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Item 8 – Follow-up to and implementation of the Vienna Declaration and Programme of Action

Discussion on the integration of a gender perspective in the Human Rights Council

On behalf of the World Organisation Against Torture (OMCT) I would like to congratulate you Mr. President for the quality of the panel dedicated to the issue of gender integration in the work of the Human Rights Council.

I take this opportunity to stress the complementarities OMCT has noticed between the treaty monitoring bodies and the special procedures in terms of gender integration, and how these complementarities may help to shape the future mainstreaming strategy to be adopted in the framework of the Universal Periodic Review (UPR) and the further strengthening of the integration of gender throughout the UN system.

OMCT has endeavoured for the past 20 years to ensure that mandate holders and Committee experts take into account the role gender plays in the torture and other forms of ill-treatment of women – in particular, the form torture takes, the circumstances in which it occurs, its consequences (to women's reproductive health, social and family life, etc.), and the accessibility of remedies when women occupy a subordinate position in society.

In this respect, the Special Rapporteur on torture already highlighted in his first report in 1986 the intentionally discriminatory aspect of female genital mutilation which allows it to qualify as torture when the State does not act. Conversely, the adoption of a general comment (n° 28) by the Human Rights Committee on the equal application of the provisions of ICCPR to both women and men, more precisely its section that deals with the prohibition of torture under Article 7 of ICCPR, has provided an instrument that makes it mandatory for States parties to report on measures to combat domestic violence and harmful traditional practices, among other gender-specific violations that may amount to torture or ill-treatment. The same holds true for general comment n°19 of the CEDAW Committee. Both general comments have been expressly endorsed by the rapporteur on torture.

In addition, without the application – in particular by the Special Rapporteur on violence against women – of the concept of due diligence that States must exercise to address violations committed by private actors, no such progress in the field of gender integration would have been possible. More recently, this notion has influenced a more progressive assessment of State responsibility by other international bodies, such as the Committee against Torture, in particular for violence against women.

These are but a few examples of complementary and mutually reinforcing gender integration. We hope that the Council will make full use of these instruments, including reports by special procedures mandate holders and treaty bodies' general comments, in strengthening its gender integration strategy. Perhaps the formalisation of certain channels of communication and collaboration should be explored via inter-committee and special procedures' meetings, by also inviting on a regular basis the future UN women's rights agency and the Women's Rights and Gender Unit at OHCHR, hoping this may help to make gender integration a reality in response to the needs of women victims.

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