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

Albania,* Argentina, Australia, Austria, Belgium,* Bolivia (Plurinational State of),* Bosnia and Herzegovina,* Bulgaria, Canada,* Chile, Colombia,* Croatia, Cyprus,* Czechia, Denmark, Ecuador,* Estonia,* Fiji, Finland,* France,* Georgia,* Germany,* Ghana,* Greece,* Haiti,* Honduras,* Hungary, Iceland, Ireland,* Israel,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Mongolia,* Montenegro,* Netherlands,* New Zealand,* North Macedonia,* Norway, Peru, Portugal,* Republic of Moldova,* Romania,* Rwanda, San Marino,* Slovakia, Slovenia,* Spain, Sweden,* Switzerland,* Thailand,* Tunisia, Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay: draft resolution

41/... Elimination of all forms of discrimination against women and girls

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Racial Discrimination, and recalling the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,

Recalling that gender equality and the condemnation of discrimination and violence against women and girls have been recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

* State not a member of the Human Rights Council.



Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, in particular Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security, the Commission on the Status of Women and other United Nations agencies and bodies that consider the issue of discrimination against women and girls,

Underscoring the fact that international human rights law prohibits discrimination, inter alia on the basis of gender, and that national legislation, policies and practices should adhere to each State's international obligations,

Expressing profound concern at the backlash against progress made by States, international and regional organizations and civil society, including women's and community-based organizations, feminist groups, women human rights defenders, trade unions and girls' and youth-led organizations, to respect, protect and fulfil all human rights, and recognizing that these retrogressions can be linked to economic crisis and inequality, retrogressive lobbies, political views or misuse of religion to oppose the struggle for women's and girls' equal rights,

Recognizing that the right to liberty is a human right recognized in international instruments and that it is inextricably linked to other rights, including the rights to freedom of movement, the highest attainable standard of physical and mental health, sexual and reproductive health, work, education, freedom of peaceful assembly and association, freedom of expression, freedom of religion or belief, equality, freedom from discrimination, and privacy, with full respect for the dignity, integrity and bodily autonomy of the person,

Recognizing also the differing needs of girls and women at different ages and stages of their lives, and the various forms of discrimination, in particular multiple and intersecting forms of discrimination, that affect their day-to-day reality and that can lead to deprivation of liberty not only in detention facilities but also in other public and private institutions, private homes and community spaces, and in situations of conflict and crisis,

Recognizing further that discrimination against women and girls is inherently linked to deep-rooted patriarchal and gender stereotypes and unequal power relations, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage, have direct negative implications for the status and treatment of women and girls and that gender-biased environments promote impunity and impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Reaffirming that the full enjoyment of all human rights by all women and girls includes their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence, and that equal relationships in matters of sexuality, sexual relations and reproduction, including full respect for the dignity, integrity and bodily autonomy and agency of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences, in accordance with applicable international human rights standards,

Recognizing the major contributions made by civil society, including women's organizations, feminist groups, women human rights defenders, trade unions and girls' and youth-led organizations, to promoting the empowerment of women and girls and the fulfilment of all their human rights, and recognizing also the importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures promoting substantive gender equality in the empowerment of women and girls in all spheres,

Regretting that women remain underrepresented, especially in management positions, in several United Nations bodies and mechanisms responsible for developing international human rights norms and standards and monitoring their implementation, and noting that balanced gender representation is an essential step towards bringing about a structural change needed to advance substantive gender equality and gender parity in line with the system-wide strategy on gender parity, while bearing in mind the necessity to

secure the highest standard of efficiency, competence and integrity, as well as equitable geographical distribution,

Taking note of the work of the Human Rights Council Advisory Committee regarding mainstreaming a gender perspective and the issue of gender equality,

1. *Calls upon* States:

(a) To ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and to consider ratifying or acceding to the Optional Protocol to the Convention as a matter of particular priority;

(b) To limit the extent of any reservations and to formulate them as precisely and narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention, in accordance with the Vienna Convention on the Law of Treaties;

(c) To implement the Convention on the Elimination of All Forms of Discrimination against Women through appropriate legislation, regulation, policies and programmes;

(d) To cooperate fully with the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and to implement its recommendations, as appropriate;

2. *Takes note* of the work undertaken by the Working Group on the issue of discrimination against women in law and in practice, including its report,¹ and calls upon States to support substantive equality by adopting appropriate measures, including temporary special measures, necessary to prevent, diminish and eliminate patriarchal and gender stereotypes that cause or perpetuate substantive or de facto discrimination, and to adopt an intersectional approach to genuinely respond to the needs of women and girls with different backgrounds;

3. *Calls upon* States to take steps to promote reforms as appropriate and implement legal frameworks and policies directed to advancing substantive gender equality and the prevention and elimination of all forms of discrimination against women and girls and making the necessary investments in this regard in all spheres, taking into consideration the good practices and recommendations identified by the Working Group and the recommendations made by the Special Rapporteur on violence against women, its causes and consequences, by other States in the context of the universal periodic review and by other relevant human rights mechanisms, with a view to ensuring the realization of human rights by all women and girls;

4. *Also calls upon* States:

(a) To repeal all laws that exclusively or disproportionately criminalize the actions or behaviour of women and girls, and laws and policies that discriminate against them, based on any grounds, including any custom, tradition or misuse of culture or religion contrary to the international obligation to eliminate all forms of discrimination against women and girls;

(b) To ensure that their international obligations on gender equality and non-discrimination are incorporated at all levels of legal frameworks, policies and practices, including in relation to women's and girls' access to justice, redress and effective remedies;

(c) To consider reviewing all proposed and existing legislation in accordance with international human rights obligations and a gender- and age-responsive perspective, and repealing discriminatory laws with a view to preventing retrogression, involving, when necessary, independent experts, national human rights institutions, women human rights defenders, women's and girls' community-based organizations, feminist groups, youth-led organizations and other relevant stakeholders;

¹ A/HRC/41/33.

(d) To promote legislation, regulation, policies and programmes that facilitate the economic empowerment of all women and girls, ensure equal pay for work of equal value and prohibit all forms of discrimination, including in the workplace and in education, such as discrimination based on pregnancy, maternity, marital status, age, race or gender, as well as violence and harassment against women and girls;

(e) To work towards establishing or strengthening inclusive and gender-responsive social protection systems, including floors, to ensure full access to nationally appropriate social protection for all without discrimination of any kind, and to take measures to progressively achieve higher levels of protection, including by facilitating the transition from informal to formal work;

5. *Urges* States:

(a) To ensure women's and girls' equal enjoyment of economic, social, cultural, civil and political rights through the prohibition of and appropriate action to eliminate all forms of discrimination by all actors, State and non-State alike;

(b) To respect, protect and fulfil the right to liberty as a human right, widely recognized in international instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, inter alia by reviewing and amending legislation and implementing gender-specific interventions;

(c) To remove barriers, whether political, legal, practical, structural, cultural, economic, institutional or resulting from the misuse of religion, preventing the full, equal, effective and meaningful participation of women and girls in all fields, including participation of women in leadership at all levels of decision-making in public and private sectors, and actively promote diversity in leadership and an inclusive, enabling leadership culture;

(d) To modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres, including in digital contexts, patriarchal and gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations that view women and girls as subordinate to men and boys, that underlie and perpetuate discrimination and violence against women and girls and that may lead to the deprivation of liberty of women and girls not only in detention facilities but also in other public and private institutions, private homes and community spaces, and in situations of conflict and humanitarian emergencies;

(e) To support substantive gender equality and women's and girls' rights, including within families, through long-term awareness-raising initiatives, including for men and boys, especially education and public awareness-raising, including in the media and online, through the incorporation of curricula on all women's and girls' rights into teacher training courses, including on the prevention of sexual and gender-based violence, and by ensuring universal access to evidence-based comprehensive sexuality education;

6. *Calls upon* States to implement policies and actions directed:

(a) To collect, share, positively recognize, implement and widely publicize good practices to prevent discrimination against women and girls and counter gender stereotyping, negative portrayals and the exploitation of women and girls, and to promote and support the implementation of awareness programmes to combat gender stereotypes and gender-based discrimination in all settings as part of their efforts to diminish factors that are used to facilitate and justify the deprivation of women's and girls' liberty;

(b) To ensure access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and violence against women and girls, in all contexts, including by informing women and girls about their rights under relevant laws and by improving legal infrastructure, including, as appropriate, through gender- and age-responsive training for police and security forces, prosecutors, judges and lawyers and other relevant authorities and officials, and removing all barriers to access to legal counselling, assistance and remedies;

7. *Urges* States to promote and protect sexual and reproductive health and reproductive rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences, and to respect, protect and fulfil the right of every woman to have full control over and decide freely and responsibly on all matters relating to her sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect bodily autonomy and guarantee universal access to sexual and reproductive health, services and evidence-based information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth assistance and emergency obstetric care, safe abortion where not against national law, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and through the integration of sexual and reproductive health into national health strategies and programmes;

8. *Also urges* States to develop, support and protect an enabling environment for the full, meaningful and equal participation of women's rights organizations, feminist groups and women and girl human rights defenders and youth-led organizations in the creation, design and implementation of all legislation and policies relevant to substantive gender equality, as well as when adopting and implementing good practices conducive for the sustainable application of equality and empowerment measures for women and girls, and also to consider the application of the good practices framework identified in the report of the United Nations High Commissioner for Human Rights concerning the creation and maintenance of a safe and enabling environment for civil society,² with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

9. *Calls upon* all States to continue to develop and enhance standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and disability- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance for enabling developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by gender, age, income and other characteristics relevant in national contexts;

10. *Stresses* the importance of mainstreaming a gender and age perspective into justice systems at all levels to ensure equal protection of the law for women and girls, taking into consideration, inter alia, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice;

11. *Decides* to extend the mandate of the Working Group for a period of three years under the title Working Group on discrimination against women and girls, on the same terms provided for by the Human Rights Council in its resolution 15/23 of 1 October 2010, and to additionally request the Working Group to take into account, and mainstream across all its work, an age dimension in the fulfilment of its mandate and examine the specific forms of discrimination that girls face;

12. *Calls upon* all States and other stakeholders to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

² A/HRC/32/20.

13. *Requests* the Secretary-General to ensure that the reports of the Working Group are brought to the attention of the Commission on the Status of Women in proximity with the reports of the Special Rapporteur on violence against women, its causes and consequences and of the Committee on the Elimination of Discrimination against Women, to assist in the Commission's work in the area of discrimination against women and girls;

14. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

15. *Calls upon* States, and encourages the United Nations and other international institutions, to promote a balanced gender representation and equitable geographical distribution in the composition of international bodies at all levels, including by:

(a) Developing guidelines and procedures at the national level, when applicable, that have due regard to the need for gender balance as a consideration for the nomination and election of candidates;

(b) Strengthening efforts to announce available vacancies in international bodies, encouraging more women to become candidates, and to monitor and report on the progress in achieving balanced gender representation;

16. *Requests* the Human Rights Council Advisory Committee to prepare a report, in close cooperation with the Working Group and the Committee on the Elimination of Discrimination against Women, on current levels of representation of women in human rights organs and mechanisms such as the Advisory Committee, treaty bodies and special procedures established by the Human Rights Council. The report, to be presented to the Council at its forty-seventh session, is to include good practices by States in nominating, electing and appointing candidates to ensure balanced gender representation, in line with the system-wide strategy on gender parity, and recommendations to assist the Council and Member States in this regard;

17. *Also requests* the Human Rights Council Advisory Committee to seek the views, inputs and meaningful participation of relevant stakeholders in an inclusive manner, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, special procedures, national human rights institutions, civil society and academic institutions, when preparing the above-mentioned report;

18. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.
