

**Fact Sheet Final Revision: Gender, Sexualities, & Human Rights in the context of the UN
Daniela Jauk, Ph.D. (The University of Akron), September 7, 2013**

This fact sheet outlines the main mechanisms used to protect gender and sexualities in the context of human rights and in the framework of the United Nations (UN). I first give a brief overview of gender equality structures and processes pertaining to sex and gender, and then discuss recent developments in regard to gender identity and sexualities. A brief discussion of Sociologists for Women in Society's (SWS) work at the UN serves as segue to related teaching and community resources.¹

1. Gender Equality Structures and Processes within the UN system

UN efforts for gender equality have occurred in five different phases (United Nations and Boutros-Ghali 1996): (1) 1945-62 legal foundations, (2) 1963-75 women in development, (3) 1976-85 the decade for women, (4) 1986-96 equality, development, and peace, and (5) 1996-2006 women post-conflict. I add a sixth phase "Accounting for intersectionality" for its recent history. Each phase represents important milestones in shaping gender policy recommendations and obligations for its member states (see Figure 1).

1945	UN Charter
1945- 1962	<i>Establishing legal foundations</i>
1946	CSW Commission on the Status of Women established
1948	UN Declaration of Human Rights
1963-75	<i>Recognizing women in development</i>
1967	Declaration on the Elimination of Discrimination Against Women (DEDAW)
1975	International women's year
1975	First World Conference on Women, Mexico City
1976-85	<i>The UN Decade For Women</i>
1979	Convention on the Elimination of Discrimination Against Women adopted (CEDAW)
1980	2 nd World Conference, Copenhagen
1985	3 rd World Conference, Nairobi
1986-96	<i>Equality, development, and peace</i>
1987	CSW begins to meet annually
1993	Vienna Declaration and Programme of Action
1994	First Special Rapporteur on Violence Against Women
1995	4 th World Conference, Beijing China
1996-2006	<i>Women post-conflict</i>
2000	23 rd Special General Assembly on Women, Equality, Development and Peace
2000	Security Council Resolution 1325 on Women, Peace and Security
2006 to present	<i>Accounting for intersectionality</i>
2007	Yogyakarta Principles
2009	Special Rapporteur on Violence against Women mandated to report to the CSW on an annual basis
2010	Creation of UN Women
2011	Human Rights Council Resolution on Sexual Orientation and Gender Identity

Figure 1. UN Timetable (organized by author, based on United Nations and Boutros-Ghali 1996)

¹ As a caveat it must be noted that the UN was founded within a discourse of racialized masculinity that is reproduced in its contemporary structures and processes (Falcon 2012, Collins et al. 2010, Patil 2009). Also, it is important to acknowledge that the human rights enterprise is not necessarily defined through the state centered UN discourse (Armaline and Glasberg 2009), means being also critical of US's human rights record (Armaline, Glasberg and Purkayastha 2011), and takes as well place beyond UN structures (Karides, Smith and Becker 2008).

1.1. The Commission on the Status of Women (CSW)

The Commission on the Status of Women (CSW) is the UN's principal global policy-making body dedicated exclusively to gender equality and the advancement of women. It was established after the founding of the UN in 1946 due to the activism of women advocates who also ensured that the principles of non-discrimination based on sex were inscribed in Article 1 of UN's founding charter (United Nations 1945). The commission has 45 elected members, and all 193 UN member states can vote in the annual meetings that take place at the UN Headquarters in New York City. The main outcome of the meetings is the "Agreed Conclusions," a set of policy recommendations on how to advance gender equality in regard to an annual priority theme. They are considered binding policy guidelines for all member states but lack mechanisms of enforcement (Gaer 2009).

1.2. Committee on the Elimination of Discrimination against Women (CEDAW)

The UN Decade for Women (1976 to 1985) resulted in better data about gender inequality. One result of this crucial period was the adoption of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) which is often referred to as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. Currently 187 states have ratified the CEDAW process, the United States is the only Western country that has not ratified CEDAW to date (Blanchfield 2010). In 2000, an Optional Protocol established a communication procedure that allows women to submit claims of violations of rights protected under CEDAW. The Protocol also created a procedure enabling the Committee to initiate inquiries into grave or systematic violations of women's rights.

1.3 Beijing Platform of Action (BPFA)

While the Vienna Declaration and Programme of Action (25 June 1993) is vividly remembered by people involved as birthplace of the slogan "women's rights are human rights," the Fourth World Conference on Women in Beijing (4–15 September 1995) marked crucial breakthroughs, including the adoption of the Beijing Declaration and Platform for Action (BPFA). This declaration defined twelve critical areas of concern to equality for women and outlined programs of action for each of those to be implemented by state parties (United Nations 1995). The Women's World Conferences "cemented women's agency in the global era" (Desai 2002: 31) and provided space for transnational solidarities (Jain 2005) but they also reproduced inequalities between women from the North and South (Naples 2002), between those inside and outside neo-liberal institutional funding circuits (Merry 2006), and they evoked struggles over definitions and emphases in gender and human rights discourse (Erturk and Purkayastha 2012, Patil 2011, Ferree and Tripp 2006).

1.4. The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)

In 2010, the United Nations structurally reorganized by merging four parts of the UN system focused exclusively on gender equality and women's empowerment into one entity called United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). It has the broad mandate to oversee political, civil, economic, and social human rights and link efforts towards gender equality within the UN system. A step towards better internal information had already been the establishment of the annual reports to the CSW of the Special Rapporteur on Violence against Women (Erturk and Purkayastha 2012). On January 1, 2011 UN Women became fully operational, and Michelle Bachelet served as its head from 2011 to 2013. In July 2013 Phumzile Mlambo-Ngcuka, a former South African deputy president, was appointed as its new leader.

2. Human Rights for LGBTQIA populations?

Even though violations of human rights on the grounds of sexuality and gender identity have been carefully avoided in the BPFA (Baden and Goetz 1997) and silenced in the CSW so far (Bedford 2010), they have been addressed in CEDAW and other sectors of the UN-system by an increasingly influential and sophisticated network of global human rights LGBTQIA activists.²

² For a brief history of international activism see Kollman & Waites (2009) and O'Flaherty & Fisher (2008).

4.1. Yogyakarta Principles

An impressive group of experts – lawyers and scholars, domestic activists and international professionals, UN-affiliates and NGO leaders – gathered in Yogyakarta, Indonesia in November 2006 to evaluate how existing human rights regulations related to sexual orientation and gender identity. The outcome document, the Yogyakarta Principles (International Commission of Jurists 2007), is a compilation of 29 principles reflecting current international law. The Yogyakarta Principles are the most important document for international LGBTQIA activists. Their implementation into national law is tracked on the website www.ypinaction.org and in a recent report on the global impact of the Principles (Ettelbrick and Zeran 2010).

4.2. CEDAW Recommendation 28

As mentioned above, the CEDAW committee evaluates country reports and gives specific suggestions to the state parties. NGOs submit "shadow reports" to complement official reporting. Spurred by recent research and shadow reports by LGBTQIA activists, the CEDAW committee adopted General Recommendation 28 in 2010, specifically addressing intersectionality and thus issues of sexual orientation and gender identity. It states that "the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity" (Paragraph 18, CEDAW/C/2010/47/GC.2).

4.3. Human Rights Council (HRC)

In 2011, the Human Rights Council (HRC) in the UN passed the first ever UN-resolution on the human rights of lesbian, gay, bisexual and transgendered persons (A/HRC/17/L.9/Rev.1. 2011). The HRC is an inter-governmental body, made up of 47 United Nations member states. Based on this resolution, the HRC published its first report on "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity" (A/HRC/19/41 2011). The report addressed multiple forms of interpersonal and structural violence on the basis of sexual orientation and gender identity in all world regions. Moreover, the UN Human Rights Commissioner recently released a publication that makes the same argument as the Yogyakarta Principles: LGBTQIA populations *are in fact protected under current human rights law*, member states should accordingly protect people from transphobic and homophobic violence and prohibit discrimination (OHCHR 2012). Most recently, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has for the first time acknowledged medical mistreatment of LGBT populations such as "normalizing" surgeries of intersex infants or forced sterilizations (HRC 2013).

5. SWS' work in the context of the United Nations

SWS is affiliated with the Department for Public Information (DPI) of the UN and since 1999, has been accredited as NGO with Consultative Status with the Economic and Social Council (ECOSOC). As such, SWS has organized parallel events at CSW meetings and issued statements concerning the annual priority themes of the CSW meetings, as well as mentored students and feminist sociologists into activist work at the UN. These experiences and the written statements could be used in the classroom to highlight specific global gender issues and serve as examples for global feminist public sociology. For further information about UN work and the possibility of bringing students to the UN contact the International Committee of SWS via the SWS website.

- Statement submitted CSW 54/2010, E/CN.6/2010/NGO/31, *Beijing Review/Violence Against Women*, <http://www.un.org/womenwatch/daw/beijing15/documentation.html>
- Statement submitted CSW 55/2011, E/CN.6/2011/NGO/20, *education/school fees* <http://www.un.org/womenwatch/daw/csw/csw55/documentation.htm><http://www.un.org/womenwatch/daw/csw/csw55/documentation.htm>
- Statement submitted CSW 56/2012, E/CN.6/2012/NGO/54, <http://www.un.org/womenwatch/daw/csw/csw56/documentation.htm>, *rural women/adult literacy*
- Statement submitted CSW 57/2013, E/CN.6/2013/NGO/48, *violence against women* <http://www.un.org/womenwatch/daw/csw/csw57/documentation.htm>

6. Teaching Resources

Bunch, Charlotte 2007 "Women and Gender: *The Evolution of Women Specific Institutions and Gender Integration at the United Nations.*" (http://www.cwgl.rutgers.edu/component/docman/doc_view/192-unhandbook).

Brunsma, David L., Keri E. Iyall Smith and Brian Gran. 2012. *Handbook of Sociology and Human Rights*. Boulder, CO: Paradigm Publishers, particularly chapters by Nancy Naples (gender) and Mary Bernstein (sexualities) for overview over main debates.

Committee on the Elimination of Discrimination against Women, <http://www.un.org/womenwatch/daw/cedaw/http://www.un.org/womenwatch/daw/cedaw/>

Commission on the Status of Women, <http://www.un.org/womenwatch/daw/csw/57sess.htm>

For further research on the UN <http://unhistoryproject.org/index.html>; students could also subscribe to UN Wire a daily snapshot on UN and world-news http://www2.smartbrief.com/getLast.action?mode=last&b=un_wire

The Courage Unfolds Campaign and video highlight the issues faced by LGBT people in Asia and encourage the use of the Yogyakarta Principles as a tool to promote LGBT human rights.

<http://vimeo.com/22813403><http://vimeo.com/22813403>, (30 min)

Video on Yogyakarta Principles <http://www.youtube.com/watch?v=2wiyOO9plCU> (10 min)

Hardcopies of the Yogyakarta Principles for the classroom as well as activist's guides can be ordered on the website <http://www.yogyakartaprinciples.org/index.html>

Syllabi on UN Themes, <http://unhistoryproject.org/teach/syllabus-themes.html>

Website of UN Women, <http://www.unwomen.org/>

7. Important activist and/or community organizations

ASA Human Rights Section, <http://www.asanet.org/sections/humanrights.cfm>

Association for Women's Rights in Development (AWID) is an international, multi-generational, feminist organization committed to achieving gender equality, sustainable development and women's human rights. <http://www.awid.org/>

Center for Women's Global Leadership (CWGL) offers many publications and resources on global gender rights and is a spearheading NGO at the UN <http://www.cwgl.rutgers.edu/http://www.cwgl.rutgers.edu/>

Femnet, The African Women's Development and Communication Network, <http://femnet.co/>

Human Rights Watch is one of the world's leading independent organizations dedicated to defending and protecting human rights, features LGBT section <http://www.hrw.org/home>

International Alliance of Women, founded 1904, is a very active international women's NGO at the UN, <http://www.womenalliance.org/>

International Gay and Lesbian Human Rights Commission, <http://www.iglhrc.org/>

International Lesbian and Gay Association, <http://ilga.org/>

International Women's Rights Action Watch Asia Pacific, <http://www1.umn.edu/humanrts/iwraw/> and <http://www.iwraw-ap.org/>

Press for Change, <http://www.pfc.org.uk/>

Societies without Borders, the open access journal of Sociologists without Borders, <http://societieswithoutborders.com/http://societieswithoutborders.com/>

Women's Environment and Development Organization, <http://www.wedo.org/>

Women's Learning Partnership, <http://www.learningpartnership.org/>

8. Some international feminist perspectives on human rights

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