NGO STATEMENT TO NATIONAL INSTITUTIONS for the PROMOTION AND PROTECTION OF HUMAN RIGHTS

November 6, 2012

This statement is an outcome of the participation of more than 100 NGOs from four continents – Africa, Asia, the Americas, and Europe in the NGO Forum on the role of National Institutions in promoting gender equality and the human rights of women and girls. The NGO Forum held in Amman (4-5 November 4-5, 2012) organized by the Amman Center for Human Rights Studies (ACHRS) and in collaboration with the Asian Network of Non-governmental Organizations Working with NHRIs (ANNI) and the Jordanian National Commission for Women (JNCW).

We hope that these recommendations will be considered for incorporation into the outcome document of the 11th International Conference of the International Coordinating Committee and National Institutions for the Promotion and Protection for Human Rights.

Recognizing the significance of the NGO Forum being held in the Arab region, which has experienced egregious violations of collective human rights in the context of foreign occupation and in the particular context of the recent popular Arab uprising, involving bloodshed, the participants wish to emphasize the importance of recognizing collective rights, including the right to self determination, the right to peace and security, and the right development, the lack of which cause grievous violations of the rights of women and girls, in particular those belonging to marginalized and vulnerable communities. To strengthen the engagement of Arab civil society organizations (CSOs) with their National Institutions, the NGOs in the Arab region will form an Arab Network of CSOs and liaise with the ANNI Network to effectively monitor National Institutions within a region-specific context. This would be realized and implemented by the Amman Center for Human Rights Studies (ACHRS) in cooperation with ANNI in 2013.

We express shock and grave concern at the wrongful pending impeachment of Dr. Shirani Bandaranayake, the first ever woman Chief Justice of Sri Lanka. The NGO Forum is outraged that Ms. Hassan Asadi Zeydabadi who is the Secretary of Human Rights Committee (ADVAR) in Iran and a member of ANNI who has been in prison since 2010 at Evin Prison in Tehran. We call for attention to large numbers of women living in the Occupied Territories of Palestine and the denial of all economic, social and cultural rights. We salute the valiant struggles of over 20,000 women in Koodankulam who are protesting the nuclear power plant in their neighborhood, against whom over 70,000 criminal cases, including sedition and waging war against the state have been registered.

As international, regional, host country human rights associations and non-government organizations working on the human rights of women and girls, we recognize and urge National
Institutions to also recognize that women have multiple identities and experience multiple cross-cutting discrimination, including racism, racial discrimination, xenophobia and related intolerance and intersectional or multiple or aggravated forms of discrimination and disadvantage that lead to the particular vulnerability of girls and some groups of women, such as women belonging to marginalized and vulnerable groups, including but not limited to indigenous women, women who suffer caste discrimination, religious and ethnic minority women, refugee and internally displaced women, migrant women, women living in rural or remote communities, women living in extreme poverty, women in institutions or in detention, women with disabilities, elderly women, widows, women in situations of armed conflict, sex workers, women victims of trafficking, domestic and family violence, and women who are discriminated against on the basis of HIV status, sexual orientation and gender identity, or women who are discriminated against on the basis of drug use.

Discrimination against women should be prohibited whether by state or non-state, including private individuals, in all circumstances whether in private or public and particularly in formal and informal institutions or education and employment.

Girls are particularly vulnerable to human rights violations; their opinions are rarely taken into account, and they encounter significant problems in using the judicial system to protect their rights or to seek remedies for violations of their rights. Girls’ access to organisations that may protect their rights are generally limited.

We acknowledge all international human rights instruments, while emphasizing:

- the Statement by the Committee for the Elimination of Discrimination Against Women (CEDAW) on National Human Rights Institutions (NHRIs), which acknowledges that NHRIs play an important role in promoting implementation of the CEDAW Convention at the national level, protecting women’s human rights and enhancing public awareness of such rights;
- General Comment No. 2 (2002) by the Committee on the Rights of the Child (CRC) on the role of NHRIs in the promotion and protection of the rights of the child, including girls;

While we acknowledge all the general recommendations of the CEDAW Committee, we highlight CEDAW General Recommendation 23 on women in public and political life, General Recommendation 24 on women and health, General Recommendation 25 on temporary special measures, General Recommendation 21 on equality in marriage and family matters, General Recommendation 19 on violence against women, General Recommendation 27 on elder
women, and General Recommendation 28 on core obligations of states under Article 2 of the Convention.

We urge National Institutions to advocate with their relevant National Authorities for removal of all reservations, and in particular reservations on Article 9 of the CEDAW Convention, and for ratification of the Optional Protocol to the Convention.

We urge National Institutions to advocate with their relevant National Authorities for the ratification of the Convention on the Rights of Persons with Disabilities.

We strongly emphasize the role of National Institutions in assisting the functioning of Treaty Monitoring bodies and the Universal Periodic Review by the Human Rights Council through the periodic submission of independent reports and assisting in filing complaints and requests for inquiries towards ensuring effective implementation of international standards on women’s human rights at the national level.

We call on National Institutions to prioritize the rights of women and girls in the various programmes and activities carried out by National Institutions, through the formulation and declaration of a decade for the significant and meaningful advancement of women and girls.

We urge National Institutions to ensure close collaborative working processes with specialized women’s commissions and children’s commissions, including the participation of staff and members at the Human Rights Council, meetings with treaty bodies, and training programmes at all levels.

We urge National Institutions to ensure gender equality through representation across all levels of governance, leadership and staff positions within National Institutions, as well as ensuring that National Institutions as workplaces are free of sexual harassment, violence and intimidation.

We urge National Institutions to engage with organizations and stakeholders at the national, regional and international levels, including trade unions, UN agencies, civil society organizations, non-state actors, and regional- and inter-governmental organizations to promote and protect women and girl’s human rights and gender equality. This includes the ASEAN Intergovernmental Commission on Human Rights (AICHR),

We also urge National Institutions to devote particular attention to the gender-specific violations faced by women human rights defenders for being women or because of the causes that they defend and establish special mechanisms within National Institutions such as focal points or special task forces who are knowledgeable about or receive timely training on the issues requiring their special attention. The recommendations of these special mechanisms should be given the weight and attention of the entire national institution inorder to redress the rights of women human rights defenders speedily.
Education and Awareness Raising

We urge National Institutions to accelerate the development of a National Plan for the dissemination and promotion of a culture of human rights as a comprehensive national strategy in various fields of education, media and other means of influencing public opinion with the focus on human rights of women and girls.

We urge National Institutions to initiate sustainable and replicable community-level education, both formal and informal, from primary to tertiary levels for promotion of awareness-raising activities on gender equality, relevant international standards, and the impact of violations, paying particular attention to eliminating prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of heteronormative standards or on stereotyped roles for men and women.

Women’s Political Participation and Public Life

We call on National Institutions to develop and promote the adoption of affirmative measures with regard to women’s elected and appointed positions no less than 30% in the executive, legislative and judicial arms of government, and work with political parties to adopt affirmative measures to support more women candidates, ensuring adequate representation of women from marginalized and vulnerable communities.

We want National Institutions to ensure that women political participants have fair, equal and safe environments to participate in political negotiations, peace processes and electoral processes.

We urge National Institutions to promote measures including through education, the adoption of laws and practices to eliminate traditions and social and cultural stereotypes that discourage women from exercising their right to vote and right to contest for elections at all levels.

We urge National Institutions to promote measures to ensure women’s participation and access to all decision-making processes, including but not limited to political parties, government offices and intergovernmental bodies.

Women’s Economic, Social and Cultural Rights

We urge National Institutions to ensure the realisation of economic social and cultural rights on an equal footing with civil and political rights as human rights are indivisible, inter-dependant,
and represent the minimum requirement for the maintenance of the dignity of every human being and to achieve justice, fairness, freedom and equality for all humans.

We urge National Institutions to acknowledge, develop and adopt measures for protection of women’s human rights, particularly of poor women in neoliberal globalization processes, through engagement with international financial institutions, transnational corporations, and other issue specific intergovernmental organisations.

We stress the need for recognizing the rights of people to self-determination, their right to be free of occupation, their right to development, including control over natural resources, the right to energy, the right to water, a clean environment, housing, and the right to fight against global phenomena threatening climate change, food, their security and the security of people at large, and basic human rights whose neglect would lead to the erosion of a wide range of human rights in general, the negative effects of which have always had disproportionate impact on the rights of women and girls.

**Violence Against Women and Girls**

Women experience violence not only in marital but also non-marital relationships. We call on National Institutions to advocate for existing laws against domestic violence to extend to all relationships.

We urge National Institutions to address the root causes of gender-based violence, promote and support the adoption of laws against domestic and family violence, sexual assault and all other forms of gender-based violence including femicide.

We urge National Institutions to ensure access to adequately resourced critical services for victims of domestic and family violence, sexual assault and other forms of gender-based violence, including shelters, specially trained health workers, and rehabilitation, counselling and legal services. National Institutions must ensure that these services are non-discriminatory and accessible to marginalized and vulnerable women.

We urge National Institutions to monitor violations of women’s human rights, environments that lead to violations, accessibility of services to girls and women across the life span, and collaborate with civil society to research the nature, prevalence, cross-cutting impact of all forms of gender-based violence, and responses or lack of responses to this violence.

Establish and support measures to address human rights violations experienced by women in conflict and post-conflict situations, especially sexual violence, lack of access to justice, and lack of effective measures to hold perpetrators of these violations accountable, through the adoption of transitional justice mechanisms that are gender sensitive and community sensitive, especially
in the context of justice for women who are victims of the multiple forms violence against women including slavery.

**Rights to Sexual and Reproductive Health**

We urge National Institutions to recognize and protect the right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children, and on matters related to their bodily rights and sexual autonomy, including sexual orientation and gender identity. We urge National Institutions to ensure the exercise of such rights by ensuring women’s access to adequate information and means for achieving gender equality, women’s empowerment, and the realization of women’s human rights, free from discrimination, violence or coercion.

We urge National Institutions to create environments and promote measures that protect the human rights of adolescent girls to freely and responsibly exercise their rights on matters relating to their sexualities.

We urge National Institutions to address and monitor violations to rights of sexual and reproductive health, in particular forced sterilization, forced abortion, child marriage, forced marriage, female genital mutilation/cutting, biased sex selection and other harmful practices such as corrective rape.

**Conclusion**

In light of the above recommendations we urge the international community to ensure effectiveness of aid for human rights according to the Vienna Plan of Action and other relevant principles and human rights instruments, as well as development aid to ensure the achievement of goals of National Institutions especially those involving women of special, marginalized and vulnerable categories.

We urge in particular the countries without National Institutions to prioritise the establishment of such institutions with guarantees of compliance with the Paris Principles and on the basis of equal recognition and guarantee of civil and political rights with economic, social and cultural rights.

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