11, paragraph 1 of the Covenant) para. 6; general comment No. 7 (1997): The right to adequate housing (article 11, paragraph 1 of the Covenant): Forced evictions, para. 10.

⁴⁵¹ CESCR, general comment No. 12 (1999): The right to adequate food (article 11 of the Covenant), para. 26.

⁴⁵² CESCR, general comment No. 11 (1999): Plans for primary education (article 14 of the Covenant), para. 3; general comment No. 13 (1999): The right to education (article 13 of the Covenant), paras. 6 (b), 31 and 32.

⁴⁵³ CESCR, general comment No. 14 (2000): The right to the highest attainable standard of health (article 12 of the Covenant), paras. 18-22.

⁴⁵⁴ CESCR, general comment No. 15 (2000): The right to water (articles 11 and 12 of the Covenant), paras. 13 and 14.

⁴⁵⁵ Cf. Committee on the Elimination of Racial Discrimination, general comment XXV (2000): Gender-related dimensions of racial discrimination.

22.2 I. CONCEPTUAL FRAMEWORK

22.2.1 A. Equality

6. The essence of article 3 of ICESCR is that the rights set forth in the Covenant are to be enjoyed by men and women on a basis of equality, a concept that carries substantive meaning. While expressions of formal equality may be found in constitutional provisions, legislation and policies of Governments, article 3 also mandates the equal enjoyment of the rights in the Covenant for men and women in practice.

7. The enjoyment of human rights on the basis of equality between men and women must be understood comprehensively. Guarantees of non-discrimination and equality in international human rights treaties mandate both de facto and de jure equality. De jure (or formal) equality and de facto (or substantive) equality are different but interconnected concepts. Formal equality assumes that equality is achieved if a law or policy treats men and women in a neutral manner. Substantive equality is concerned, in addition, with the effects of laws, policies and practices and with ensuring that they do not maintain, but rather alleviate, the inherent disadvantage that particular groups experience.

8. **Substantive equality** for men and women will not be achieved simply through the enactment of laws or the adoption of policies that are, prima facie, gender-neutral. In implementing article 3, States parties should take into account that such laws, policies and practice can fail to address or even perpetuate inequality between men and women because they do not take account of existing economic, social and cultural inequalities, particularly those experienced by women.

9. According to article 3, States parties must respect the principle of equality in and before the law. The principle of equality in the law must be respected by the legislature when adopting laws, by ensuring that those laws further equal enjoyment of economic, social and cultural rights by men and women. The principle of equality before the law must be respected by administrative agencies, and courts and tribunals, and implies that those authorities must apply the law equally to men and women.

22.2.2 B. Non-discrimination

10. The principle of non-discrimination is the corollary of the principle of equality. Subject to what is stated in paragraph 15 below on temporary special measures, it prohibits differential treatment of a person or group of persons based on his/her or their particular status or situation, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth, or other status, such as age, ethnicity, disability, marital, refugee or migrant status.

11. Discrimination against women is “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.⁴⁵⁶ Discrimination on the basis of sex may be based on the

⁴⁵⁶ As defined in article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.

differential treatment of women because of their biology, such as refusal to hire women because they could become pregnant; or stereotypical assumptions, such as tracking women into low-level jobs on the assumption that they are unwilling to commit as much time to their work as men.

12. Direct discrimination occurs when a difference in treatment relies directly and explicitly on distinctions based exclusively on sex and characteristics of men or of women, which cannot be justified objectively.

13. Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory, but has a discriminatory effect when implemented. This can occur, for example, when women are disadvantaged compared to men with respect to the enjoyment of a particular opportunity or benefit due to pre-existing inequalities. Applying a gender-neutral law may leave the existing inequality in place, or exacerbate it.

14. Gender affects the equal right of men and women to the enjoyment of their rights. Gender refers to cultural expectations and assumptions about the behaviour, attitudes, personality traits, and physical and intellectual capacities of men and women, based solely on their identity as men or women.

Gender-based assumptions and expectations generally place women at a disadvantage with respect to substantive enjoyment of rights, such as freedom to act and to be recognized as autonomous, fully capable adults, to participate fully in economic, social and political development, and to make decisions concerning their circumstances and conditions. Gender-based assumptions about economic, social and cultural roles preclude the sharing of responsibility between men and women in all spheres that is necessary to equality.

22.2.3 C. Temporary special measures

15. The principles of equality and non-discrimination, by themselves, are not always sufficient to guarantee true equality. Temporary special measures may sometimes be needed in order to bring disadvantaged or marginalized persons or groups of persons to the same substantive level as others. Temporary special measures aim at realizing not only de jure or formal equality, but also de facto or substantive equality for men and women. However, the application of the principle of equality will sometimes require that States parties take measures in favour of women in order to attenuate or suppress conditions that perpetuate discrimination. As long as these measures are necessary to redress de facto discrimination and are terminated when de facto equality is achieved, such differentiation is legitimate.⁴⁵⁷

22.3 II. STATES PARTIES' OBLIGATIONS

22.3.1 A. General legal obligations

16. The equal right of men and women to the enjoyment of economic, social and cultural rights is a mandatory and immediate obligation of States parties.⁴⁵⁸

17. The equal right of men and women to the enjoyment of economic, social and cultural rights, like all human rights, imposes three levels of obligations on States parties - the obligation to respect, to protect and to fulfil. The obligation

⁴⁵⁷ However, there is one exception to this general principle: reasons specific to an individual male candidate may tilt the balance in his favour, which is to be assessed objectively, taking into account all criteria pertaining to the individual candidates. This is a requirement of the principle of proportionality.

⁴⁵⁸ CESCR, general comment No. 3 (1990): The nature of States parties obligations (art. 2, para. 2).

to fulfil further contains duties to provide, promote and facilitate.⁴⁵⁹ Article 3 sets a non-derogable standard for compliance with the obligations of States parties as set out in articles 6 through 15 of ICESCR.

22.4 B. Specific legal obligations

22.4.11. Obligation to respect

18. The obligation to respect requires States parties to refrain from discriminatory actions that directly or indirectly result in the denial of the equal right of men and women to their enjoyment of economic, social and cultural rights. Respecting the right obliges States parties not to adopt, and to repeal laws and rescind, policies, administrative measures and programmes that do not conform with the right protected by article 3. In particular, it is incumbent upon States parties to take into account the effect of apparently gender-neutral laws, policies and programmes and to consider whether they could result in a negative impact on the ability of men and women to enjoy their human rights on a basis of equality.

22.4.22. Obligation to protect

19. The obligation to protect requires States parties to take steps aimed directly at the elimination of prejudices, customary and all other practices that perpetuate the notion of inferiority or superiority of either of the sexes, and stereotyped roles for men and women. States parties' obligation to protect under article 3 of ICESCR includes, inter alia, the respect and adoption of constitutional and legislative provisions on the equal right of men and women to enjoy all human rights and the prohibition of discrimination of any kind; the adoption of legislation to eliminate discrimination and to prevent third parties from interfering directly or indirectly with the enjoyment of this right; the adoption of administrative measures and programmes, as well as the establishment of public institutions, agencies and programmes to protect women against discrimination.

20. States parties have an obligation to monitor and regulate the conduct of non-State actors to ensure that they do not violate the equal right of men and women to enjoy economic, social and cultural rights. This obligation applies, for example, in cases where public services have been partially or fully privatized.

22.4.33. Obligation to fulfil

21. The obligation to fulfil requires States parties to take steps to ensure that in practice, men and women enjoy their economic, social and cultural rights on a basis of equality. Such steps should include:

To make available and accessible appropriate remedies, such as compensation, reparation, restitution, rehabilitation, guarantees of non-repetition, declarations, public apologies, educational programmes and prevention programmes;

To establish appropriate venues for redress such as courts and tribunals or administrative mechanisms that are accessible to all on the basis of equality, including the poorest and most disadvantaged and marginalized men and

⁴⁵⁹ According to CESCR general comment Nos. 12 and 13, the obligation to fulfil incorporates an obligation to facilitate and an obligation to provide. In the present general comment, the obligation to fulfil also incorporates an obligation to promote the elimination of all forms of discrimination against women.

women;

To develop monitoring mechanisms to ensure that the implementation of laws and policies aimed at promoting the equal enjoyment of economic, social and cultural rights by men and women do not have unintended adverse effects on disadvantaged or marginalized individuals or groups, particularly women and girls;

To design and implement policies and programmes to give long-term effect to the economic, social and cultural rights of both men and women on the basis of equality. These may include the adoption of temporary special measures to accelerate women's equal enjoyment of their rights, gender audits, and gender-specific allocation of resources;

To conduct human rights education and training programmes for judges and public officials;

To conduct awareness-raising and training programmes on equality for workers involved in the realization of economic, social and cultural rights at the grass-roots level;

To integrate, in formal and non-formal education, the principle of the equal right of men and women to the enjoyment of economic, social and cultural rights, and to promote equal participation of men and women, boys and girls, in schools and other education programmes;

To promote equal representation of men and women in public office and decision-making bodies;

To promote equal participation of men and women in development planning, decision-making and in the benefits of development and all programmes related to the realization of economic, social and cultural rights.

22.4.4 C. Specific examples of States parties' obligations

22. Article 3 is a cross-cutting obligation and applies to all the rights contained in articles 6 to 15 of the Covenant. It requires addressing gender-based social and cultural prejudices, providing for equality in the allocation of resources, and promoting the sharing of responsibilities in the family, community and public life. The examples provided in the following paragraphs may be taken as guidance on the ways in which article 3 applies to other rights in the Covenant, but are not intended to be exhaustive.

23. Article 6, paragraph 1, of the Covenant requires States parties to safeguard the right of everyone to the opportunity to gain a living by work which is freely chosen or accepted and to take the necessary steps to achieve the full realization of this right. Implementing article 3, in relation to article 6, requires inter alia, that in law and in practice, men and women have equal access to jobs at all levels and all occupations and that vocational training and guidance programmes, in both the public and private sectors, provide men and women with the skills, information and knowledge necessary for them to benefit equally from the right to work.

24. Article 7 (a) of the Covenant requires States parties to recognize the right of everyone to enjoy just and favourable conditions of work and to ensure, among other things, fair wages and equal pay for work of equal value. Article 3, in relation to article 7 requires, inter alia, that the State party identify and eliminate the underlying causes of pay differentials, such as gender-biased job evaluation or the perception that productivity differences between men and women exist. Furthermore, the State party should monitor compliance by the

private sector with national legislation on working conditions through an effectively functioning labour inspectorate. The State party should adopt legislation that prescribes equal consideration in promotion, non-wage compensation and equal opportunity and support for vocational or professional development in the workplace. Finally, the State party should reduce the constraints faced by men and women in reconciling professional and family responsibilities by promoting adequate policies for childcare and care of dependent family members.

25. Article 8, paragraph 1 (a), of the Covenant requires States parties to ensure the right of everyone to form and join trade unions of his or her choice. Article 3, in relation to article 8, requires allowing men and women to organize and join workers' associations that address their specific concerns. In this regard, particular attention should be given to domestic workers, rural women, women working in female-dominated industries and women working at home, who are often deprived of this right.

26. Article 9 of the Covenant requires that States parties recognize the right of everyone to social security, including social insurance, and to equal access to social services. Implementing article 3, in relation to article 9, requires, inter alia, equalizing the compulsory retirement age for both men and women; ensuring that women receive the equal benefit of public and private pension schemes; and guaranteeing adequate maternity leave for women, paternity leave for men, and parental leave for both men and women.

27. Article 10, paragraph 1, of the Covenant requires that States parties recognize that the widest possible protection and assistance should be accorded to the family, and that marriage must be entered into with the free consent of the intending spouses. Implementing article 3, in relation to article 10, requires States parties, inter alia, to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage; to ensure that men and women have an equal right to choose if, whom and when to marry – in particular, the legal age of marriage for men and women should be the same, and boys and girls should be protected equally from practices that promote child marriage, marriage by proxy, or coercion; and to ensure that women have equal rights to marital property and inheritance upon their husband's death. Gender-based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality. States parties must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors.

28. Article 11 of the Covenant requires States parties to recognize the right of everyone to an adequate standard of living for him/herself and his/her family, including adequate housing (para. 1) and adequate food (para. 2). Implementing article 3, in relation to article 11, paragraph 1, requires that women have a right to own, use or otherwise control housing, land and property on an equal basis with men, and to access necessary resources to do so. Implementing article 3, in relation to article 11, paragraph 2, also requires States parties, inter alia, to ensure that women have access to or control over means of food production, and actively to address customary practices under which women are not allowed to eat until the men are fully fed, or are only

allowed less nutritious food.⁴⁶⁰

29. Article 12 of the Covenant requires States parties to undertake steps towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The implementation of article 3, in relation to article 12, requires at a minimum the removal of legal and other obstacles that prevent men and women from accessing and benefiting from health care on a basis of equality. This includes, inter alia, addressing the ways in which gender roles affect access to determinants of health, such as water and food; the removal of legal restrictions on reproductive health provisions; the prohibition of female genital mutilation; and the provision of adequate training for health-care workers to deal with women's health issues.⁴⁶¹

30. Article 13, paragraph 1, of the Covenant requires States parties to recognize the right of everyone to education and in paragraph 2 (a) stipulates that primary education shall be compulsory and available free to all. Implementing article 3, in relation to article 13, requires, inter alia, the adoption of legislation and policies to ensure the same admission criteria for boys and girls at all levels of education. States parties should ensure, in particular through information and awareness-raising campaigns, that families desist from giving preferential treatment to boys when sending their children to school, and that curricula promote equality and non-discrimination. States parties must create favourable conditions to ensure the safety of children, in particular girls, on their way to and from school.

31. Article 15, paragraph 1 (a) and (b), of the Covenant require States parties to recognize the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress. Implementing article 3, in relation to article 15, paragraph 1 (a) and (b), requires, inter alia, overcoming institutional barriers and other obstacles, such as those based on cultural and religious traditions, which prevent women from fully participating in cultural life, science education and scientific research, and directing resources to scientific research relating to the health and economic needs of women on an equal basis with those of men.

22.5 III. IMPLEMENTATION AT THE NATIONAL LEVEL

22.5.1 A. Policies and strategies

32. The most appropriate ways and means of implementing the right under article 3 of the Covenant will vary from one State party to another. Every State party has a margin of discretion in adopting appropriate measures in complying with its primary and immediate obligation to ensure the equal right of men and women to the enjoyment of all their economic, social and cultural rights. Among other things, States parties must, integrate into national plans of action for human rights appropriate strategies to ensure the equal right of men and women to the enjoyment of economic, social and cultural rights.

33. These strategies should be based on the systematic identification of policies, programmes and activities relevant to the situation and context within the State, as derived from the normative content of article 3 of the Covenant

⁴⁶⁰ Other examples of obligations and possible violations of article 3 in relation to article 11 (1) and (2) are further discussed in CESCR general comment No. 12, para. 26.

⁴⁶¹ CESCR general comment No. 14. paras. 18-21.

and spelled out in relation to the levels and nature of States parties' obligations referred to in paragraphs 16 to 21 above. The strategies should give particular attention to the elimination of discrimination in the enjoyment of economic, social and cultural rights.

34. States parties should periodically review existing legislation, policies, strategies and programmes in relation to economic, social and cultural rights, and adopt any necessary changes to ensure that they are consonant with their obligations under article 3 of the Covenant.

35. The adoption of temporary special measures may be necessary to accelerate the equal enjoyment by women of all economic, social and cultural rights and to improve the de facto position of women.⁴⁶² Temporary special measures should be distinguished from permanent policies and strategies undertaken to achieve equality of men and women.

36. States parties are encouraged to adopt temporary special measures to accelerate the achievement of equality between men and women in the enjoyment of the rights under the Covenant. Such measures are not to be considered discriminatory in themselves as they are grounded in the State's obligation to eliminate disadvantage caused by past and current discriminatory laws, traditions and practices. The nature, duration and application of such measures should be designed with reference to the specific issue and context, and should be adjusted as circumstances require. The results of such measures should be monitored with a view to being discontinued when the objectives for which they are undertaken have been achieved.

37. The right of individuals and groups of individuals to participate in decision-making processes that may affect their development must be an integral component of any policy, programme or activity developed to discharge governmental obligations under article 3 of the Covenant.

22.5.2 B. Remedies and accountability

38. National policies and strategies should provide for the establishment of effective mechanisms and institutions where they do not exist, including administrative authorities, ombudsmen and other national human rights institutions, courts and tribunals. These institutions should investigate and address alleged violations relating to article 3 and provide remedies for such violations. States parties, for their part, should ensure that such remedies are effectively implemented.

22.5.3 C. Indicators and benchmarks

39. National policies and strategies should identify appropriate indicators and benchmarks on the right to equal enjoyment by men and women of economic, social and cultural rights in order to effectively monitor the implementation by the State party of its obligations under the Covenant in this regard.

Disaggregated statistics, provided within specific time frames, are necessary to measure the progressive realization of economic, social and cultural rights by

⁴⁶² Reference is made in this regard to general recommendation No. 25 on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), CESCR general comment No. 13 and the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

men and women, where appropriate.

22.6 IV. VIOLATIONS

40. States parties must fulfil their immediate and primary obligation to ensure the equal right of men and women to the enjoyment of economic, social and cultural rights.

41. The principle of equality between men and women is fundamental to the enjoyment of each of the specific rights enumerated in the Covenant. Failure to ensure formal and substantive equality in the enjoyment of any of these rights constitutes a violation of that right. Elimination of de jure as well as de facto discrimination is required for the equal enjoyment of economic, social and cultural rights. Failure to adopt, implement and monitor effects of laws, policies and programmes to eliminate de jure and de facto discrimination with respect to each of the rights enumerated in articles 6 to 15 of the Covenant constitutes a violation of those rights.

42. Violations of the rights contained in the Covenant can occur through the direct action of, failure to act or omission by States parties, or through their institutions or agencies at the national and local levels. The adoption and undertaking of any retrogressive measures that affect the equal right of men and women to the enjoyment of the all the rights set forth in the Covenant constitutes a violation of article 3.

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HUMAN RIGHTS COMMITTEE Sixty-eighth session Adopted: 29 March 2000 (1834th meeting)

23 General Comment No. 28 Article 3 (The equality of rights between men and women) (Replaces general comment No. 4)

1. The Committee has decided to update its general comment on article 3 of the Covenant and to replace general comment No. 4 (thirteenth session, 1981), in the light of the experience it has gathered in its activities over the last 20 years. **The present revision seeks to take account of the important impact of this article on the enjoyment by women of the human rights protected under the Covenant.**

2. **Article 3 implies that all human beings should enjoy the rights provided for in the Covenant, on an equal basis and in their totality. The full effect of this provision is impaired whenever any person is denied the full and equal enjoyment of any right. Consequently, States should ensure to men and women equally the enjoyment of all rights provided for in the Covenant.**

3. The obligation to ensure to all individuals the rights recognized in the Covenant, established in articles 2 and 3 of the Covenant, **requires that States parties take all**

necessary steps to enable every person to enjoy those rights. These steps include the removal of obstacles to the equal enjoyment of such rights, the education of the population and of State officials in human rights, and the adjustment of domestic legislation so as to give effect to the undertakings set forth in the Covenant. The State party must not only adopt measures of protection, but also positive measures in all areas so as to achieve the effective and equal empowerment of women. States parties must provide information regarding the actual role of women in society so that the Committee may ascertain what measures, in addition to legislative provisions, have been or should be taken to give effect to these obligations, what progress has been made, what difficulties are encountered and what steps are being taken to overcome them.

4. States parties are responsible for ensuring the equal enjoyment of rights without any discrimination. Articles 2 and 3 mandate States parties to take all steps necessary, including the prohibition of discrimination on the ground of sex, to put an end to discriminatory actions, both in the public and the private sector, which impair the equal enjoyment of rights.

5. Inequality in the enjoyment of rights by women throughout the world is deeply embedded in tradition, history and culture, including religious attitudes. The subordinate role of women in some countries is illustrated by the high incidence of prenatal sex selection and abortion of female foetuses. States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights. States parties should furnish appropriate information on those aspects of tradition, history, cultural practices and religious attitudes which jeopardize, or may jeopardize, compliance with article 3, and indicate what measures they have taken or intend to take to overcome such factors.

6. In order to fulfil the obligation set forth in article 3, States parties should take account of the factors which impede the equal enjoyment by women and men of each right specified in the Covenant. To enable the Committee to obtain a complete picture of the situation of women in each State party as regards the implementation of the rights in the Covenant, this general comment identifies some of the factors affecting the equal enjoyment by women of the rights under the Covenant and spells out the type of information that is required with regard to these rights.

7. The equal enjoyment of human rights by women must be protected during a state of emergency (art. 4). States parties which take measures derogating from their obligations under the Covenant in time of public emergency, as provided in article 4, should provide information to the Committee with respect to the impact on the situation of women of such measures and should demonstrate that they are non-discriminatory.

8. Women are particularly vulnerable in times of internal or international armed conflicts. States parties should inform the Committee of all measures taken during these situations to protect women from rape, abduction and other forms of gender-based violence.

9. In becoming parties to the Covenant, States undertake, in accordance with article 3, to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant, and in accordance with article 5, nothing in the Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights provided for in article 3, or at limitations not covered by the Covenant.

Moreover, there shall be no restriction upon or derogation from the equal enjoyment by women of all fundamental human rights recognized or existing pursuant to law, conventions, regulations or customs, on the pretext that the Covenant does not recognize such rights or that it recognizes them to a lesser extent.

10. When reporting on the right to life protected by article 6, States parties should provide data on birth rates and on pregnancy- and childbirth-related deaths of women. Gender-disaggregated data should be provided on infant mortality rates. States parties should give information on any measures taken by the State to help women prevent unwanted pregnancies, and to ensure that they do not have to undergo life-threatening clandestine abortions. States parties should also report on measures to protect women from practices that violate their right to life, such as female infanticide, the burning of widows and dowry killings. The Committee also wishes to have information on the particular impact on women of poverty and deprivation that may pose a threat to their lives.

11. To assess compliance with article 7 of the Covenant, as well as with article 24, which mandates special protection for children, the Committee needs to be provided information on national laws and practice with regard to domestic and other types of violence against women, including rape. It also needs to know whether the State party gives access to safe abortion to women who have become pregnant as a result of rape. The States parties should also provide the Committee with information on measures to prevent forced abortion or forced sterilization. **In States parties where the practice of genital mutilation exists information on its extent and on measures to eliminate it should be provided.** The information provided by States parties on all these issues should include measures of protection, including legal remedies, for women whose rights under article 7 have been violated.

12. Having regard to their obligations under article 8, States parties should inform the Committee of measures taken to eliminate trafficking of women and children, within the country or across borders, and forced prostitution. They must also provide information on measures taken to protect women and children, including foreign women and children, from slavery, disguised, inter alia, as domestic or other kinds of personal service. States parties where women and children are recruited, and from which they are taken, and States parties where they are received should provide information on measures, national or international, which have been taken in order to prevent the violation of women's and children's rights.

13. States parties should provide information on any specific regulation of clothing to be worn by women in public. The Committee stresses that such regulations may involve a

violation of a number of rights guaranteed by the Covenant, such as: article 26, on non-discrimination; article 7, if corporal punishment is imposed in order to enforce such a regulation; article 9, when failure to comply with the regulation is punished by arrest; article 12, if liberty of movement is subject to such a constraint; article 17, which guarantees all persons the right to privacy without arbitrary or unlawful interference; articles 18 and 19, when women are subjected to clothing requirements that are not in keeping with their religion or their right of self-expression; and, lastly, article 27, when the clothing requirements conflict with the culture to which the woman can lay a claim.

14. With regard to article 9, States parties should provide information on any laws or practices which may deprive women of their liberty on an arbitrary or **unequal basis**, such as by confinement within the house (see general comment No. 8, paragraph 1).

15. As regards articles 7 and 10, States parties must provide all information relevant to ensuring that the rights of persons deprived of their liberty are protected on equal terms for men and women. In particular, States parties should report on whether men and women are separated in prisons and whether women are guarded only by female guards. States parties should also report about compliance with the rule that accused juvenile females shall be separated from adults **and on any difference in treatment between male and female persons deprived of liberty**, such as access to rehabilitation and education programmes and to conjugal and family visits. Pregnant women who are deprived of their liberty should receive humane treatment and respect for their inherent dignity at all times, and in particular during the birth and while caring for their newborn children; States parties should report on facilities to ensure this and on medical and health care for such mothers and their babies.

16. As regards article 12, States parties should provide information on any legal provision or any practice which restricts women's right to freedom of movement, for example the exercise of marital powers over the wife or of parental powers over adult daughters; legal or de facto requirements which prevent women from travelling, such as the requirement of consent of a third party to the issuance of a passport or other type of travel documents to an adult woman. States parties should also report on measures taken to eliminate such laws and practices and to protect women against them, including reference to available domestic remedies (see general comment No. 27, paragraphs 6 and 18).

17. States parties should ensure that alien women are accorded on an equal basis the right to submit arguments against their expulsion and to have their case reviewed, as provided in article 13. In this regard, they should be entitled to submit arguments based on gender-specific violations of the Covenant such as those mentioned in paragraphs 10 and 11 above.

18. States parties should provide information to enable the Committee to ascertain whether access to justice and the right to a fair trial, provided for in article 14, are enjoyed by women on equal terms with men. In particular, States parties should inform the Committee whether there are legal provisions preventing women from direct and autonomous access to the courts (see communication No. 202/1986, Ato del Avellanal

v. Peru, Views of 28 October 1988); whether women may give evidence as witnesses on the same terms as men; and whether measures are taken to ensure women equal access to legal aid, in particular in family matters. States parties should report on whether certain categories of women are denied the enjoyment of the presumption of innocence under article 14, paragraph 2, and on the measures which have been taken to put an end to this situation.

19. The right of everyone under article 16 to be recognized everywhere as a person before the law is particularly pertinent for women, who often see it curtailed by reason of sex or marital status. This right implies that the capacity of women to own property, to enter into a contract or to exercise other civil rights may not be restricted on the basis of marital status or any other discriminatory ground. It also implies that women may not be treated as objects to be given, together with the property of the deceased husband, to his family. States must provide information on laws or practices that prevent women from being treated or from functioning as full legal persons and the measures taken to eradicate laws or practices that allow such treatment.

20. States parties must provide information to enable the Committee to assess the effect of any laws and practices that may interfere with women's right to enjoy privacy and other rights protected by article 17 on the basis of equality with men. An example of such interference arises where the sexual life of a woman is taken into consideration in deciding the extent of her legal rights and protections, including protection against rape. Another area where States may fail to respect women's privacy relates to their reproductive functions, for example, where there is a requirement for the husband's authorization to make a decision in regard to sterilization; where general requirements are imposed for the sterilization of women, such as having a certain number of children or being of a certain age, or where States impose a legal duty upon doctors and other health personnel to report cases of women who have undergone abortion. In these instances, other rights in the Covenant, such as those of articles 6 and 7, might also be at stake. Women's privacy may also be interfered with by private actors, such as employers who request a pregnancy test before hiring a woman. States parties should report on any laws and public or private actions that interfere with the equal enjoyment by women of the rights under article 17, and on the measures taken to eliminate such interference and to afford women protection from any such interference.

21. States parties must take measures to ensure that freedom of thought, conscience and religion, and the freedom to adopt the religion or belief of one's choice - including the freedom to change religion or belief and to express one's religion or belief - will be guaranteed and protected in law and in practice for both men and women, on the same terms and without discrimination. These freedoms, protected by article 18, must not be subject to restrictions other than those authorized by the Covenant and must not be constrained by, inter alia, rules requiring permission from third parties, or by interference from fathers, husbands, brothers or others. Article 18 may not be relied upon to justify discrimination against women by reference to freedom of thought, conscience and religion; States parties should therefore provide information on the status of women as regards their freedom of thought, conscience and religion, and

indicate what steps they have taken or intend to take both to eliminate and prevent infringements of these freedoms in respect of women and to protect their right not to be discriminated against.

22. In relation to article 19, States parties should inform the Committee of any laws or other factors which may impede women from exercising the rights protected under this provision on an equal basis. As the publication and dissemination of obscene and pornographic material which portrays women and girls as objects of violence or degrading or inhuman treatment is likely to promote these kinds of treatment of women and girls, States parties should provide information about legal measures to restrict the publication or dissemination of such material.

23. States are required to treat men and women equally in regard to marriage in accordance with article 23, which has been elaborated further by general comment No. 19 (1990). Men and women have the right to enter into marriage only with their free and full consent, and States have an obligation to protect the enjoyment of this right on an equal basis. Many factors may prevent women from being able to make the decision to marry freely. One factor relates to the minimum age for marriage. That age should be set by the State on the basis of equal criteria for men and women. These criteria should ensure women's capacity to make an informed and uncoerced decision. A second factor in some States may be that either by statutory or customary law a guardian, who is generally male, consents to the marriage instead of the woman herself, thereby preventing women from exercising a free choice.

24. Another factor that may affect women's right to marry only when they have given free and full consent is the existence of social attitudes which tend to marginalize women victims of rape and put pressure on them to agree to marriage. A woman's free and full consent to marriage may also be undermined by laws which allow the rapist to have his criminal responsibility extinguished or mitigated if he marries the victim. States parties should indicate whether marrying the victim extinguishes or mitigates criminal responsibility and, in the case in which the victim is a minor, whether the rape reduces the marriageable age of the victim, particularly in societies where rape victims have to endure marginalization from society. A different aspect of the right to marry may be affected when States impose restrictions on remarriage by women that are not imposed on men. Also, the right to choose one's spouse may be restricted by laws or practices that prevent the marriage of a woman of a particular religion to a man who professes no religion or a different religion. States should provide information on these laws and practices and on the measures taken to abolish the laws and eradicate the practices which undermine the right of women to marry only when they have given free and full consent. It should also be noted that equality of treatment with regard to the right to marry implies that polygamy is incompatible with this principle. Polygamy violates the dignity of women. It is an inadmissible discrimination against women. Consequently, it should be definitely abolished wherever it continues to exist.

25. To fulfil their obligations under article 23, paragraph 4, States parties must ensure that the matrimonial regime contains equal rights and obligations for both

spouses with regard to the custody and care of children, the children's religious and moral education, the capacity to transmit to children the parent's nationality, and the ownership or administration of property, whether common property or property in the sole ownership of either spouse. States parties should review their legislation to ensure that married women have equal rights in regard to the ownership and administration of such property, where necessary. Also, **States parties should ensure that no sex-based discrimination occurs in respect of the acquisition or loss of nationality by reason of marriage**, of residence rights, and of the right of each spouse to retain the use of his or her original family name or to participate on an equal basis in the choice of a new family name. **Equality during marriage implies that husband and wife should participate equally in responsibility and authority within the family.**

26. **States parties must also ensure equality in regard to the dissolution of marriage**, which excludes the possibility of repudiation. **The grounds for divorce and annulment should be the same for men and women, as well as decisions with regard to property distribution, alimony and the custody of children. Determination of the need to maintain contact between children and the non-custodial parent should be based on equal considerations.** Women should also have equal inheritance rights to those of men when the dissolution of marriage is caused by the death of one of the spouses.

27. In giving effect to recognition of the family in the context of article 23, it is important to accept the concept of the various forms of family, including unmarried couples and their children and single parents and their children, and to ensure the equal treatment of women in these contexts (see general comment No. 19, paragraph 2). Single-parent families frequently consist of a single woman caring for one or more children, and **States parties should describe what measures of support are in place to enable her to discharge her parental functions on the basis of equality with a man in a similar position.**

28. **The obligation of States parties to protect children (art. 24) should be carried out equally for boys and girls. States parties should report on measures taken to ensure that girls are treated equally to boys in education, in feeding and in health care, and provide the Committee with disaggregated data in this respect.** States parties should eradicate, both through legislation and any other appropriate measures, all cultural or religious practices which jeopardize the freedom and well-being of female children.

29. The right to participate in the conduct of public affairs is not fully implemented everywhere on an equal basis. States parties must ensure that the law guarantees to women the rights contained in article 25 on equal terms with men and take effective and positive measures to promote and ensure women's participation in the conduct of public affairs and in public office, including appropriate affirmative action. **Effective measures taken by States parties to ensure that all persons entitled to vote are able to exercise that right should not be discriminatory on the grounds of sex.** The Committee requires States parties to provide statistical information on the percentage of

women in publicly elected office, including the legislature, as well as in highranking civil service positions and the judiciary.

30. Discrimination against women is often intertwined with discrimination on other grounds such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status. States parties should address the ways in which any instances of discrimination on other grounds affect women in a particular way, and include information on the measures taken to counter these effects.

31. The right to equality before the law and freedom from discrimination, protected by article 26, requires States to act against discrimination by public and private agencies in all fields. Discrimination against women in areas such as social security laws (communications Nos. 172/84, Broeks v. Netherlands, Views of 9 April 1987; 182/84, Zwaan de Vries v. the Netherlands, Views of 9 April 1987; 218/1986, Vos v. the Netherlands, Views of 29 March 1989) as well as in the area of citizenship or rights of non-citizens in a country (communication No. 035/1978, Aumeeruddy-Cziffra et al. v. Mauritius, Views adopted 9 April 1981) violates article 26. The commission of so-called “honour crimes” which remain unpunished constitutes a serious violation of the Covenant and in particular of articles 6, 14 and 26. **Laws which impose more severe penalties on women than on men for adultery or other offences also violate the requirement of equal treatment.** The Committee has also often observed in reviewing States parties’ reports that a large proportion of women are employed in areas which are not protected by labour laws and that prevailing customs and traditions discriminate against women, particularly with regard to access to better paid employment and to equal pay for work of equal value. States parties should review their legislation and practices and take the lead in implementing all measures necessary to eliminate discrimination against women in all fields, for example by prohibiting discrimination by private actors in areas such as employment, education, political activities and the provision of accommodation, goods and services. States parties should report on all these measures and provide information on the remedies available to victims of such discrimination.

32. The rights which persons belonging to minorities enjoy under article 27 of the Covenant in respect of their language, culture and religion do not authorize any State, group or person to violate the right to the equal enjoyment by women of any Covenant rights, including **the right to equal protection of the law**. States should report on any legislation or administrative practices related to membership in a minority community that might constitute an infringement of the equal rights of women under the Covenant (communication No. 24/1977, Lovelace v. Canada, Views adopted July 1981) and on measures taken or envisaged to ensure the equal right of men and women to enjoy all civil and political rights in the Covenant. Likewise, States should report on measures taken to discharge their responsibilities in relation to cultural or religious practices within minority communities that affect the rights of women. In their reports, States parties should pay attention to the contribution made by women to the cultural life of their communities.

24 HR-PUB-14-2 women's rights are human rights.pdf

25 Women's rights given priority

25.1 Amman Declaration

26 UN gender mainstreaming definition.odt

26.1 I. CONCEPTS AND PRINCIPLES

26.1.1 A. Definition of the concept of gender mainstreaming

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

26.1.2 B. Principles for mainstreaming a gender perspective in the United Nations system

Issues across all areas of activity should be defined in such a manner that gender differences can be diagnosed – that is, an assumption of gender-neutrality should not be made.

27 Human Rights Principles

<https://www.unfpa.org/resources/human-rights-principles>

Human rights are universal and inalienable; indivisible; interdependent and interrelated. They are universal because everyone is born with and possesses the same rights, regardless of where they live, their gender or race, or their religious, cultural or ethnic background. Inalienable because

people's rights can never be taken away. Indivisible and interdependent because all rights – political, civil, social, cultural and economic – are equal in importance and none can be fully enjoyed without the others. They apply to all equally, and all have the right to participate in decisions that affect their lives. They are upheld by the rule of law and strengthened through legitimate claims for duty-bearers to be accountable to international standards.

Universality and Inalienability: Human rights are *universal* and *inalienable*. All people *everywhere* in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the *Universal Declaration of Human Rights*: “All human beings are born free and equal in dignity and rights.”

Indivisibility: Human rights are *indivisible*. Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human person. Consequently, all human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights. Thus, the right of everyone to an adequate standard of living cannot be compromised at the expense of other rights, such as the right to health or the right to education.

Interdependence and Interrelatedness: Human rights are *interdependent* and *interrelated*. Each one contributes to the realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfilment of one right often depends, wholly or in part, upon the fulfilment of others. For instance, fulfilment of the right to health may depend, in certain circumstances, on fulfilment of the right to development, to education or to information.

Equality and Non-discrimination: All individuals are equal as human beings and by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property, birth or other status as established by human rights standards.

Participation and Inclusion: All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other identified groups.

Accountability and Rule of Law: States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law. Individuals, the media, civil society and the international community play important roles in holding governments accountable for their obligation to uphold human rights.

UNFPA supports the integration of human rights standards into all stages of its programming framework, including:

Analyzing the immediate, underlying and structural causes of human rights violations

Setting strategies and goals to address the main causes of human rights violations and to empower the most vulnerable people as well as to reinforce the capacity of duty bearers.

Supporting initiatives for the establishment or improvement of an enabling legal and social framework on population and development, reproductive health and gender equality

Following the recommendations of UN treaty bodies such as the Committee on the Elimination of Discrimination Against Women

Evaluating and monitoring programmes with participatory processes and using human rights indicators

UNFPA also recognizes that a rights-based approach should be founded on an analysis of gender and social exclusion to ensure that programmes reach marginal and vulnerable segments of the population, especially poor women and young people.

28 What are human rights?

<https://www.ohchr.org/en/what-are-human-rights>

Human rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status...

Human rights are rights we have simply because we exist as human beings - they are not granted by any state. These universal rights are **inherent** to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. They range from the most fundamental - the right to life - to those that make life worth living, such as the rights to food, education, work, health, and liberty.

The **Universal Declaration of Human Rights (UDHR)**, adopted by the UN General Assembly in 1948, was the first legal document to set out the fundamental human rights to be universally protected. The UDHR, which turns 75 on 10 December 2023, continues to be the foundation of all international human rights law. Its [30 articles](#) provide the principles and building blocks of current and future human rights conventions, treaties and other legal instruments.

The UDHR, together with the 2 covenants - the International Covenant for Civil and Political Rights, and the International Covenant for Economic, Social and Cultural Rights - make up the [International Bill of Rights](#).

28.1.1 Universal and inalienable

The principle of **universality** of human rights is the cornerstone of international human rights law. This means that we are all equally entitled to our human rights. This principle, as first emphasized in the UDHR, is repeated in many international human rights conventions, declarations, and resolutions.

Human rights are **inalienable**. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

28.1.2 Indivisible and interdependent

All human rights are **indivisible and interdependent**. This means that one set of rights cannot be enjoyed fully without the other. For example, making progress in civil and political rights makes it easier to exercise economic, social and cultural rights. Similarly, violating economic, social and cultural rights can negatively affect many other rights.

28.1.3 Equal and non-discriminatory

Article 1 of the UDHR states: “All human beings are born free and equal in dignity and rights.”

Freedom from discrimination, set out in Article 2, is what ensures this equality.

Non-discrimination cuts across all international human rights law. This principle is present in all major human rights treaties. It also provides the central theme of 2 core instruments: the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

28.1.4 Both rights and obligations

All States have ratified at least 1 of the 9 [core human rights treaties](#), as well as 1 of the 9 optional protocols. Eighty per cent of States have ratified 4 or more. This means that States have obligations and duties under international law to respect, protect and fulfill human rights.

The obligation to **respect** means that States must refrain from interfering with or curtailing the enjoyment of human rights.

The obligation to **protect** requires States to protect individuals and groups against human rights abuses.

The obligation to **fulfill** means that States must take positive action to facilitate the enjoyment of basic human rights.

Meanwhile, as individuals, while we are entitled to our human rights – but, we should also respect and [stand up](#) for the human rights of others.

29 Paris principles

29.1.1 Principles relating to the Status of National Institutions (The Paris Principles)

Adopted by General Assembly resolution 48/134 of 20 December 1993

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:
 - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:
 - (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
 - (ii) Any situation of violation of human rights which it decides to take up;
 - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
 - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
 - (b) To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
 - (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
 - (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
 - (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;
 - (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
 - (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the **national** institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

- (a) Non-governmental **organizations** responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
- (b) Trends in philosophical or religious thought;
- (c) **Universities** and qualified experts;
- (d) Parliament;
- (e) Government **departments** (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly concerned;
- (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);
- (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly

vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-judicial competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

- (a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- (c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
- (d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

30 Checklist for assessing conformity with the Paris Principles

https://w02.unssc.org/free_resources/UNDP-OHCHRToolkit/shortcuts/Checklist-Compilation-for-Assessing-Compliance-with-the-Paris-Principles.html

PRINCIPLE	REQUIREMENTS	Y	N
COMPETENCE (mandate)	Mandate is set out in constitution or legislation		
	Mandate gives authority to promote and protect human rights		
COMPETENCE (general jurisdiction)	Competence is defined in legislation		
COMPETENCE (subject-matter jurisdiction)	Competence is as broad as possible (from most to least broad)		
	<i>Includes both CP and ESC Rights</i>		
	<i>Includes most CP and ESC Rights</i>		
	<i>Includes only CP Rights</i>		
	<i>Includes a subset of CP Rights</i>		
	<i>Includes most CP and ESC Rights</i>		
COMPETENCE (object matter)	Competence is as broad as possible (from most to least broad)		

jurisdiction)	<p><i>Over State and Private Sector (with public function), without restriction²⁴</i> <i>Over State, without restriction</i> <i>Partial 25 restriction with regard to sensitive State Organs²⁶</i> <i>Total restrictions with regard to sensitive State Organs</i></p>
COMPETENCE (time jurisdiction)	<p>Competence is as broad as possible (from most to least broad)</p> <p><i>Can examine matter even if it predates institution</i> <i>No limits providing matter occurred since set up of institution</i> <i>Discretionary power to limit examination of 'old' cases</i> <i>Limits on capacity to examine matters that are 'old' set in law</i></p>
RESPONSIBILITY (TO PROVIDE ADVICE)	<p>Can provide advice on own initiative</p> <p><i>On legislative or administrative provisions</i> <i>On any violation the institution takes up</i> <i>On the national situation generally or in specific</i> <i>On situations of violations and government reactions to it</i></p> <p>Can provide advice directly without referral Can publicise the advice without referral or prior approval</p>
RESPONSIBILITY (OTHER)	<p>To encourage the harmonisation of national legislation and practices with international human rights instruments, as well as their effective implementation, including by</p> <p><i>Participating in reviews of legislation and policy at time of ratification</i> <i>Regularly reviewing and providing formal comments on draft legislation and policy</i> <i>Regularly reviewing and formally commenting on the human rights situation generally or with respect to key issues</i></p> <p>To encourage the ratification of international human rights instruments To contribute to country human rights reports (from most to least broad)</p> <p><i>Directly participates in drafting of complete report</i> <i>Drafts section(s) on work of institution and reviews report</i> <i>Drafts section(s) on work of institution</i> <i>Reviews report in whole or in part</i></p> <p>To cooperate with international and regional human rights organs and other national institutions To elaborate and take part in education and research programs in human rights, including by:</p> <p><i>Assisting in developing/reviewing curricula for schools</i> <i>Assisting in training of Prison Guards, Police, Army and Security Forces</i></p> <p>To sensitise people on human rights through publicity, education, information and the use of press organs, including by Publishing an Annual Report Regularly reporting on important cases through the media Developing basic brochures on the institution</p>
COMPOSITION (GENERAL PLURALISM)	<p>Member Composition demonstrates pluralism (High to Lower)</p> <p><i>Includes representatives of most social forces including NGOs, trade unions or professional associations</i> <i>Includes representatives of most vulnerable groups (ethnic, religious minorities, persons with disabilities, etc.)</i> <i>Single member, with representative consultative boards or committees, or similar structural mechanisms to facilitate and ensure pluralistic engagement</i></p>

Single member

Member composition demonstrates gender balance

Staff composition is broadly representative and gender balanced

COMPOSITION
(APPOINTMENT
PROCESS)

Appointment effected by official act

Appointment is for a specific duration, (but not too short – e.g., two-years - as to potentially effect independence and effectiveness)

Appointment may be renewable so long as pluralism is assured
Appointment process, duration, renewability and criteria set out in legislation

Appointment process supports pluralism and independence

Nominations include input from civil society

Selection process involves Parliament

Criteria for selection includes demonstrated experience in human rights

COMPOSITION
(Dismissal Process)

Conditions for which a member may be dismissed are set out in legislation

Conditions relate to serious misconduct, inappropriate conduct, conflict of interest or incapacity only

Decision to dismiss requires approval preferably by autonomous body such as a panel of high court judges, at a minimum by 2/3rds vote of Parliament

INDEPENDENCE

If Government Officials in membership, they have advisory capacity only

Institution reports directly to Parliament

Members have immunity for official acts

State funding is sufficient to allow for independent staff and separate premises

State funding is sufficient to allow for core programming²⁷ in protection and promotion

Funding not subject to financial control which might affect independence

Budget drawn up by the institution

Budget separate from any Department's budget

Institution has authority to defend budget requests directly before Parliament

Budget are secure

Not subject to arbitrary reduction in year for which it is approved

Not subject to arbitrary reduction from one year to the next

METHODS OF
OPERATION
(Examination of
Issues)

The institution can consider any issue within its competence on its own initiative on the proposal of its member or any petitioner

The institution can hear any person or obtain and information or document necessary to carry out its work

The right to hear any person and obtain any document is enforceable in law

The right to enter any premises to further an investigation is set out in law

Obstruction in obtaining, or denial of, access to a person, document or premises is punishable in law

The institution has the legal authority to enter and monitor any place of detention

The institution can enter the place of detention without notice

METHODS OF OPERATION
(Meetings)

The institution can let the public know of opinions or recommendations, including through the media, without higher approval
The institution meets regularly and in plenary
Special meetings can be convened as necessary
All members are officially convened for meetings

METHODS OF OPERATION
(Organisational Structure)

The institution can set up working groups (which may contain non-NHRI members)

The institution can set up regional or local offices

METHODS OF OPERATION
(Consultation)

The institution consults with other bodies responsible for promoting and protecting human rights

The institution consults with NGOs working in human rights or related fields
The institution carries out joint programming with NGOs working in human rights or related fields especially in awareness raising and education