

5

Recommendations

The following recommendations are taken mainly from the Beijing Platform for Action (PFA) and the Outcomes Document agreed to at Beijing +5, the 23rd Special Session of the UN General Assembly held to review progress made in implementing the Platform (B+5). The latter do not add to the commitments already made by states but aim to facilitate their implementation.

At the International Level

States should:

- ◆ Work actively to ratify and/or implement international human rights norms and instruments [especially] the Convention on the Elimination of Discrimination of All Forms of Discrimination against Women (PFA 124e, 230a, 230b; B+5 68c).
- ◆ Limit the extent of reservations to the CEDAW Convention, ensure that reservations are not incompatible with its object and purpose and work to remove them (PFA 230c).
- ◆ Ratify or accede to the amendment to the CEDAW Convention, Article 20, to allow greater meeting time for the Committee on the Elimination of Discrimination against Women (PFA 230j).
- ◆ Consider ratifying the Optional Protocol to the CEDAW Convention, agreed by the General Assembly, 6 October 1999 (B+5 68d).
- ◆ Support further steps for the enhancement of the international protection of human rights including the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Protocol to the African Charter providing for an African Court of Human Rights.
- ◆ Consider signing and ratifying the Rome Statute of the International Criminal Court (B+5 68e).
- ◆ Support the ongoing negotiations on the draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, which supplements the UN Convention against Transnational Organised Crime (B+5 97d).
- ◆ Seek to ensure the full and equal participation of women in the promotion of peace, in particular through the full implementation of the Declaration and Programme of Action on a Culture of Peace (B+5 99i).

- ◆ Ensure compliance with the reporting obligations of the international treaties to which they are parties; engage in constructive dialogue with the respective treaty bodies.
- ◆ Report on schedule to the Committee on the Elimination of Discrimination against Women regarding the implementation of the Convention, following fully the guidelines established by the Committee and involving NGOs or taking into account their contributions in the preparation of the report (PFA 230i).
- ◆ Include gender aspects in reporting under all human rights conventions and instruments, including ILO conventions (PFA 230h).

At the National Level

States should:

- ◆ Incorporate the human rights treaties into national law, in particular the CEDAW Convention, and review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice (PFA 232d, 230g, B+5 68b).
- ◆ Work to implement the Concluding Comments provided by the treaty bodies.
- ◆ Draw up national plans for gender development and the implementation within their national legal systems of the Beijing Platform for Action.
- ◆ Review and revise national policies, programmes and legislation to implement the key actions for the further implementation of the Programme of Action of the International Conference on Population and Development adopted by the General Assembly at its twenty-first special session (B+5 79c).
- ◆ Provide constitutional guarantees and/or enact appropriate legislation to prohibit discrimination on the basis of sex, embody the principle of the equality of men and women promote and protect the enjoyment by women and girls of all human rights and fundamental freedoms (PFA 231b, 232c, B+5 68a).
- ◆ Strengthen existing or establish readily available and free or affordable alternative administrative mechanisms and legal aid programmes to assist disadvantaged women seeking redress for violations of their rights (PFA 58p, 232n).
- ◆ Translate laws and information relating to the equal status and human rights of all women, and how to use a justice system to exercise one's rights, into local and indigenous languages and into alternative formats appropriate for persons with disabilities and persons at lower levels of literacy. Publicise and disseminate them (PFA 233a, c).
- ◆ Include information about international and regional instruments and standards in their public information and human rights education activities and in adult education and training programmes, particularly for groups such as the military, the police and other law enforcement personnel, the judiciary, and legal and health professionals to ensure that human rights are effectively protected (PFA 233d).

- ◆ Make widely available and fully publicise information on the existence of national, regional and international mechanisms for seeking redress when the human rights of women are violated and develop human rights education programmes that incorporate the gender dimension at all levels of education, in particular by encouraging higher education institutions to include the study of the human rights of women as they appear in UN conventions (PFA 83j, 233e).
- ◆ Take measures to eliminate discrimination in education at all levels on the basis of gender, race, language, religion, national origin, age or disability, or any other form of discrimination and consider establishing procedures to address grievances (PFA 80a, B+5 68k).
- ◆ Undertake legislation and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit and traditional saving schemes, such as women's banks and cooperatives, inheritance, natural resources and appropriate new technology (PFA 61b, 165e, B+5 68h).
- ◆ Enact and enforce equal opportunity laws and the rights of women and men to equal pay for equal work or work of equal value; reform laws or enact national policies that support the establishment of labour laws to ensure the protection of all women workers, including safe work practices, the right to organise and access to justice (PFA 165a,o,r).
- ◆ Enact and enforce laws to prohibit direct and indirect discrimination on the grounds of sex, including by reference to marital or family status, in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment (PFA 178b,c).
- ◆ Take action to remove structural and legal barriers as well as stereotypical attitudes to gender equality at work, addressing gender bias in recruitment, working conditions, occupational segregation, discrimination in social protection benefits, women's occupational health and safety, unequal career opportunities and inadequate sharing – by men – of family responsibilities (B+5 82a).
- ◆ Develop, adopt and fully implement laws and other measures, such as policies and educational programmes, to eradicate harmful customary or traditional practices, including female genital mutilation, early and forced marriage and so-called honour crimes and intensify efforts, in cooperation with local women's groups, to raise collective and individual awareness on how these harmful traditional or customary practices violate women's human rights (B+5 69e).
- ◆ Enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses; in addition, enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary (PFA 274e).
- ◆ Remove legal, regulatory and social barriers to sexual and reproductive health education within formal education programmes regarding women's health issues (PFA 83k).
- ◆ Take necessary measures to protect individuals, groups and organs of society engaged in promoting and protecting women's human rights (B+5 98e).

Taking a Holistic Approach to Violence Against Women

States should:

- ◆ Adopt and promote a holistic approach to respond to all forms of violence and abuse against girls and women during all their life cycle and circumstances, including girls and women with disabilities, as well as vulnerable and marginalised women and girls (B+5 69j,k).
- ◆ Formulate and implement, at all appropriate levels, plans of action to eliminate violence against women and girls by any person, organisation or enterprise (PFA 124j, B+5 68j).
- ◆ Implement the Convention on the Elimination of All Forms of Discrimination against Women, taking into account general recommendation 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session (PFA 124f).
- ◆ Consider setting up or strengthening a national co-ordinating mechanism, for example, a national rapporteur or an inter-agency body, with participation of the civil society including NGOs, to encourage the exchange of information and to report on data, root causes, factors and trends in violence against women (B+5 70d).
- ◆ Support initiatives of women's organisations and non-governmental organisations to raise awareness on the issue of violence against women and to contribute to its elimination (B+5 102a).
- ◆ Mainstream a gender perspective in all policies and programmes related to violence against women; increase the knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing these policies, such as law enforcement officers, police personnel and judicial, medical and social workers, as well as those who deal with minority, migration and refugee issues, and ensure that women victims of violence are not revictimised because of gender-insensitive laws or judicial or enforcement practices (PFA 124g).
- ◆ As a matter of priority, review and revise legislation with a view to introducing effective legislation and take other necessary measures to ensure that all women and girls are protected against all forms of physical, psychological and sexual violence, regardless of the relationship between the perpetrator and the victim (PFA 232l, B+5 69a).
- ◆ Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, including violence based on all forms of discrimination, whether in the home, the workplace, the community or society (PFA 124c, B+5 69c).
- ◆ Enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, female infanticide, prenatal sex selection and dowry-related violence, and give vigorous support to the efforts of non-governmental and community organisations to eliminate such practices (PFA 124i).
- ◆ Establish legislation and/or strengthen appropriate mechanisms to handle criminal matters relating to all forms of domestic violence, including marital rape and sexual

abuse of women and girls, and ensure that such cases are brought to justice swiftly (B+5 69d).

- ♦ Adopt laws, where necessary, and reinforce existing laws that punish police, security forces or any other agents of the State who engage in acts of violence against women in the course of the performance of their duties; review existing legislation and take effective measures against the perpetrators of such violence (PFA 124o).
- ♦ Prevent acts of violence against women in situations of armed and other conflicts; undertake a full investigation of all acts of violence against women committed during war, including rape, in particular systematic rape, forced prostitution and other forms of indecent assault and sexual slavery; prosecute all criminals responsible for war crimes against women and provide full redress to women victims; (PFA 143e).
- ♦ Take urgent action to combat and eliminate violence against women, which is a human rights violation, resulting from harmful traditional or customary practices, cultural prejudices and extremism; refrain from invoking any custom, tradition or religious consideration to avoid obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women (PFA 232g, 124a).
- ♦ Increase co-operation, policy responses, effective implementation of national legislation and other protective and preventive measures aimed at the elimination of violence against women and girls, especially all forms of commercial sexual and economic exploitation, including trafficking in women and children, female infanticide, crimes committed in the name of honour, crimes committed in the name of passion, racially motivated crimes, dowry related violence and deaths, acid attacks and harmful traditional or customary practices such as FGM, and early and forced marriages (PFA 330n, B+5 70b , 96a).
- ♦ Take measures, including by strengthening existing legislation, to address the factors that encourage trafficking in women and girls for prostitution and other forms of commercialised sex, forced marriages and forced labour in order to eliminate trafficking in women, provide better protection of the rights of women and girls and punish the perpetrators, through both criminal and civil measures (PFA130b , B+5 70a).
- ♦ Provide women who are subjected to violence with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm they have suffered and inform women of their rights in seeking redress through such mechanisms (PFA 124h).
- ♦ Create, improve or develop as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitise such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured (PFA 124n).
- ♦ Provide gender-sensitive training to all actors, including police and military personnel, corrections officers, health and medical personnel, social workers, including people who deal with migration and refugee issues, teachers at all levels of the educational system, the judiciary and members of parliament in order to enable them to better exercise their public responsibilities in dealing with victims of sexual violence (PFA 232I, B+5 78d).

- ◆ Organise and fund information campaigns and educational and training programmes in order to sensitise girls and boys and women and men to the personal and social detrimental effects of violence in the family, community and society; teach them how to communicate without violence and promote training for victims and potential victims so that they can protect themselves and others against such violence (PFA 125g, B+5 78a).
- ◆ Promote women's and girls' mental well-being, integrate mental health services into primary health-care systems, develop gender-sensitive supportive programmes and train health workers to recognise gender-based violence and provide care for girls and women of all ages who have experienced any form of violence (B+5 69i).
- ◆ Promote research, collect data and compile and publish statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women (PFA 129a, B+5 69f, 77b).
- ◆ Develop with the full participation of all countries an international consensus on indicators and ways to measure violence against women, and consider establishing a readily accessible database on statistics, legislation, training models, good practices, lessons learned and other resources with regard to all forms of violence against women, including women migrant workers (B+5 92b).
- ◆ Provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, where it is needed, as well as appropriate assistance to enable them to find a means of subsistence; disseminate information on the assistance available (PFA 125a, h).
- ◆ Mainstream a gender perspective into national immigration and asylum policies, regulations and practices, as appropriate, in order to promote and protect the rights of all women, including the consideration of steps to recognise gender-related persecution and violence when assessing grounds for granting refugee status and asylum (B+5 68i).

Gender Mainstreaming

States should:

- ◆ Mainstream a gender perspective into key macro economic and social development policies and national development programmes (B+5 73a).
- ◆ Ensure that responsibility for the advancement of women is vested in the highest possible level of government; in many cases, this could be at the level of a Cabinet minister, and strengthen national machineries to mainstream the gender perspective to accelerate the empowerment of women in all areas and to ensure commitment to gender equality policies (PFA 203a, B+5 76b).
- ◆ Provide national machineries with the necessary human and financial resources, including through exploring innovative funding schemes so that gender mainstreaming is integrated in all policies, programmes and projects (B+5 76c).

- ♦ Give all ministries the mandate to review policies and programmes from a gender perspective and in the light of the Platform for Action; locate the responsibility for the implementation of that mandate at the highest possible level; establish and/or strengthen an inter-ministerial coordination structure to carry out this mandate, to monitor progress and to network with relevant machineries. (PFA 204e).
- ♦ Work with members of legislative bodies, as appropriate, to promote a gender perspective in all legislation and policies including the design, development, adoption and execution of all budgetary processes in order to promote equitable, effective and appropriate resource allocation and establish adequate budgetary allocations to support gender equality and development programmes which enhance women's empowerment and develop the necessary analytical and methodological tools and mechanisms for monitoring and evaluation (PFA 204d , B+5 73b).
- ♦ Consider establishing effective commissions or other institutions to promote equal opportunities (B+5 76d).
- ♦ Strengthen or establish national collaborative and regular reporting mechanisms, with the participation of NGOs, especially women's organisations, to monitor progress on the implementation of national policies, programmes and benchmarks for achieving gender equality (B+5 83a).
- ♦ Analyse, from a gender perspective, policies and programmes with respect to their impact on women and adjust them, as appropriate, to promote more equitable distribution of productive assets, wealth, opportunities, income and services (PFA 58b).
- ♦ Develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economic policy-making, including structural adjustment planning and programmes and apply these methodologies in conducting gender-impact analyses of all policies and programmes, including structural adjustment programmes, and disseminate the research findings (PFA 67a,b).
- ♦ Develop and use frameworks, guidelines and other practical tools and indicators to accelerate gender mainstreaming, including gender-based research, analytical tools and methodologies, training, case studies, statistics and information (B+5 80).
- ♦ Train researchers and introduce systems that allow for the use of data collected, analysed and disaggregated by, among other factors, sex and age, other established demographic criteria and socio-economic variables, in policy-making, planning, monitoring and evaluation (PFA 109a).
- ♦ Collect, compile, analyse and present on a regular basis data disaggregated by age, sex, socio-economic and other relevant indicators, including number of dependents, for utilisation in policy and programme planning and implementation; (PFA 206a).

Working with and Educating Civil Society

States should:

- ♦ Provide a legal framework for the secure and effective operation of NGOs.
- ♦ Create and strengthen an enabling environment, in accordance with national laws, to support the capacity of women's NGOs to mobilise resources to ensure the sustainability of their development activities (PFA 125d).

- ◆ Encourage the establishment and strengthening of multi-stakeholder partnerships/co-operation at all levels among international and intergovernmental organisations, with relevant actors of civil society, including NGOs, the private sector and trade unions, and women's organisations and other NGOs (B+5 102b).
- ◆ Encourage collaboration among various levels of Governments, NGOs, grass-roots organisations and traditional and community leaders for the promotion and protection of all human rights and fundamental freedoms of women and girls and the dignity and worth of the human person and equal rights for women and men (B+5 78b).
- ◆ Encourage co-operation between governmental authorities, parliamentarians and other relevant authorities and women's organisations, including NGOs, as appropriate, in ensuring that legislation is non-discriminatory (B+5 78c).
- ◆ Encourage, co-ordinate and co-operate with local and regional women's groups, relevant non-governmental organisations, educators and the media, to implement programmes in human rights education and encourage the creation of training and legal literacy programmes which build and support the capacities of women's organisations to advocate for women's and girls' human rights and fundamental freedoms (PFA 233f, B+5 78a).
- ◆ Promote education on the human and legal rights of women in co-operation with education and human rights institutions, the relevant actors of civil society, in particular NGOs and the media networks and undertake public campaigns, including in the most widely used languages of the country, on the equality of women and men in public and private life, including their rights within the family, the remedies available for violations of women's human rights and relevant human rights instruments under national and international law (PFA 233g, B+5 98a, 99a).
- ◆ Develop policies and implement programmes, particularly for men and boys, on changing stereotypical attitudes and behaviours concerning gender roles and responsibilities to promote gender equality and positive attitudes and behaviour (B+5 82j).
- ◆ Encourage, through the media and other means, a high awareness of the harmful effects of certain traditional or customary practices affecting the health of women, some of which increase their vulnerability to HIV/AIDS and other sexually transmitted infections, and intensify efforts to eliminate such practices (B+5 98d).
- ◆ Increase awareness and knowledge of the Rome Statute which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual violence constitute war crimes and, in defined circumstances, crimes against humanity, with the aim of preventing such crimes from occurring; also increase awareness of the extent to which such crimes are used as a weapon of war (B+5 96b).
- ◆ Develop national capacity to undertake policy-oriented and gender-related research and impact studies by universities and national research/training institutes to enable gender-specific knowledge-based policy-making (B+5 77c).
- ◆ Strengthen or establish, where appropriate national collaborative and regular reporting mechanisms, with the participation of NGOs, especially women's organisations, to monitor progress on the implementation of national policies, programmes and benchmarks for achieving gender equality (B+5 83a).