

What does the WCAR mean for Asia Pacific Women?

**A Comparative Analysis of Women's Human Rights in the
Durban Declaration and Programme of Action, the Beijing
Platform for Action (BPFA), the Five Year Review of BPFA, and
the Convention on the Elimination of all forms of
Discrimination Against Women (CEDAW)**



The Centre for Refugee Research
UNSW



**Asia Pacific Forum on Women
Law and Development (APWLD)**

APWLD

APWLD is an independent, non-government, non-profit, regional organisation. It emerged out of dialogues between women activists, lawyers and academics during and after the Third World Conference on Women in Nairobi, Kenya (1985). APWLD is committed to enabling women to use the law as an instrument of social change and to promote women's human rights for equality, justice and development.

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LIST OF ACRONYMS

APWLD	Asia Pacific Forum on Women, Law and Development
B+5	Beijing + 5
BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CROC	Convention on the Rights of the Child
Dec	Declaration
Doc	Document
ICC	International Criminal Court
ICERD	International Convention on the Elimination of Racial Discrimination
ICPD	International Conference on Population and Development
ILO	International Labour Organisation
IMF	International Monetary Fund
MNC(s)	Multi-National Corporation(s)
NGO	Non Government Organisation
para(s)	paragraph(s)
PoA	Programme of Action
TNC(s)	Trans-National Corporation(s)
UDHR	Universal Declaration on Human Rights
UN	United Nations
WCAR	World Conference Against Racism
WTO	World Trade Organisation

DOCUMENTS USED IN THE PREPARATION OF THIS BOOKLET

References used within this document are listed in the table below:

Reference Document	Reference in text as	Where to find this document
APWLD Issue Papers produced for WCAR Durban (August, 2001)	APWLD Issue Paper	www.apwld.org
APWLD Lobby Document Women's Human Rights: Engendering the Agenda of WCAR (April, 2001)	APWLD Lobby Doc	www.apwld.org
Beijing Declaration and Platform for Action	BPFA	www.apwld.org http://www.un.org/womenwatch/daw/public/index.html http://www.un.org/womenwatch/daw/flowup/beijing%2B5.htm
UN General Assembly Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (B+5)	B+5	www.apwld.org http://www.un.org/womenwatch/daw/public/index.html http://www.un.org/womenwatch/daw/flowup/beijing%2B5.htm
World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Declaration and Programme of Action (31 August to 8 September, 2001)	WCAR Dec WCAR BPFA	www.apwld.org http://www.un.org/WCAR/
Convention on the Elimination of all Forms of Discrimination against Women	CEDAW	www.apwld.org http://www.un.org/womenwatch/daw/cedaw/index.html

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INTRODUCTION

Background

During the course of its campaign for the World Conference Against Racism, Racial Discrimination, Xenophobia and other forms of related intolerance (WCAR), APWLD produced the following lobbying documentation: a position paper on the intersectionality of race and gender in the Asia Pacific for the Commission on Status of Women (*available from www.apwld.org*); the 'APWLD Lobbying Document: Women's Human Rights: Engendering the Agenda of WCAR' (*available from www.apwld.org*)¹; a collation of short Issues Papers (*available from www.apwld.org*); and a 'Red-Bracket Paper' on the WCAR Draft Declaration², which provides suggested text for the Durban Declaration. The lobbying documentation was produced by APWLD in collaboration with Eileen Pittaway of The Centre for Refugee Research, UNSW, Australia, Susanna George of ISIS International-Manila and Sunila Abeysekera of INFORM, Sri Lanka.

In developing this documentation APWLD focused on identifying the key issues raised by Asia Pacific women. It articulated these issues with examples from the lives of women and made recommendations to States for redressing these forms of discrimination. Importantly the documentation also provided suggested text to be incorporated in the Durban Declaration and Programme of Action, which would strengthen the already agreed language in draft outcomes documents to better recognise and address women's issues and rights.

The documentation prepared drew on the contributions from a wide range of sources including: participants in APWLD's lobbying training workshops; women's NGO's and human rights organisations that participated in the Asia Regional Preparatory Meeting and parallel NGO Forum (February 2001), the UN Commission on Status of Women (March 2001), the Asia Pacific NGO Networking Meeting (April 2001) and the Second Preparatory Committee Meeting (May 2001); and APWLD network members.

Coming out of these consultations, APWLD and the authors selected eight issue areas to focus on in the documentation. These key issues areas were:

- Women and Girls in Situations of Armed Conflict
- Women and Girls Facing Caste-Based Discrimination
- Women and Girls of Ethnic or National Minorities or Religious Groups
- Indigenous Women and Girls
- Migrant Women and Girls
- Refugee, Asylum Seeker and Displaced Women and Girls
- The Trafficking of Women and Girls
- Women and Girls in the context of Globalisation

The critical perspective used for examining these issues was an intersectional analysis of race, gender, class and other forms of discrimination against women and girls.

¹ Copies are also available from APWLD on request.

² Copies are available from APWLD on request.

Intersectionality of race, gender and class in WCAR

Racism and xenophobia are among the oldest identified forms of discrimination in human society. The first international human rights treaty adopted by the United Nations was ICERD, in 1965. Since then the UN has taken many different steps to combat racism in all its forms, including declaring several decades devoted to the combating of racism and racial discrimination. The WCAR was another event in the overall campaign of the UN against racism worldwide.

Racism is not simply a theory, or a collection of beliefs, sentiments or intentions. Racism is a strategy and a process of social and political control which functions to exclude opportunities and benefits to certain groups and serves to exclude the diversity of people's lives and rights. Racial discrimination is defined in the ICERD as "*any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life*".

Racial discrimination is widespread in the Asia-Pacific region and often not adequately addressed by either governments or civil society. The impacts of racism are devastating the region in the form of: situations of armed conflict, struggles for autonomy and self-determination; discrimination against Dalits and other marginalised caste groups and against ethnic and religious minorities; economic and political marginalisation; trafficking; exploitation of women and children migrants; abuse of women's and children's human rights; and the desecration of indigenous people's communities land and cultures.

It is also critical to understand that certain forms of racial discrimination may be directed towards women specifically because of their gender, such as sexual violence committed against women members of particular racial or ethnic groups in detention or during armed conflict; the coerced sterilisation of indigenous women; abuse in the informal sector of women workers from ethnic or national minorities or marginalised caste groups; the trafficking of women and girls into prostitution or domestic work. Racial discrimination may have consequences that affect primarily only women, such as pregnancy resulting from racial bias-motivated rape and compulsory HIV/Aids testing for migrant workers. Women may also be further hindered by lack of access to remedies and complaint mechanisms for racial discrimination because of gender-related impediments, such as gender bias in the legal system and general discrimination against women in all spheres of life.

However, the formal equality discourse in the human rights field tends to isolate racism from sexism and other forms of discrimination. As a result, sexism and racism and intersecting forms of subordination are treated separately. Because of this binary divide, the forms of multiple discrimination experienced by marginalised women and girls as a result of the intersection between racial and gender discrimination and related intolerances are unaccounted for, and therefore excluded from discussions and recommended solutions. Similarly, overlooking the diversity of women when dealing with sexism has meant issues of racism are not adequately addressed.

Therefore, in addressing the root causes of discrimination, it is important to understand them in all their manifestations. Issues of racism, racial and ethnic discrimination, xenophobia, and related intolerance must be approached within the

context of understanding the intersectionality of all forms of discrimination, particularly race, class and gender discrimination. Unless gender perspectives are integrated into policies formulated to eliminate racial discrimination, the gendered nature of the discrimination will not be addressed. [Chapter 1 explores in detail the concept of intersectionality.]

The BPFA recognised this when it noted the impact of “multiple barriers to [women’s] empowerment and advancement because of such factors as their race, age, ethnicity, culture, disability, or because they are indigenous people.” Similarly, the ICERD Committee in its General Recommendation (no. 25) on Gender-Related Dimensions of Racial Discrimination stated: “Racial discrimination does not always affect women and men equally or in the same way” (Para. 1). The CERD Committee further noted that there are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men. Such racial discrimination will often escape detection if there is no explicit recognition or acknowledgment of the different life experiences of women and men, in areas of both public and private life.

The WCAR, perhaps more than any other previous United Nations World Conference, had the mandate given by its objectives and its very title, to rigorously pursue an intersectional analysis and approach to human rights. The Durban Declaration and Programme of Action followed through on the WCAR mandate by "reaffirming the principles of equality and non-discrimination in the Universal Declaration of Human Rights..." (Durban Declaration, page 2). Further it reaffirmed that "States have the duty to protect and promote the human rights and fundamental freedoms of all victims and that they should apply a gender³ perspective, recognising the multiple forms of discrimination which women can face, and that the enjoyment of their civil, political, economic, social and cultural rights is essential for the development of societies throughout the world" (Durban Declaration, page 4). The Declaration also states, "We recognise that...victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language religion, political or other opinion, social origin, property, birth or other status;"⁴ (Durban Declaration, page 5, paragraph 2).

Further, the causes of racism, racial discrimination, xenophobia and related intolerance, as well as strategies for redress were specified for women in relation to indigenous peoples, migrants and migrant workers, ethnic and religious groups, situations of armed conflict, trafficking and participation in decision-making.

However, the Durban Declaration and Programme of Action failed to significantly recognise or address the impact of multiple forms of discrimination on women and girls in relation to displaced persons and refugees, caste-based discrimination, or discrimination on the basis of sexual orientation, disability or youth. Similarly, while there were some references in both the Declaration and Programme of Action on the negative impacts of globalisation, these were not specified in terms of the direct impact on women and girls.

In this respect the substantial reinforcement, and in some cases advancements made, on the principles of intersectionality, equality and non-discrimination in relation to

³ For the purpose of the Durban Declaration and Programme of Action it was noted that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

⁴ Note the absence of the factors of gender, caste, sexual orientation and citizenship as bases for discrimination.

gender and racism, were limited in their application by the limited recognition of the substantive ways in which multiple forms of discrimination occur in contemporary contexts.

The most glaring omission however, is the failure to recognise caste-based discrimination as a form of racial discrimination or related intolerance on the grounds of 'work and descent'. The international community will have to take important steps to recognise this form of discrimination in the future, to ensure that the human rights violations suffered by Dalits and other affected groups are adequately redressed.

Some highlights of the Durban Declaration and Programme of Action in terms of advancing women's rights included:

- Recognising that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls;
- Identifying the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance, in order to address multiple forms of discrimination;
- Ensuring effective political and economic participation of women and equal access for women to resources;
- Reaffirming ICC standards relating to gender based violence in situations of armed conflict;
- Recognising racism as a root cause of armed conflict;
- Recognising that migration has increased as a result of globalisation and that poverty, underdevelopment, marginalisation, social exclusion, cultural homogenisation and economic disparity along racial lines could be aggravated by globalisation;
- Highlighting the specific vulnerabilities of migrants who are smuggled, and migrant working in domestic work;
- Urging States to consider the burden of racism on Indigenous women and to adopt policies and programmes to promote women's education, health, economic life and address violence;
- Urging States, in light of the increased proportion of women migrants to place special focus on gender issues and gender discrimination, particularly where the multiple barriers faced by women intersect. By focusing on employment issues of migrant women WCAR highlighted the needs of migrant women workers;
- Urging States to develop policies that would enable women migrants suffering from domestic violence, to leave their husbands;
- Reaffirming the 1951 Convention and its 1967 Protocol as the foundation for the international refugee regime; and

- Recognising that women are particularly vulnerable to trafficking and urged States to address the root causes of trafficking and provide comprehensive programmes designed to provide assistance to protection for, healing, reintegration into society and rehabilitation of victims of trafficking.

The Durban Declaration (para 109) called on States to ensure the achievement of the goals of BPFA, but adds that such goals encompass with equity all the victims of racism, racial discrimination, xenophobia and related intolerance; and called for the ratification and full implementation of CEDAW and its Optional Protocol. Thus the standards set in WCAR in terms of intersectional discrimination and within that racial discrimination of women, support and advance the commitments made under BPFA / B+5 and CEDAW.

Objectives of this Publication

After the WCAR came and went, APWLD wanted to consolidate the results of the WCAR in a way that would be useful for further advocacy on women's human rights at the national level as well as at future regional and international fora.

To this end, this publication seeks to assess the extent the Durban Declaration and Programme of Action recognised and addressed the issues of Asia Pacific women and incorporated the concept of intersectionality; and provide a comparison between the outcomes of the WCAR and commitments made by States under the BPFA, BPFA+5 and CEDAW in terms of advancing women's human rights.

Structure of this Publication

The compiling of this material has been an ambitious project which has analysed the impact of APWLD lobbying at the WCAR and measured this against of the outcomes of two major conferences at which APWLD also played an important lobbying role, the Beijing Fourth World Conference on Women, and the United Nations General Assembly Special Sitting to evaluate the implementation of the Beijing Platform for Action (B+5). It has also examined these issues in relation to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

The focus of the publication is on the key issues APWLD identified to take forward to the WCAR. The process of producing the Outcomes Documents for United Nations meetings and conferences is that draft documents are developed well in advance, these are then discussed and refined over a number of preparatory meetings, and signed off at the final event. This means that the documents are fluid, and that the NGO sector has to constantly adapt its lobbying to provide input to the documents as they change. It also means that paragraph numbering changes from version to version, and it is therefore not always possible to track paragraph numbers or to exactly compare lobby documents across the different draft official versions.

The main APWLD lobbying document selected for analysis was the 'APWLD Lobbying Document', published in April 2001, which best reflects the aspirations of the group in terms how it hoped to influence the final WCAR outcomes document. The focus has been on the content of the lobbying rather than matching the paragraphs across the various versions of the documents.

The first chapter outlines in detail the concept of intersectionality and how it has been taken up in WCAR, BPFA, BPFA+5 and CEDAW.

Thereafter there are nine chapters, which have been divided according to the nine issue areas identified in the APWLD Issues Papers for WCAR. Each chapter includes:

- A brief overview of the situation women are faced with in relation to the issue, and the key issues which APWLD lobbied for in relation to the issue. The latter have been drawn from the APWLD *Issues Papers* and other APWLD lobbying documents;
- A narrative analysis of the gaps and limitations of the Durban Declaration and Programme of Action in terms of: comparing which of APWLD's issues were not reflected in the Durban Declaration and Programme of Action; and what are the implied advances as well as limitations of the language used in the WCAR documents for promoting women's rights;
- A comparative analysis of how the WCAR outcomes documents, BPFA / B+5 and CEDAW have advanced women's rights for each issue area. The specific standards identified in each document/convention for women's rights are highlighted so women's rights advocates are able to see how each document/convention can be used to advance women's rights for that issue. Where appropriate reference has also been made to links with other UN conventions and declarations such as the Universal Declaration on Human Rights; and
- A summary table.

How to read the tables:

The columns in the tables are not to be read across the page. They are designed to be read column by column. Across the top of each table is the issue of concern that is addressed in the table (as identified in the APWLD Issues Papers).

Column (i): Contains the suggested language in the APWLD Lobby Document, which addresses this issue of concern.

The text highlighted in **bold** in this column, marks APWLD language that was inserted into existing text agreed to by Governments in regional outcomes documents and draft WACR outcomes documents.

Text highlighted in **bold and underlined** marks APWLD language that is extremely important in terms of the main points APWLD was trying to lobby for, particularly in relation to the concept of intersectionality.

Column (ii): Contains language addressing the issue as it appears in the Durban Declaration and Programme of Action.

By reading columns (i) and (ii) we can see what level of influence APWLD lobbying had on the WCAR Outcomes Document. It

must be noted that while it was not always possible to get the exact language designated by APWLD into the document, quite often the intent of what was suggested was successfully incorporated.

Column (iii): Identifies language relating to the issues of concern, which was included in the BPFA and B+5 Outcomes Document.

This column helps ascertain to what extent the commitments addressing the issue of concern made at the two Beijing Conferences were sustained, increased or lost at the WCAR.

Column (iv): Identifies language from CEDAW, which is related to the issues of concern.

This column provides a benchmark to measure to what extent the outcomes of all of the conferences reflect the principles inherent in the CEDAW Convention, or whether governments are renegeing on promises previously made.

Throughout the above chapters there is a strong articulation of where the concept of 'intersectionality' has been included (or excluded) and the value it has provided in being included. These are highlighted in side boxes headed "Successes, Stepping Stones and Limitations".

The concluding chapter outlines methods for how this publication may be useful to women's NGO's in the region. Focusing on the flexible nature of the publication, and its application for international human rights law it explains how it may be useful as a tool for further lobbying and advocacy.

Proposed Outcomes

This comparative analysis is intended to provide a broad crosscutting basis for women to use this publication as an advocacy tool for advancing women's rights. Through this publication APWLD aims to create a resource for women's NGO's that will assist to:

- Understand what human rights based commitments were made at WCAR that are relevant to women in the Asia Pacific;
- Understand the relevance of those commitments in light of other international human rights agreements that address women's human rights;
- Lobby for the implementation of the commitments made at WCAR;
- Monitor the implementation of commitments made in WCAR, CEDAW and BPFA/BPFA+5;
- Prepare for lobbying for the next review of the BPFA in 2005.

This is a resource, available in both paper and electronic format, for women's NGO's in the Asia Pacific to use in their work towards the protection and promotion of women's human rights in the region.

Reference:

APWLD, (2002) Intersectionality of Women's Human Rights: Chiangmai, Thailand: APWLD

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Chapter 1

WHAT IS INTERSECTIONALITY?

“Intersectionality seeks to provide a tool for analysing the ways in which gender, race, class and all other forms of identity and distinction, in different contexts, produce situations in which women and men become vulnerable to abuse and discriminationit also allows us to recognise the civil, political, social, cultural, economic and historical processes which formed the constructions of race, ethnicity, descent, caste, nationality or place of origin also leads to discrimination of women and girls and the violation of their human rights. It illustrates intersectional discrimination in both public and private sphere. (Real 2002)

The concept of intersectionality explores the many multiple oppressions and discriminations experienced by women. It also challenges the notion that we have one dominant identity with which we interact with the world, such as a member of an ethnic minority, or a refugee woman. It argues that women have multiple identities, which come to the fore in the many different situations in which a woman finds herself during the course of her existence. It contends that to fully understand the experience and discrimination experienced by women, we have to analyse and understand how the multiple oppressions are intertwined with the multiple identities of women. It explores how this impacts on the lives of women and their ability to access human rights.

Previous analysis had focused on notions on multiple “layers” of discrimination and acknowledged the fact that many women suffer from many different typed of discrimination simultaneously, which further suggested that it was possible to separate the layers out and address the issues one by one. However, experience has taught that this is not effective. Assuming one predominant identity with which we interact with the world ignores the compound effect of being subjected to multiple discriminations. The notion of intersectionality challenges the notions of “layers” of oppression and discrimination.

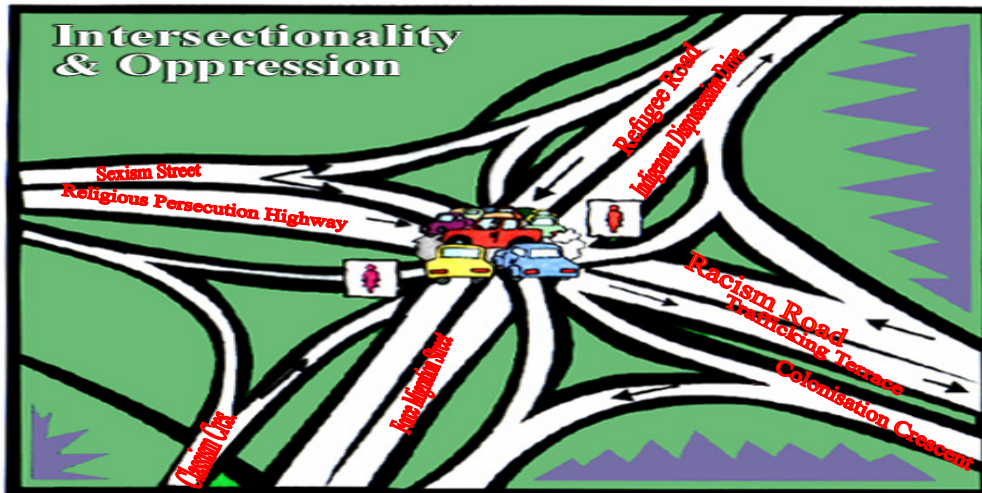
To give some examples: micro-credit schemes introduced to address the feminisation of poverty are not effective for women if men still control the economic life of the community in which women live. Raising quotas for women in parliament is not effective if women still suffer from religious persecution, and do not have access to power and decision-making. The introduction of labour laws is not effective if women are still commodified and used as sex slaves by male power brokers. Sexual and reproductive health care is little use to women in conflict situations who are targeted, raped and forced to trade sex for UN food rations. Better education will not relieve oppression if Indigenous communities are denied access to their land. These issues and prescriptions have to be understood as part of the complex web of discriminations, which affects women, in particular the intersection of racism, gender and class.

Intersectionality examines the way in which the different oppressions weave together and compound the effects of each. The effect of the whole is far more than the sum of the parts.

In adopting the use of this concept to achieve equality and access to human rights, freedom and dignity for all women it is necessary to identify and address the compounding effects of these strands of oppression. They have to be treated as a

whole, and understood in a social and historical context. Using the concept of intersectionality in this way “helps us understand the way in which injustice and discrimination are rooted within hierarchies of power and privilege in modern society” (George 2002).

Using a “Road Map” of Oppressions



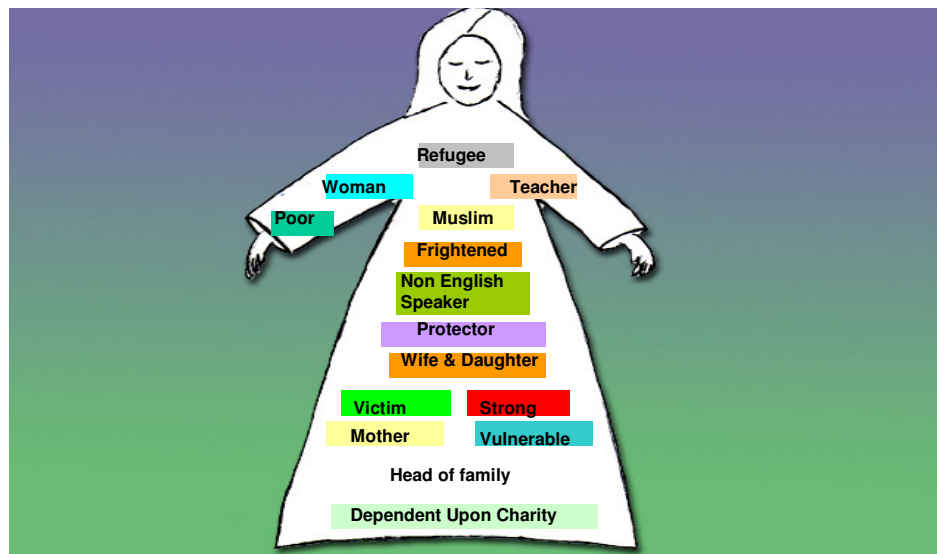
At a workshop in the gender caucus at the WCAR in Durban, Dr Kimberly Grenshaw from America used the notion of a road map of a busy town to explain the meaning of the intersectionality of oppression and discrimination. Having drawn the map, with many busy streets crossing a central intersection, she then proceeded to name the streets. Racism Road, Patriarchy Parade, Sexism Street, Colonisation Crescent, Religious Persecution Road, Indigenous Dispossession Highway, Class Street, Caste Street and so on. She described the roads as being full of heavy speeding traffic, and described the impact of intersectionality as being what a woman from a marginalised group would experience when she tried to cross the main intersection. To use this model as an analytical tool, each of the “Road Names” must be unpacked to explore the origin of the oppression, and the impact of these on women across a range of situations. For example, refugee situations are produced by conflicts, by the aftermath of colonisation, by racist policies and law. Refugee women are affected by discrimination on the grounds of sex, and because they are a member of a marginalised group. The refugee woman may be forced to migrate, as a result of which she may become dispossessed and a victim of trafficking. These are not individual occurrences with separate root causes. They are all intricately linked and the linkages are both cause and effect of the intersection of oppression and discrimination.

Multiple Identities and Intersectionality

Sunila Abeysekera describes intersectionality as:

“Interlocking forms of discrimination experienced by women around the axis of race, class and sex... An intersectional analysis involves an analysis of a situation from a perspective based on the understanding that we all have shifting and multiple identities.... It challenges the basis that we only have one primary and permanent identity at any given time. It helps us to understand the ways in which injustice and discrimination are rooted within hierarchies of power and privilege in modern society. An intersectional analysis of discrimination and oppression helps us to understand our position as women within the structures

of patriarchy and male domination, but also allows us to understand our location within the broader nexus of discrimination that affects all our multiple identities... Discrimination led us to explore complex issues of identity and to the realisation that all human beings live within a complex grid of shifting identities and that life experience is shaped by their positioning on that grid." (Abeyesekera 2002)



Intersecting identities of a refugee woman

To understand this concept, we can take for example a refugee woman. She is often seen by the world through the lens of international media as a person of pity and vulnerability, a victim of violence, in need of food and of international protection. However, each refugee woman also carries a number of different identities, each of which become relevant at different times and in different situations. As a woman within her family her gender may give her status as the mother of children. Within the family or her own community it may entitle her to a certain respect and protection. It may also be used to deny her access to education or the opportunity to participate in decision-making. It is her gender, which makes her vulnerable to violence and rape in conflict situations.

While viewed as a refugee she may be an object of pity, but as a woman she may also be a person of great bravery, who has taken part in political struggles, protected her family and who maintains cultural and family unity in situations of extreme danger. As a refugee she may be poor and in need of international charity in order to feed her family. However, she may also be a skilled healer, someone who has sustained and raised her family with no outside help until she was forced to flee. She has the skills and determination to be self-reliant again. Within her ethnic group she may be a leader, a person of respect, but if her ethnic group is one discriminated against by the mainstream community in which they exist, her status in that wider community will be of a marginalised minority, regardless of her status within their own group. Thus, not only do women all possess multiple identities, but the response from the external world to these identities shifts and changes, depending on the situation in which women find themselves. These responses further shape perceptions of women's identity and a person's worth. For example, to have the Muslim faith as part of ones identity has assumed a far greater meaning for many Muslim women post September 11 2001, and this meaning differs depending upon where the woman concern is situated in the world and the attitudes of those around her to this aspect of her identity.

To fully understand the concept of intersectionality we need to conceptualise both the “road map” and the woman with her multiple identities. The complexity of intersectionality can be understood when we imagine the impact on a woman from a marginalised group, with all of her complex identities crossing the highway of multiple discriminations. This includes an understanding that at different times, different aspects of our identity are to the fore and that do not react uniformly with different forms of discrimination and oppression. One thing is certain. If a white middle class, well-educated woman tried to cross the road, most of the cars would stop to allow her to do so.

In exploring the usefulness of applying the concept of intersectionality to an understanding of racism, Susanna George describes how “the cross cutting nature of race, class and gender has been raised by feminists of colour in the north and by feminists in the south”. She argues that the use of the notion of intersectionality and “alliance building across ...{the divides} will ... provide a more integrated and holistic approach to upholding human rights for all.” (George 2002) This concept provides a perspective within which discrimination and oppression can be seen in their historical and social contexts and commonalities can be identified as a point of coming together. In allowing us to explore our multiple identities, we are able to more fully understand common identities and discriminations, to clearly define difference and to explore the basis of these differences.

APWLD included this level of complexity in its preparation for and lobbying at the WCAR. The results are reflected in the analysis of each of the chapters below. A summary analysis of the impact the recognition of the intersectionality of discriminations is included in side boxes entitled “Successes, Stepping Stones and Limitations”. It is important to note that the aim of APWLD’s lobbying at WCAR was not only to have the concept of intersectionality recognised in each section of the document; but by advocating to have language on separate issues such as “women migrants” included in the document also constitutes an intersectional approach to addressing the areas of discrimination faced by women in the Asia Pacific region.

References:

APWLD, (2002) Intersectionality of Women’s Human Rights: Chiangmai, Thailand: APWLD

APWLD, (2001) APWLD Lobby Document Women’s Human Rights: Engendering the Agenda of WCAR: Chiangmai, Thailand: APWLD

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Chapter 2

GENDER AND RACISM

The Intersection between Race and Gender *(Point of Concern (1) in APWLD Issues Paper)*

A critical issue is the intersection between race and gender, through which women experience multiple barriers to their empowerment and advancement. Women experience specifically gendered manifestations of racism, most notably physical and sexual violence. In addition, factors such as language, caste, race, religion and ethnicity often prevent women from attaining gender equality. This intersectionality is frequently overlooked in measures to eliminate racism, due to the lack of mainstreamed gender perspectives.

The APWLD lobbied extensively for the recognition of the intersection of race and gender to be reflected in WCAR. It lobbied for the acknowledgement that an approach to racism without a mainstreamed gender perspective ignores the specificities of racism experienced by women. The APWLD called upon States to allocate funding for gender and race sensitization training, to integrate gender perspectives into all policies against racism, and to collate and disseminate data disaggregated by race and gender. The APWLD lobbied for creation of a new mechanism of UN Special Rapporteur on Intersectional Discrimination, for the ratification of CEDAW, for the implementation of CEDAW and the BPFA, and for the collaboration of CEDAW and ICERD Committees on this issue. In addition, the APWLD lobbied to have gender issues reflected in the overall language of WCAR, through the repeated inclusion of the word “gender” and clauses that recognise the multiple barriers women face when racism intersects with gender discrimination.

WCAR formally recognised the differentiated manifestations of racism against women and girls (Dec, para 69). It called for a gender perspective in policies, strategies and programmes of action against racism (WCAR Dec, para 69; WCAR PoA, paras 50, 51, 52, 59). It urged States to “consider” signing, ratifying and implementing CEDAW (WCAR PoA, para 78). However, while the BPFA and B+5 recognised CEDAW and its Optional Protocols as essential tools to enforce gender guidelines, the WCAR makes a weaker imperative urging States only to “consider” signing and ratifying these instruments (WCAR PoA para 78). The language in the WCAR document, however, failed to reflect the urgency of this issue for at least half of the victims of racism. It failed to integrate gender concerns into the whole of the text, so that the document itself fell way short of having a mainstreamed gender perspective. The word “gender” appears only a handful of times, and frequently when it is mentioned, it is added onto the end of a paragraph as if it were a minor concern (WCAR PoA, para 66, 176). Further, among the factors it identified that can lead to “multiple or aggravated forms of discrimination”, which were adopted from the factors of discrimination identified in the UDHR, only the word sex, and not gender, is included (WCAR Dec para 2). Several other factors of discrimination that APWLD lobbied for recognition of, such as social and economic status, sexual orientation, culture, nationality, age, disability, caste and HIV/Aids or other health conditions, were also not recognised.

The WCAR built upon and strengthened the recognition of intersectional discrimination identified in BPFA by specifying the kinds of factors that can “aggravate

or multiply” the discrimination and by strengthening the need to recognise specific issues for women in a range of racism and racial discrimination issues.

Racially Based Violence

(Point of Concern (2) in APWLD Issues Paper)

A major concern related to the issue of gender and racism is racially based violence, which overwhelmingly affects women and girls. This includes rape, systematic rape, sexual torture, ethnic cleansing through forced pregnancy and sterilisation, forced relocation, trafficking, forced labour and sexual exploitation.

The APWLD recommended that the international community should take punitive legal measures against the perpetrators of violence against women, in particular in situations of armed conflict and when they are State agents. It further recommended that all States commence national action plans to eliminate all forms of racially motivated violence against women, including the prosecution of perpetrators.

The WCAR “[u]rges States [t]o recognise that sexual violence... has been systematically used as a weapon of war, sometimes with the acquiescence or at the instigation of the State”, and that “the intersection of discrimination on grounds of race and gender makes women and girls particularly vulnerable to this type of violence” (WCAR PoA, para 54(a)).

The WCAR also recommended that States “take all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against women and girls”, including “effective implementation of national legislation and of their obligations under relevant international instruments, and other protective and preventative measures” (WCAR PoA, para 62). This language reflects the concerns of the APWLD, although it does omit the necessity for States to create new legislation as well.

The WCAR did not reflect BPFA language calling for the physical and mental rehabilitation of victims (WCAR para 145 (c)), and language urging the “development of criteria and guidelines on responses to persecution specifically aimed at women” (BPFA para 147 (i)), is omitted.

Subordinate Status within Communities

(Point of Concern (3) in APWLD Issues Paper)

A third issue identified by APWLD is the amplified effects of racism experienced by women as a result their subordinate status within their own communities. If they are victims of rape they are often vulnerable to honour killing, abandonment by their husbands and families, and rejection from their communities. Further, their traditional economic dependence on male heads of household leaves them open to exploitation and impoverishment in times of social instability or in societies in which their own social group is racially discriminated against.

The APWLD called for the prosecution of the perpetrators of honour killings, and recommends strategies to overcome traditional gender roles that begin early with discrimination against girl-children.

The WCAR urged States to recognise that the burden of racial discrimination falls on women and to ensure “their access to the resources of production on an equal footing

with men” (PoA, para 50). It urged States to undertake gender analyses of poverty eradication measures aimed at victims of racism (PoA, para 52). Finally, it urged States to support the promotion of “gender equality and the advancement of women, particularly women subject to multiple discrimination” (PoA, para 212). However, it didn’t directly include language that supported strategies aimed at increasing women’s economic independence, (but in POA 51, it noted the need for States to incorporate gender analysis in areas of employment programmes, services and resource allocation, which are discussed later under 99-111, but do not make specific mention of gender). It failed to recognise honour killings as an issue of concern.

WCAR indirectly addresses only the economic aspect of this issue (WCAR PoA para 50, 52). It completely failed to reinforce the strong and comprehensive BPFA (BPFA para 124 (a), 232 (g)) and B+5 (B+5 para 69 (e)) language demanding urgent action against customary and traditional practices which are harmful to women, including condemnation and development of policies and educational programmes to eradicate these practices.

Exclusion from Politics and Decision-Making *(Point of Concern (4) in APWLD Issues Paper)*

APWLD identified that women’s exclusion from politics and decision-making mean that their gendered experiences of racism are overlooked by governments, legislative and remedial bodies, and even when they are represented, traditional customs often restrict women’s access to legal and other services. Often service providers, officials and legal and government representatives are male, and women are prohibited or feel unable to approach them.

The APWLD recommended programmes and affirmative action policies to facilitate the political participation of marginalised women and to increase their access to the administration of justice. It recommended time bound targets to promote gender balance in political parties, and 50:50 gender representation of all social groups.

The WCAR urged States and encouraged “all sectors of society to empower women and girls who are the victims of racism “...in order to ensure the equal and effective participation of women in decision-making at all levels” (WCAR PoA, para 53). It also called for the development of “anti-racist and gender-sensitive human rights training for...personnel in the administration of justice” (WCAR PoA, para 133). It did not include recommendations for affirmative action policies, time bound targets, and 50:50 gender representation.

The general nature of these paragraphs is not as strong as the BPFA language, which specified the need for training for women and girls belonging to racial and ethnic minorities (BPFA para 195a), and for the revision and amendment of criminal laws and protection procedures for crimes disproportionately affecting women (BPFA para 232(l)).

While CEDAW can be used to strengthen the issues of discrimination or women, the intersectionality of race and gender is not directly addressed. In the context of intersectionality of race and gender, it is important that the ICERD and CEDAW committees work more closely together to strengthen recommendations for legislation, policies and programmes that decisively address the multiple discrimination against women in racially, ethnically and economically marginalised communities. The CEDAW Committee needs to elaborate a General Recommendations on the intersectionality of race with gender and lobby the High Commissioner for Human

Rights to ensure that all the mechanisms of the human rights system, including rapporteurs, treaty bodies, commissions and expert meetings incorporate an intersectional analysis of discrimination in their work. Support needs to be gathered for the introduction of a UN Special Rapporteur to look at the impact of intersectional analysis on the basis of race and gender.

**Summary of the Recognition of Intersectionality
in the WCAR Declaration and Programme of Action (PoA)**
(Intersectionality can be observed in each issue and across issues)

Issue: Gender and Racism

Successes: The PoA formally recognised the differentiated manifestations of racism against women and girls. Issues of violence against women, which are the result of the intersecting discriminations of gender and racism were well reflected throughout the document. The PoA recognised that the “the burden of racial discrimination falls on women and limits their access to the resources of production”. It also urged States to promote gender equality and recognises that women are subject to multiple discrimination. States are urged to empower women who are victims of racism – to ensure equal participation of women at all levels of decision making.

Stepping Stones: The document called on governments who have not done so to **consider** signing and ratifying CEDAW, which would address many of the inspecting forms of discrimination, but did not **urge** them to do so. States are urged to address racially based violence against women although they are not requested to create new legislation to achieve this. While acknowledging the need to incorporate this analysis into the provision of employment programmes it failed to include language which would increase women’s economic independence.

Limitations: Gender is not well reflected throughout the document. In particular it did not mention honour killings, which are the result of multiple and intersecting forms of discrimination and oppression. The PoA also failed to include affirmative action policies and targets for women’s representation in government and other positions of power, which would address at least some of these intersecting discriminations.

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Following this section are Tables 1 – 4 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 1 : The Intersection Between Race And Gender

Table 2 : Racially Based Violence

Table 3 : Subordinate Status Of Women In Communities

Table 4 : Exclusion From Politics And Decision-Making

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

Table 1 : The Intersection between Race and Gender

Point of Concern (1) in APWLD Issues Paper

* **Women experience multiple barriers to their empowerment and advancement** because of such factors as their race, language, ethnicity, caste and culture. Gender inequality is heightened by racism. This is often overlooked due to a lack of gender perspective in measures to eliminate racism.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>Underscoring the significance of the gender dimension of racial discrimination and the fundamental importance of universal adherence to and faithful implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, and the Beijing Platform for Action, and recognizing the fundamental importance of incorporating a gender perspective into measures to address the persistence of racism (APWLD Lobby Doc Preamble p 13)</p> <p>Aware that racial discrimination against women may be further intensified due to its intersection with other bases of discrimination such as class, social position, age, disability, sexual orientation etc., and that gender subordination may be informed and heightened by racism, xenophobia, and other experiences of discrimination, and recognizing the multiple barriers to women’s advancement and empowerment because of such factors as their race, language, ethnicity, culture, descent or because they are indigenous people, and also resulting from patriarchal social structures (APWLD Lobby Doc Preamble p 13)</p> <p>We emphasise the particular importance of the intersection between gender and racism, as it systematically disadvantages the women of communities subject to racial discrimination and intolerance by exposing them to specific gender-differentiated forms of racism. We acknowledge that an approach to racism without a mainstreamed gender perspective ignores these types of racism. We recognize that gender discrimination within and between ethnic communities and other disadvantaged groups subject to racial discrimination heightens the effects of racism, racial discrimination, xenophobia and related forms of intolerance on women’s lives and limit their avenues for redress and racial equality. (APWLD Lobby Doc Dec, para 18 bis.)</p> <p><u>The World Conference recommends that CEDAW and CERD Committees convene joint meeting to consider and issue general recommendations on the impact of intersectional discrimination on women and girls based on racism, racial discrimination, xenophobia, related intolerance and other identities</u> (APWLD Lobby Doc PoA, para 38 bis.)</p> <p>The World Conference calls upon all States to allocate funding for the development of gender and race sensitisation training across the government and to monitor the development and implementation of strategies to effectively mainstream a gender</p>	<p><u>Reaffirming</u> that States have the duty to protect and promote the human rights and fundamental freedoms of all victims, and that they should apply a gender [1] perspective, recognizing the multiple forms of discrimination which women can face, and that the enjoyment of their civil, political, economic, social and cultural rights is essential for the development of societies throughout the world. (WCAR Dec)</p> <p>We are convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of their human rights. We recognize the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination (WCAR Dec, para 69)</p> <p>We recognize the need to develop a more systematic and consistent approach to evaluating and monitoring racial discrimination against women, as well as the disadvantages, obstacles and difficulties women face in the full exercise and enjoyment of their civil, political, economic, social and cultural rights because of racism, racial discrimination, xenophobia and related intolerance (WCAR Dec, para 70)</p> <p>We deplore attempts to oblige women belonging to certain faiths and religious minorities to forego their cultural and religious identity, or to restrict their legitimate statement, or to discriminate against them with regard to opportunities for education and employment (WCAR Dec, para 71)</p> <p><u>Urges</u> States to involve women, especially women victims of racism, racial discrimination, xenophobia and related intolerance, in decision-making at all levels when working towards the eradication of such discrimination, and to develop concrete measures to incorporate race and gender analysis in the implementation of all aspects of the Programme of Action and national plans of action, particularly in the fields of employment programmes and services and resource allocation (WCAR PoA, para 51)</p>

Table 1	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>Advance the goal of equal access to education by taking measures to eliminate discrimination to education at all levels on the basis of gender, race, language, religion, national origin, age or disability, or any other form of discrimination and, as appropriate, consider establishing procedures to address grievances (BPFA, para 80a)</p> <p>Ensure that gender equality and cultural, religious and other diversity are respected in educational institutions (BPFA, para 83 (p))</p> <p>Ratify and accede to and insure implementation of the Convention on the Elimination of all forms of Discrimination against Women so that universal ratification of the Convention can be achieved by the year 2000 (BPFA, para 230 (b))</p> <p>Limit the extent of any reservations to the Convention on the Elimination of all forms of Discrimination against Women; formulate any such reservations as precisely and narrowly as possible; ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly review them with a view to withdrawing them; and withdraw reservations that are contrary to the object and purpose of the Convention on the Elimination of all forms of Discrimination against Women or which are otherwise incompatible with international treaty law (BPFA, para 230 (c))</p> <p>Ratify the Convention on the Elimination of all forms of Discrimination against Women, limit the extent of any reservations to it, and withdraw reservations that are contrary to the object and purpose of the Convention or otherwise incompatible with international treaty law (B+5, para 68 (c))</p> <p>Consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (B+5, para 68 (d))</p> <p>Assist States parties, upon their request, in building capacity to implement the Convention on the Elimination of All Forms of Discrimination against Women, and in this regard encourage States parties to pay attention to the concluding comments as well as the general recommendations of the Committee on the Elimination of Discrimination against Women (B+5, para 85 (g))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>(g) To repeal all national penal provisions which constitute discrimination against women.</p>

<p>perspective in all policies, programs, against racism, xenophobia and related intolerance. (APWLD Lobby Doc PoA, para 39 bis.)</p> <p>The World Conference calls on all States to ensure that government sectorial ministries and institutions generate and disseminate data disaggregated by race and gender and that such data informs planning and evaluation of programs designed to address racism, xenophobia and related intolerance. (APWLD Lobby Doc PoA, para 39 ter.)</p> <p>The World Conference recommends that the ICERD and CEDAW committees work collaboratively in the context of the intersectionality of race and gender, to strengthen recommendations for legislation, policy and programmes that decisively address the multiple discrimination against women in racially, ethnically and economically marginalised communities. (APWLD Lobby Doc PoA, para 88 bis.)</p> <p>* The World Conference recommends that standards on women’s human rights codified in international instruments such as CEDAW and the Beijing Platform for Action be integrated in the framework of the Declaration and Programme of Action of the WCAR and in the implementation and monitoring of the Convention on the Elimination of Racial Discrimination. (APWLD Lobby Doc PoA, para 88 ter.)</p> <p>The World Conference calls on the UNHCR to ensure that all the mechanisms of the human rights system, including Rapporteurs, treaty bodies, commissions and expert meetings, incorporate an intersectional analysis of discrimination in their work, and to support the introduction of a UN Special Rapporteur to investigate the impact of intersectional discrimination on the basis of race and gender. (APWLD Lobby Doc PoA, para 88 quart.)</p> <p>.* Recognizing the importance of the gender dimension of racial discrimination, the World Conference also calls upon all States that have not yet done so to ratify or accede, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women and its optional protocol as soon as possible, with a view to achieving universal ratification within five years. (APWLD Lobby Doc PoA, para 94)</p> <p>The World Conference underlines the crucial role of education, in particular human rights education, in the prevention and eradication of all forms of intolerance and discrimination. In this regard, it is important to reinforce the anti-discrimination component of the school curricula to include a perspective on the intersectionality of various forms of discrimination and to improve educational materials on human rights, in order to shape attitudes and behavioral patterns based on the principles of non-discrimination, mutual respect and tolerance (APWLD Lobby Doc PoA para 7)</p> <p>The World Conference urges all Governments to conduct nationwide campaigns and special training programs to raise awareness among State organs, such as the judiciary , and law enforcement agencies, public officials, including legislators, as well as civil society organisations, including associations involved with migrants and other groups who experience multiple forms of discrimination, concerning the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and other related Human Rights Instruments including, CEDAW, CROC and the BPFA. (APWLD Lobby Doc PoA para 8)</p>	<p><u>Urges</u> States to mainstream a gender perspective in the design and development of measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men (WCAR PoA, para 59)</p> <p><u>Urges</u> States to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations (WCAR PoA, para 66)</p> <p><u>Urges</u> those States that have not yet done so to consider signing and ratifying or acceding to the following instruments: ... (g) Convention on the Elimination of All Forms of Discrimination against Women of 1979, with a view to achieving universal ratification within five years, and its Optional Protocol of 1999; ... It further urges States parties to these instruments to implement them fully (WCAR PoA, para 78)</p> <p><u>Urges</u> States to adopt and implement social development policies based on reliable statistical data and centred on the attainment, by the year 2015, of the commitments to meet the basic needs of all set forth in paragraph 36 of the Programme of Action of the World Summit for Social Development, held at Copenhagen in 1995, with a view to closing significantly the existing gaps in living conditions faced by victims of racism, racial discrimination, xenophobia and related intolerance, especially regarding the illiteracy rate, universal primary education, infant mortality, under-five child mortality, health, reproductive health care for all and access to safe drinking water. Promotion of gender equality will also be taken into account in the adoption and implementation of these policies (WCAR PoA, para 176)</p>
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	<p>Article 9.</p> <p>1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.</p> <p>2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p>
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Table 2 : Racially Based Violence

Point of Concern (2) in APWLD Issues Paper

* Women experience specifically gendered manifestations of racism and racial discrimination, in particular **racially based violence** which disproportionately affects women and girls, **including rape, systematic rape, sexual torture, ethnic cleansing through forced pregnancy and sterilisation, forced relocation, trafficking, forced labour and sexual exploitation.**

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference calls on the International community to ensure that punitive legal measures are taken against the perpetrators of all forms of violence against women, including in situations of armed conflict, especially if the perpetrators are state agents. (APWLD Issues Paper)</p> <p>* The World Conference calls on all States to resource and support comprehensive national action plans to eliminate all forms of racially based violence including all forms which disproportionately affect women and girls including: honor killings, rape, ethnic cleansing including forced pregnancy, forced relocation, forced labor, torture, summary executions, forced deportation, trafficking and caste based violence, and to prosecute the perpetrators. (APWLD Lobby Doc PoA, para 40 bis.)</p>	<p><u>Urges</u> States to recognize that sexual violence which has been systematically used as a weapon of war, sometimes with the acquiescence or at the instigation of the State, is a serious violation of international humanitarian law that, in defined circumstances, constitutes a crime against humanity and/or a war crime, and that the intersection of discrimination on grounds of race and gender makes women and girls particularly vulnerable to this type of violence, which is often related to racism, racial discrimination, xenophobia and related intolerance (WCAR PoA, para 54a)</p> <p><u>Urges</u> States to take all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against women and girls and to increase cooperation, policy responses and effective implementation of national legislation and of their obligations under relevant international instruments, and other protective and preventive measures aimed at the elimination of all forms of racially motivated discrimination and violence against women and girls (WCAR PoA, para 62)</p>

Table 2	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>Urge the identification and condemnation of the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing and take steps to ensure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation (BPFA, para 145 (c))</p> <p>Support and promote efforts by States towards the development of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application (BPFA, para 147 (i))</p> <p>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 (BPFA, para 232 (g))</p> <p>Provide support to non-governmental organisations, in collaboration with the United Nations system, inter alia, through regional and international cooperation, including women's organisations and community groups, in addressing all forms of violence against women and girls, including for programmes to combat race and ethnic-based violence against women and girls (B+5, para 96 (c))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 5. States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p> <p>Article 6. States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.</p> <p>Article 12. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this Article, State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p> <p>Also</p> <p>ICERD General Recommendation 25 on Gender and Racism 1. The Committee notes that racial discrimination does not always affect women and men equally or in the same way. There are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men. Such racial discrimination will often escape detection if there is no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life.</p>

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	<p>2. Certain forms of racial discrimination may be directed towards women specifically because of their gender, such as sexual violence committed against women members of particular racial or ethnic groups in detention or during armed conflict; the coerced sterilization of indigenous women; abuse of women workers in the informal sector or domestic workers employed abroad by their employers. Racial discrimination may have consequences that affect primarily or only women, such as pregnancy resulting from racial bias-motivated rape; in some societies women victims of such rape may also be ostracized. Women may also be further hindered by a lack of access to remedies and complaint mechanisms for racial discrimination because of gender-related impediments, such as gender bias in the legal system and discrimination against women in private spheres of life.</p> <p>3. Recognizing that some forms of racial discrimination have a unique and specific impact on women, the Committee will endeavour in its work to take into account gender factors or issues which may be interlinked with racial discrimination. The Committee believes that its practices in this regard would benefit from developing, in conjunction with the States parties, a more systematic and consistent approach to evaluating and monitoring racial discrimination against women, as well as the disadvantages, obstacles and difficulties women face in the full exercise and enjoyment of their civil, political, economic, social and cultural rights on grounds of race, colour, descent, or national or ethnic origin.</p> <p>4. Accordingly, the Committee, when examining forms of racial discrimination, intends to enhance its efforts to integrate gender perspectives, incorporate gender analysis, and encourage the use of gender-inclusive language in its sessional working methods, including its review of reports submitted by States parties, concluding observations, early warning mechanisms and urgent action procedures, and general recommendations.</p> <p>5. As part of the methodology for fully taking into account the gender-related dimensions of racial discrimination, the Committee will include in its sessional working methods an analysis of the relationship between gender and racial discrimination, by giving particular consideration to:</p> <ul style="list-style-type: none">(a) The form and manifestation of racial discrimination;(b) The circumstances in which racial discrimination occurs;(c) The consequences of racial discrimination; and(d) The availability and accessibility of remedies and complaint mechanisms for racial discrimination. <p>6. Noting that reports submitted by States parties often do not contain specific or sufficient information on the implementation of the Convention with respect to women, States parties are requested to describe, as far as possible in quantitative and qualitative terms, factors affecting and difficulties experienced in ensuring the equal enjoyment by women, free from racial discrimination, of rights under the Convention. Data which have been categorized by race or ethnic origin, and which are then disaggregated by gender within those racial or ethnic groups, will allow the States parties and the Committee to identify, compare and take steps to remedy forms of racial discrimination against women that may otherwise go unnoticed and unaddressed.</p>
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Table 3: Subordinate Status within Communities

Point of Concern (3) in APWLD Issues Paper

The amplifies the effects of racism and racial discrimination against their social group. For example, they are vulnerable to honour killing, abandonment by their husbands and families, and rejection by their communities if they are victims of rape. Their traditional economic dependence on male heads of households leaves them open to exploitation and impoverishment in times of social instability or in societies in which their own social group is racially discriminated against.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>In many countries, available indicators show that the girl-child is discriminated against from the earliest stages of life, throughout childhood and into adulthood. The World Conference calls on States to develop legislation, programmes, services and educational measures to address and eliminate including harmful attitudes and practices, discrimination and violence against girls including practices such as female genital mutilation, son preference which results in female infanticide and prenatal sex selection, child marriage and sexual abuse and exploitation. (APWLD Lobby Doc PoA, para 46 bis.)</p>	<p><u>Urges</u> States to incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination which falls particularly on indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrants and women from other disadvantaged groups, ensuring their access to the resources of production on an equal footing with men, as a means of promoting their participation in the economic and productive development of their communities. (WCAR PoA, para 50)</p> <p><u>Recognizing</u> that poverty shapes economic and social status and establishes obstacles to the effective political participation of women and men in different ways and to different extents, <u>urges</u> States to undertake gender analyses of all economic and social policies and programmes, especially poverty eradication measures, including those designed and implemented to benefit those individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance (WCAR PoA, para 52)</p> <p><u>Urges</u> States to establish and strengthen effective partnerships with and provide support, as appropriate, to all relevant actors of civil society, including non-governmental organizations working to promote gender equality and the advancement of women, particularly women subject to multiple discrimination, and to promote an integrated and holistic approach to the elimination of all forms of discrimination against women and girls (WCAR PoA, para 212)</p>

Table 3

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>
<p>Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women (BPFA, para 124 (a))</p> <p>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 (BPFA, para 232 (g))</p> <p>Develop, adopt and fully implement laws and other measures, as appropriate, 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, which are violations of the human rights of women and girls and obstacles to the full enjoyment by women of their human rights and fundamental freedoms, 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, para 69 (e))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 5. States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p> <p>Article 6. States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.</p> <p>Article 12. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p> <p>Article 13. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to family benefits; (b) The right to bank loans, mortgages and other forms of financial credit; (c) The right to participate in recreational activities, sports and all aspects of cultural life.</p>

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	<p>Article 14.</p> <p>1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;</p> <p>(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;</p> <p>Article 15.</p> <p>3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.</p> <p>Article 16.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:</p> <p>(a) The same right to enter into marriage;</p> <p>(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;</p> <p>(c) The same rights and responsibilities during marriage and at its dissolution;</p> <p>(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;</p> <p>(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;</p> <p>(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;</p> <p>(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;</p> <p>(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration</p>
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Table 4 : Exclusion from politics and decision-making

Point of Concern (4) in APWLD Issues Paper

Women’s exclusion from politics and decision-making mean that their gendered experiences of racism are overlooked by governments, legislative and remedial bodies, and even when they are represented, traditional customs often restrict women’s access to legal and other services. Often service providers, officials and legal and government representatives are male, and women are prohibited or feel unable to approach them.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>We underscore the need to promote strategies, programmes and policies, which may include measures of affirmative action and programs to mainstream gender perspectives, for furthering the realization of the civil and political rights of victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to the political, judicial and administrative functions of institutions, as well as the need to increase access to the administration of justice in all its forms, free from racial and gender discrimination of any kind (APWLD Lobby Doc Dec, para 19)</p> <p>The World Conference calls on all States to establish and fund comprehensive, integrated programs to be conducted by government or non-government organisations to facilitate the political participation of women who are marginalised for reasons of race, religion, class, caste, ethnicity or nationality or any other factor. (APWLD Lobby Doc PoA, para 41 bis.)</p> <p>The World Conference calls on all states to reaffirm the commitments made under the Beijing Platform for Action to set time bound targets, including quotas and reform of electoral systems, to promote gender balance especially in political parties, government ministries and local government bodies, and to further strengthen this by working towards 50:50 gender representation of all races, ethnicities, religions, national minorities, descents, and indigenous peoples. (APWLD Lobby Doc PoA, para 41 ter.)</p>	<p><u>Urges</u> States and encourages all sectors of society to empower women and girls who are victims of racism, racial discrimination, xenophobia and related intolerance, so that they can fully exercise their rights in all spheres of public and private life, and to ensure the full, equal and effective participation of women in decision-making at all levels, in particular in the design, implementation and evaluation of policies and measures which affect their lives (WCAR PoA, para 53)</p> <p><u>Urges</u> States to develop and strengthen anti-racist and gender-sensitive human rights training for public officials, including personnel in the administration of justice, particularly in law enforcement, correctional and security services, as well as among health-care, schools and migration authorities (WCAR PoA, para 133)</p>

* Language/issue reflected in the Asia Pacific NGO Forum Recommendations, Tehran, Iran, February 17-18, 2001

Table 4	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>Provide leadership and self-esteem training to assist women and girls, particularly those with special needs, women with disabilities and women belonging to racial and ethnic minorities to strengthen their self-esteem and to encourage them to take decision-making positions (BPFA, para 195 (a))</p> <p>Review and amend criminal laws and procedures, as necessary, to eliminate any discrimination against women in order to ensure that criminal law and procedures guarantee women effective protection against, and prosecution of, crimes directed at or disproportionately affecting women, regardless of the relationship between the perpetrator and the victim and/or witnesses are not revictimised or discriminated against in the investigation and prosecution of crimes (BPFA, para 232 (l))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>(g) To repeal all national penal provisions which constitute discrimination against women.</p>

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	<p>Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</p> <p>(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;</p> <p>(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</p> <p>(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.</p> <p>Article 8. States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.</p> <p>Article 14. 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(a) To participate in the elaboration and implementation of development planning at all levels;</p> <p>(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;</p> <p>(f) To participate in all community activities;</p>
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Chapter 3

WOMEN AND GIRLS IN ARMED CONFLICT

Structuralised Racism

(Point of Concern (1) in APWLD Issues Paper)

Contemporary armed conflict often comes in the form of extreme, structuralised racism, usually caused by ethnic tensions, and often deliberately exploited as part of a broader political agenda. Conflict, particularly internal conflict, often involves the oppression of one racial, ethnic or religious minority by another and "purification" and ethnic cleansing are strategies employed within such conflict.

In response to this issue, the APWLD lobbied for States to "acknowledge the roots of armed conflict" and "take appropriate measures" to address and reduce ethnic tensions within State territories through national action plans which "eliminate all forms of racially based violence including all forms which disproportionately affect women and girls". APWLD also lobbied for States to ratify the Statute of the International Criminal Court (ICC) and urged States to undertake measures in dealing with perpetrators of violence and to provide access to remedies for women who have been subjected to violence. The "militarisation of indigenous communities" is deemed to be unacceptable and APWLD lobbied for the creation of a Commission of Indigenous Peoples and Conflict Resolution Mediation. Conflict resolution nationally, regionally and internationally was strongly campaigned for, with the greater involvement of women representatives at all levels of the peace building and conflict resolution.

The WCAR Declaration (WCAR Dec para. 20) recognised that racism is among the root causes of armed conflict and "very often one of its consequences". It recalled that non-discrimination is a fundamental principle of international humanitarian law and calls for States to remain vigilant during periods of armed conflict to combat all forms of racial discrimination. The WCAR Declaration (WCAR Dec para 21) also recognised that socio-economic development is hampered by widespread internal conflicts which "arise from racism, racial discrimination, xenophobia and related intolerance, and from lack of democratic and inclusive participatory governance". This language reflected an acknowledgement of the root causes of conflict and the impact of conflict on socio-economic development. However, it failed to acknowledge the profound impact of violence on the vulnerable groups who first fall foul of perpetrators of violence, or to recognise that it is not only "during periods of armed conflict" that States should be vigilant to combat all forms of racial discrimination.

While the WCAR Declaration (WCAR Dec paras 20 & 21) included the recognition of racism as a root cause of armed conflict and recognised that conflict can hamper socio-economic development, the B+5 (para 96 (k), (l)) is stronger in: identifying efforts towards complete disarmament "under strict and effective international control, based on the priorities established by the United Nations"; and "exploring new ways of generating public and private financial resources to permit the allocation of additional funds for social and economic development *inter alia* for the advancement of women" (B+5 (para 96 (l))).

During Periods Of Armed Conflict, Violence Against Women Is Rampant.
(Point of Concern (2) in APWLD Issues Paper)

A major issue is that during periods of armed conflict, violence against women is rampant. Although international humanitarian laws prohibit acts of violence including genocide, war crimes and crimes against humanity; crimes such as rape, forced relocation, forced labour, torture, summary executions of women and forced deportation are manifested as State violence in armed conflict, particularly against women of ethnic groups. Rape and other forms of sexual torture are routinely used as strategies of war.

The APWLD lobbied for States to recognise and address the vulnerability of women in situations of armed conflict and encouraged states to take action to end the impunity of the State and non state perpetrators of such violations. APWLD affirmed the ICC standards that recognise rape during armed conflict as a war crime and a crime against humanity and urged States to provide gender training to all officials, guards and members of the police and armed forces who may deal with women in conflict situation, particularly guards in refugee camps and border crossings. APWLD lobbied for the CEDAW urgent procedures mechanisms to be strengthened so that action under Article 4 of CEDAW can be enforced. It also urged for more resources to be provided to the CEDAW committee to enable it to effectively conduct full investigations of allegations of genocide, including the use of rape, sexual torture and forced pregnancy.

The APWLD lobbied governments to implement State programs and policies to promote the well being of women affected by violence and called on the international community to ensure that “punitive legal measures” are taken against the perpetrators of all forms of violence against women, including in the situations of armed conflict.

The WCAR PoA (para 54 (a)) urged States to recognise that sexual violence is being used as a weapon of war and highlighted the violations of international law which this entails. This reaffirms the standards for gender based violence in armed conflict, identified in the Statute of the ICC. WCAR PoA (paras 78 (a), g), (l)) urged states to sign and ratify the relevant conventions and Statutes. It stated the importance of combating impunity and recognised the violation of human rights and international humanitarian law as a serious obstacle to a fair and equitable justice system and the impacts this has on reconciliation and future stability (WCAR PoA para 82). WCAR urged States to adopt legislation against those who breach the Geneva Conventions. States were urged to take measures to address the requirements for justice for victims and to ensure that victims have full access to information, support, effective protection and national administration and judicial remedies including the right to seek just and adequate reparation, satisfaction for damage and legal assistance when required.

Peaceful resolution of conflicts was also highlighted in the WCAR PoA and all parties were called upon to respect human rights and international humanitarian law (WCAR PoA para 149). The WCAR urged States to work in close cooperation with UNESCO to promote the implementation of the Declaration and Programme of Action on a Culture of Peace and the objectives of the International Decade for a Culture of Peace and Non-Violence for the children of the world.

The language in the WCAR document strongly supported the international system of peace building in situations of conflict and strongly condemned those who breach the UN treaties and conventions in periods of conflict. It strongly pushed for perpetrators

of violence to be brought to justice in the international arena. While WCAR urged States to recognise sexual violence as a strategy of war, it did not strongly address the intersection between racism and gender discrimination experienced by women in armed conflict nor did it address the strengthening of CEDAW to address this issue. It also failed to address the training of officials who come into contact with women who have suffered in armed conflict.

The BPFA, at the international level, supported the ratification of conventions and treaties (BPFA paras 68 (b), (c) (d), (e) (f), (j)) and also identified specific actions at the national level: (BPFA para 106 (q)) for the victims of violence; and for preventative measures to protect women, youth and children from any abuse (BPFA paras 107 (q)) (B+5 69 (i), (j), (k)). This included gender-sensitive training for all actors who deal with victims of violence, a “zero-tolerance” campaign on violence against women, and building networks and organisations within the UN system to support the elimination of all forms of violence against women (BPFA para 124 (a) (b), (B+5 para 78 (d) and B+5 para 87 (a) (b)), with emphasis on legislative access for women.

While WCAR urged States to recognise sexual violence as a strategy of war, and ratify the Rome Statute of the International Criminal Court, the BPFA is stronger in identifying specific national level actions such as: gender sensitive training, strengthening of national institutions and non-government organisations to deal with the impact and effect of violence on women and girls, increase awareness and knowledge of the Rome Statute of the International Criminal Court and avenues for redress to victims of conflict (B+5 para 96 (b)).

Further the BPFA+5 specifically discussed the role of women in the peace building and peacekeeping missions and the building of capacity to participate in the processes surrounding the issues of women in conflict (B+5 para 89), which were not discussed under WCAR.

The precise issues of violence and justice of Women and Girls in situations of armed conflict are not directly addressed within CEDAW. However, the WCAR Declaration (WCAR Dec paras 20, 21) recognised that racism is often at the root of armed conflict and recognised that socio-economic and health development is hampered by widespread internal conflicts which “arise from racism, racial discrimination, xenophobia and related intolerance, and from lack of democratic and inclusive participatory governance”. Therefore, the CEDAW articles which support socio-economic development; women’s participation in ‘political and public life of the country’ (Article 7); and health and education for women and girls can be used to support these issues. Article 7 can also be used to strengthen the position of women in peacebuilding and policy and decision-making to promote the position of women within society. CEDAW Articles which refer to women’s right to legal representation can be used to strengthen legislation, policies and programmes to address issues of impunity by actors and issues of justice. Governments should invest resources into providing women victims of conflict with legal aid programmes and other forms of recourse, and bring in measures, without delay to provide access to remedies for women who have been subjected to violence.

**Summary of the Recognition of Intersectionality
In the WCAR Declaration and Programme of Action**
(Intersectionality can be observed in each issue and across issues)

Issue: Women and Girls in Armed Conflict

Successes: The PoA document recognised that racism is both a root cause and an outcome of armed conflict. It also recognised the multidimensional aspects of this phenomena, and made links between socio-economic development and armed conflict. The document is strong in relation to the prevention of sexual and gender based violence in conflict situations and urged states to take a number of specific steps, including legislation and access to justice for victims of violence in conflict situations. The document urged states to recognise sexual violence in conflict situations as a strategy of war and further urged states to provide reparation for victims of such violence. The need of States to support moves to implement the “Declaration and Program of Action on a Culture of Peace” was also strongly supported.

Stepping Stones: While supporting action to address the use of violence against women in conflict situations the PoA did not address the interaction between racism and gender discrimination in conflict situations.

Limitations: The PoA document did not recognise that it is those groups already vulnerable to racism and racial discrimination which are most at risk of violence during armed conflict. It failed to address the need to train officials who come into contact with women who have been subjected to gender based violence in situations of armed conflict.

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Following this section are Tables 5 – 6 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 5 : Women Deliberately Exploited as Part of a Broader Political Agenda

Table 6 : During Periods of Armed Conflict Violence against Women is Rampant

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

Table 5 : Structuralised Racism

Point of Concern (1) in APWLD Issues Paper	
<p>Contemporary armed conflict is usually caused by ethnic tensions, which are often deliberately exploited as part of a broader political agenda. Armed conflict can take the form of extreme, structuralized racism, particularly internal conflict, which involves the oppression of one racial, ethnic or religious minority by another, “purification” and ethnic cleansing are strategies of such armed conflict.</p>	
Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>States are urged to acknowledge the roots of armed conflict in ethnic tension and racism, and take appropriate measures to reduce ethnic tensions within State territories. (APWLD Issues paper)</p> <p>The World Conference calls on all States to resource and support comprehensive national action plans to eliminate all forms of racially based violence including all forms which disproportionately affect women and girls including; honor killings, rape, ethnic cleansing including forced pregnancy, forced relocation, forces labour, torture, summary executions, forces deportation, trafficking and caste based violence, and to prosecute the perpetrators (APWLD Lobby Doc PoA para 40 bis)</p> <p>The World Conference calls on all State signatories to ratify the Statute of the International Criminal Court (APWLD Lobby Doc PoA para 40 quinto)</p> <p>The World Conference declares the militarisation of indigenous communities to be an unacceptable act of aggression. (APWLD Lobby Doc PoA para 76 quint)</p> <p>The World Conference supports the resolution of the International Conference on Conflict Resolution, Peace Building, Sustainable Development and Indigenous Peoples for the creation of a Commission on Indigenous Peoples and Conflict Resolution mediation. (APWLD Lobby Doc PoA para 80 bis)</p> <p>The World Conference recognises the responsibility and accountability of States, nationally, regionally and internationally, to act decisively to resolve, through peaceful and democratic means, situations of ethnic, religious and other forms of armed conflict that result in the violations of human rights and the displacement of vast numbers of people particularly women and girls internally and internationally including through the greater, involvement of women representatives in peace building and conflict resolution bodies. (APWLD Lobby Doc PoA para 90 bis)</p>	<p>We recognise that racism, racial discrimination, xenophobia and related intolerance are among the root causes of armed conflict and very often one of its consequences and recall that non-discrimination is a fundamental principle of international humanitarian law. We underscore the need for all parties to armed conflicts to abide scrupulously by this principle and for States and the international community to remain especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination (WCAR Dec para 20)</p> <p>We express our deep concern that socio-economic development is being hampered by widespread internal conflicts which are due, among other causes, to gross violations of human rights, including those arising from racism, racial discrimination, xenophobia and related intolerance, and from lack of democratic, inclusive and participatory governance; (WCAR Dec para 21)</p>

Table 5	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
<p>(k) Strengthen efforts towards general and complete disarmament under strict and effective international control, based on the priorities established by the United Nations, in the field of disarmament, so that released resources could be used for, <i>inter alia</i>, social and economic programmes which benefit women and girls;</p> <p>(l) Explore new ways of generating new public and private financial resources, <i>inter alia</i>, through the appropriate reduction of excessive military expenditures and the arms trade and investment for arms production and acquisition, including global military expenditures, taking into consideration national security requirements, so as to permit the possible allocation of additional funds for social and economic development, <i>inter alia</i>, for the advancement of women. (B+5 para 96 (k), (l))</p>	<p><i>CEDAW does not specifically cover the issues of women and girls in conflict situations, there is a need to link to other conventions and the Rome Statute of the International Criminal Court which cover these issues for avenues of redress for victims..</i></p> <p><i>However, relevant articles within CEDAW which can be used to strengthen the position of women in these situations are:</i></p> <p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 5. States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p>

<p>Governments should undertake all measures without delay for the elimination of all forms of racially motivated violence against women, including stringent measures in dealing with state and non-state perpetrators of violence, and providing access to remedies for women who have been subjected to violence, especially for women living in situations of armed conflict (APWLD Lobby Doc PoA para 90 ter)</p>	
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Table 6 : During Periods Of Armed Conflict, Violence Against Women Is Rampant	
Point of Concern (2) in APWLD Issues Paper	
<p>Violence against women is rampant during periods of armed conflict, although international law prohibits these acts of violence as genocide, war crimes and crimes against humanity. They are manifested as State violence in situations of armed conflict through rape, forced relocation, forced labour, torture, summary executions of women, forced deportation, and racist State policies denying or limiting public representation, health care, education, employment and access to legal redress.</p> <p>Rape and other forms of sexual torture are now routinely used as strategies of war in order to shame and demoralise individuals, families and communities. Racist ‘othering’ heightens women’s vulnerability to gender violence and sexual torture by their oppressors. At the same time, the sexist value placed on their ‘honour’ by their own communities makes them prime targets for rape, systematic rape and sexual torture for the purposes of shaming their men. This form of torture is extremely effective, to the point where women are sometimes killed and often rejected by their own communities because of the ‘dishonour’ they have brought to their husbands or families. Ideological frameworks produced by extreme nationalism and fundamentalism, which reify women’s image as ‘bearers of culture and values’, have led to a widespread occurrence of sexual assaults against women as political acts of aggression. In addition, women from oppressed or targeted ethnic groups suffer forcible impregnation by men from the dominant group, an acknowledged act of genocide.</p>	
Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference urges States to recognise and address the vulnerability of women in situations of armed conflict to rape, systematic rape and sexual torture, and to take action to end the impunity of State and non-State perpetrators of such violations. (APWLD Issues paper)</p> <p>The World Conference affirms that rape during armed conflict is a war crime and a crime against humanity, and recognises its racist motivations, particularly genocide, ethnic cleansing, and the oppression and subjugation of racial, ethnic or religious groups (APWLD Issues paper)</p> <p>States are urged to provide gender sensitive training to all officials, guards and members of the police and armed forces who may deal with women in conflict situations, particularly guards in refugee camps and on border crossings. (APWLD Issues paper)</p> <p>The World Conference urges that the capacity of the urgent procedures mechanisms of the Committee on the Elimination of Racial Discrimination should be strengthened so that it can act immediately under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination including any mass media appeals and any other incitement to racial discrimination and violence leading to genocide, including the use of rape, sexual torture and forced pregnancy. (APWLD Lobby Doc PoA para 18 a)</p>	<p>WCAR urges States to recognize that sexual violence which has been systematically used as a weapon of war, sometimes with the acquiescence or at the instigation of the State, it is a serious violation of international humanitarian law that, in defined circumstances, constitutes a crime against humanity and/or a war crime, and that the intersection of discrimination on grounds of race and gender makes women and girls particularly vulnerable to this type of violence, which is often related to racism, racism discrimination, xenophobia and related intolerance (WCAR PoA para 54 (a))</p> <p>WCAR urges States to end impunity and prosecute those responsible for crimes against humanity and war crimes, including crimes related to sexual and other gender-based violence against women and girls, as well as to ensure that persons in authority who are responsible for such crimes, including by contributing to their commission or attempted commission, are identified, investigated, prosecuted and punished. (WCAR PoA para 54 (b))</p> <p>WCAR urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments: (a) Convention on the Prevention and Punishment of the Crime of Genocide of 1948; (g) Convention on the Elimination of All Forms of Discrimination against Women of 1979, with a view to achieving universal ratification within five years, and its Optional Protocol of 1999; (l) The Rome Statute of the International Criminal Court of 1998; (WCAR PoA para 78 (a), (g), (l))</p>

Table 6

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</p>
<p>By Governments, in collaboration with non-governmental organizations and employers' and workers' organisations and with the support of international institutions (q) integrate mental health services into primary health-care systems or other appropriate levels, develop supportive programmes and train primary health workers to recognise and care for girls and women of all ages who have experienced any form of violence especially domestic violence, sexual abuse or other abuse resulting from armed and non-armed conflict; (BPFA para 106 (q))</p> <p>By Governments, in collaboration with non-governmental organizations and employers' and workers' organizations and with the support of international institutions; (q) Adopt specific preventive measures to protect women, youth and children from any abuse – sexual abuse, exploitation, trafficking and violence, for example including the formulation and enforcement of laws, and provide legal protection and medical and other assistance. (BFPA para 107 (q))</p> <p>By Governments: (a) Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligation with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women; (b) Refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons; (BPFA para 124 (a), (b))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p>

<p>The World Conference urges that the resources of the Committee on the Elimination of Racial Discrimination should be increased to enable it to act effectively in investigating fully any allegations of genocide or direct or public incitement to commit genocide, including those committed against women and girls, brought to its knowledge by Member states, an international organisation or a non-governmental organisation and to enable it to cooperate with early-warning and any good offices functions of the United Nations. (Expert seminar on racism, refugees and multi ethnic States, Geneva) (APWLD Lobby Doc PoA para 18 b)</p> <p>The World Conference calls on the International community to ensure that punitive legal measures are taken against the perpetrators of all forms of violence against women, including in situations of armed conflict, by both state and non-state perpetrators. (APWLD Lobby Doc PoA para 40 quarter)</p>	<p>WCAR underlines the importance of combating impunity, including or crimes with a racist or xenophobic motivation, also at the international level, noting that impunity for violations of human rights and international humanitarian law is a serious obstacle to a fair and equitable justice system and, ultimately, reconciliation and stability; it also fully supports the work of the existing international criminal tribunals and ratification of the Rome Statute of the International Criminal Court, and urges all States to cooperate with these international criminal tribunals (WCAR PoA para 82)</p> <p>WCAR urges States parties to adopt legislation implementing the obligations they have assumed to prosecute and punish persons who have committed or ordered to be committed grave breaches of the Geneva Conventions of 12 August 1949 and Additional Protocol I thereto and of other serious violations of the laws and customs of war, in particular in relation to the principle of non-discrimination; (WCAR PoA para 87)</p> <p>WCAR believes that all conflicts and disputes should be resolved through peaceful means and political dialogue. The Conference calls on all parties involved in such conflicts to exercise restraint and to respect human rights and international humanitarian law (WCAR PoA para 149)</p> <p>WCAR recommends that the Department of Peacekeeping Operations of the Secretariat and other concerned United Nations agencies, bodies and programmes strengthen their coordination to discern patterns of serious violations of human rights and humanitarian law with a view to assessing the risk of further deterioration that could lead to genocide, war crimes or crimes against humanity (WCAR PoA para 153)</p> <p>WCAR urges States to take all necessary measures to address, as a matter of urgency, the pressing requirement for justice for the victims of racism, racial discrimination, xenophobia and related intolerance and to ensure that victims have full access to information, support, effective protection and national, administrative and judicial remedies, including the right to seek just and adequate reparation or satisfaction for damage, as well as legal assistance, where required (WCAR PoA para 160)</p> <p>WCAR urges States, in close cooperation with the United Nations Educational, Scientific and Cultural Organisation, to promote the implementation of the Declaration and Programme of Action on a Culture of Peace and the objectives of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, which started in 2001, and invites the United Nations Educational, Scientific and Cultural Organisation to contribute to these activities (WCAR PoA para 202)</p>
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<p>By Governments (b) Create and maintain a non-discriminatory and gender-sensitive legal environment by reviewing legislation with a view to striving to remove discriminatory provisions as soon as possible, preferably by 2005, and eliminating legislative gaps that leave women and girls without protection of their rights and without effective resource against gender-based discrimination;</p> <p>(c) Ratify the Convention on the Elimination of All Forms of Discrimination Against Women, limit the extent of any reservations to it, and withdraw reservations that are contrary to the object and purpose of the Convention or otherwise incompatible with international treaty law;</p> <p>(d) Consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;</p> <p>(e) Consider signing and ratifying the Rome Statute of the International Criminal Court;</p> <p>(f) Develop, review and implement laws and procedures to prohibit and eliminate all forms of discrimination against women and girls</p> <p>(j) Take all appropriate measures to eliminate discrimination and violence against women and girls by any person, organisation or enterprise; (BPFA paras 68 (b), (c), (d), (e), (f) (j))</p> <p>(d) Provide gender-sensitive training to all actors, including police, prosecutors and the judiciary, in dealing with victims of violence, particularly women and girls, including sexual violence (B+5 para 78 (d))</p> <p>(a) Support activities aimed at the elimination of all forms of violence against women and girls, including by providing support for the activities of women's networks and organizations within the United Nations system;</p> <p>(b) Consider launching an international "zero tolerance" campaign on violence against women. (B+5 para 87 (a), (b)).</p> <p>Encourage the implementation of measures designed to achieve the goal of 50/50 gender balance in all posts including at the Professional level and above, in particular at the higher levels in their secretariats, including in peacekeeping missions, peace negotiations and in all activities, and report thereon, as appropriate, and enhance management accountability mechanisms. (B+5 para 88)</p> <p>Take measures, with the full participation of women, to create, at all levels, an enabling environment conducive to the achievement and maintenance of world peace, for democracy and peaceful settlement of disputes, with full respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the jurisdiction of any State, in accordance with the Charter of the United Nations and international law, as well as the promotion and protection of all human rights, including the right to development, and fundamental freedoms. (B+5 para 89)</p>	<p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>(g) To repeal all national penal provisions which constitute discrimination against women.</p> <p>Article 5. States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p> <p>Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</p> <p>(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;</p> <p>(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</p> <p>(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.</p> <p>Article 8. States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.</p> <p>Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p>
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<p>(b) Take measures through, <i>inter alia</i>, supporting and strengthening existing mechanisms entrusted with prosecuting perpetrators of violations of the human rights of women, to eliminate impunity;</p> <p>(c) Take measures to eliminate violations of international law and the Charter of the United Nations. Many of these violations have a negative impact on the promotion and protection of the human rights of women;</p> <p>(d) Address the root causes of armed conflict in a comprehensive and durable manner, as well as the differences in the impact of armed conflict on women and men, and take them into account in relevant policies and programmes in order to, <i>inter alia</i>, enhance the protection of civilians, particularly women and children;</p> <p>(e) Ensure the release of hostages, particularly women and children, including those subsequently imprisoned, in armed conflict;</p> <p>(f) Develop and support policies and programmes for the protection of children, especially girls, in hostilities, in order to prohibit their forced recruitment and use by all actors and to promote and/or strengthen mechanisms for their rehabilitation and reintegration, taking into account the specific experiences and needs of girls;</p> <p>(g) Improve and strengthen the capacity of women affected by situations of armed conflict, including women refugees and displaced women, by, <i>inter alia</i>, involving them in the design and management of humanitarian activities so that they benefit from these activities on an equal basis with men;</p> <p>(i) 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;</p> <p>(j) Provide support to and empower women who play an important role within their families as stabilizing factors in conflict and post-conflict situations;</p> <p>(B+5 paras 97 (b), (c), (d), (e), (f), (g), (i), (j))</p> <p>Encourage partnerships between Governments and non-governmental organizations in the implementation of commitments made at the Fourth World Conference on Women and at other United Nations world conferences and summits in order to promote gender equality, development and peace in the twenty-first century. (B+5 para 104)</p> <p>(b) Increase awareness and knowledge of the Rome Statute of the International Criminal Court, which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforces sterilization 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, and take measures to support the prosecution of all persons responsible for such crimes occurring, and take measures to support the prosecution of all persons responsible for such crimes and provide avenues for redress to victims; also increase awareness of the extent to which such crimes are used as a weapon of war; (B+5 para 96 (b))</p>	<p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(a) To participate in the elaboration and implementation of development planning at all levels;</p> <p>(b) To have access to adequate health care facilities, including information, counselling and services in family planning;</p> <p>(c) To benefit directly from social security programmes;</p> <p>(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, <i>inter alia</i>, the benefit of all community and extension services, in order to increase their technical proficiency;</p> <p>(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;</p> <p>(f) To participate in all community activities;</p> <p>(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;</p> <p>(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p>
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<p>By Governments (a) As a matter of priority, review and revise legislation, where appropriate, with a view to introducing effective legislation, including on violence against women, and take other necessary measures to ensure that all women and girls are protected against all forms of physical, psychological and sexual violence, and are provided recourse to justice;</p> <p>(b) Prosecute the perpetrators of all forms of violence against women and girls and sentence them appropriately, and introduce actions aimed at helping and motivating perpetrators to break the cycle of violence and take measures to provide avenues for redress to victims;</p> <p>(c) Treat all forms of violence against women and girls of all ages as a criminal offence punishable bylaw, including violence based on all forms of discrimination; (B+5 para 669 (a) (b) (c))</p> <p>(j) Promote women's and girls' mental well-being, integrate mental health services into primary health-care systems, develop gender sensitive support programmes and train health workers to recognize gender-based violence and provide care for girls and women of all ages who have experienced any form of violence:</p> <p>(j) Adopt and promote a holistic approach to respond to all forms of violence and abuse against girls and women of all ages, including girls and women with disabilities, as well as vulnerable and marginalized women and girls in order to address their diverse needs, including education, provision of appropriate health care and services and basic social services;</p> <p>(k) Approve and promote a holistic approach to combat violence against women during all their life cycle and circumstances (B+5 paras 69 (i), (j), (k))</p> <p>(b) 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, statistics, legislation, training models, good practice, lessons learned and other resources with regard to all forms of violence against women, including women migrant workers. (B+5 para 92 (b))</p>	
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Chapter 4

WOMEN AND GIRLS FACING CASTE-BASED DISCRIMINATION

Caste Based Discrimination is Unacknowledged as Intolerance

(Point of Concern (1) in APWLD Issues Paper)

Caste, or discrimination against a group of people on the basis of their descent and work, is a form of apartheid. It is a hierarchical social system, sanctified by religion, which assigns a community the status of being 'untouchable' and impure. In its practical manifestation, caste-based discrimination consists of marginalisation, exclusion, and restrictions on the social and occupational mobility of a social group. Caste based discrimination is unacknowledged as a form of intolerance by most governments in the world.

Representation In Policy And Decision-Making

(Point of Concern (2) in APWLD Issues Paper)

The practice of untouchability restricts millions of people to degrading occupations such as scavenging and manual cleaning of toilets. Dalits are denied their basic human rights and face extreme forms of deprivation and abuse. Representation in policy and decision-making at all levels is denied to Dalit communities, and they have the least access to resources. Many Dalits face unemployment and extreme poverty due to the process of modernisation. They are excluded from the mainstream of development, and often face displacement. Their low positioning on the social scale allows for most crimes against Dalits to go unpunished. Dalit children, especially girls, lack access to education and training.

Systematic Discrimination Against Such Communities as the Dalits

(Point of Concern (3) in APWLD Issues Paper)

The systematic discrimination against such communities as the Dalits especially effects the women in these communities, who bear the triple burden of caste, class and gender. The intersectionality of these forms of discrimination makes them vulnerable to all forms of exploitation and abuse and creates severe obstacles to their overall development.

The APWLD lobbied extensively for the recognition of caste-based discrimination (i.e. inclusion of the terms caste or 'work and descent') and caste-based discrimination to be addressed as a form of racial discrimination or related intolerance at WCAR including the multiple barriers faced by women of Dalit communities.

None of the APWLD recommendations were reflected in the WCAR. The WCAR failed to recognise the issue of caste based discrimination as a "related intolerance" to racial discrimination. The term "caste" and related clauses are not included in the language of the document.

However, several paragraphs include the term "descent" as a contributing factor in racism, racial discrimination, xenophobia and related intolerance (Dec, para 2; PoA,

para 72, 81, 123 (a), 123 (g), 164 (e)). The term 'descent' was previously recognised as a ground of discrimination under UDHR. However, the term 'descent' alone fails to capture the form of discrimination perpetrated against Dalit communities, which is based on both their work and descent. However, these paragraphs by virtue at least to their reference of 'descent' can be used to lobby governments to promote and protect the rights of Dalits and other discriminated groups. These paragraphs notably refer to equality of access to education (PoA, para 123 (a)), including financial resources to ensure access to higher educational institutions (PoA, para 123 (g)), and the enactment of legislation prohibiting discriminatory practices (PoA, para 164 (e)).

Dalits were not identified as a separate vulnerable group in the BPFA or the B+5. However, although the word *Dalit* does not appear in the BPFA/B+5 documents, the systematic discrimination against Dalit women, and their triple burden of caste, class and gender, were recognised in these documents under the umbrella terms *marginalised women* and *low-income women*. The kinds of actions identified in the BPFA and B+5 for marginalised and low-income women, that are relevant to Dalit women include: economic outreach programmes to marginalised women (BPFA para 167 (c), 173 (c)); review of national tax and social security systems (which one? para 165f); support services for low-income women (BPFA para 173 (d)); B+5 para 74 (a)); women's equal access to and control over economic resources (B+5 para 68 (h)); women's exposure to environmental degradation and hazards (BPFA para 256 (c)); and national legislative and administrative reform processes promote women's rights (B+5 para 68 (h)).

Caste discrimination against Dalits or groups of people on the basis of their descent and work, is a form of apartheid which manifests itself in marginalisation, exclusion and severe restrictions on the economic and social lives of those who suffer from this. CEDAW Articles which support socio-economic development can be used to strengthen legislation, policies and programmes that decisively address the deeply entrenched multiple discrimination against women in racially, ethnically and economically marginalised communities. CEDAW Articles which provide access to forms of legal redress can be utilised to promote the rights of Dalit and marginalised women and girls, these include the right to protection from violence, the right to participate in decision making structures and equal access to all State and private sector institutions.

Summary of the Recognition of Intersectionality in the WCAR Declaration and Programme of Action (PoA)

(Intersectionality can be seen in each issue and across issues)

Issue: Women and girls facing caste based discrimination

Successes: High level of visibility of caste based discrimination as an issue in the WCAR and related fora and a widespread mobilisation of NGO's around this issues at the WCAR. As a result since the WCAR, the Subcommission of UNCHR has developed reports specifically on discrimination on the basis of "work and descent".

Stepping Stones: The term "descent" was included as a contributing factor in racism, and racial discrimination, indicating an acknowledgment that descent is one of the many discriminations experienced. This was used in particular with reference to access to education, and legislation prohibiting discriminatory practice. However, this

term does not adequately recognise the nature of caste based discrimination, which is on the basis of '**work and descent**'.

Limitations: There is no mention of the word 'Dalit' in the text and the words "work and descent" failed to be included in either the WCAR Declaration or PoA.

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Following this section are Tables 7 – 9 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 7 : Caste Based Discrimination is Unacknowledged as a Form of Intolerance

Table 8 : Representation in Policy and Decision-Making

Table 9 : Systematic Discrimination Against such Communities as the Dalits

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

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Table 7 : Caste Based Discrimination is Unacknowledged as a Form of Intolerance

Point of Concern (1) in APWLD Issues Paper	
<p>* Caste, or discrimination against a group of people on the basis of their descent and work is a form of apartheid. It is a hierarchical social system, sanctified by religion, which assigns a community the status of being 'untouchable' and impure. In its practical manifestation, caste-based discrimination consists of marginalisation, exclusion and restrictions on the social and occupational mobility of the oppressed group. Caste based discrimination is unacknowledged and unrecognised as intolerance by most governments and people in the world.</p>	
Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>* The World Conference calls on States to commit to strict adherence of articles 1 to 7 of ICERD as well as work towards the implementation of the Resolution on Discrimination Based on Work and Descent adopted by the Sub Commission on the Protection and Promotion of Human Rights in August 2000. (Issues Paper)</p> <p>The World Conference calls on States to establish a monitoring commission for evaluation and effective implementation of socio-economic and welfare programs aimed at alleviating the social and economic disparities resulting from caste discrimination. (Issues Paper)</p> <p>We reaffirm that all initiatives aiming at greater political, social and cultural participation, especially of persons belonging to vulnerable groups, and in particular women and girls, persons of caste and indigenous persons, should be fully implemented (Dec, para 13)</p> <p>The World Conference urges States to give full consideration to the elimination of caste as an insidious and deeply entrenched form of discrimination, in particular related intolerance on the basis of work and descent (PoA, para 52 bis.)</p> <p>Governments should recognize that caste discrimination is a contemporary form of slavery that should be abolished and the abolishment be enforced, even where the perpetrators are States or State agents (PoA, para 52 ter.)</p> <p>The World Conference calls on all Governments to implement the resolution on discrimination based on work and descent adopted by the UN Sub Commission on Human Rights in August 2000 (PoA, para 52 quint.)</p> <p>Ensure that caste-based and similar discrimination be explicitly addressed within the agenda of the World Conference against Racism, in order to explicitly acknowledge groups of people who have been subject to perennial and persistent forms of discrimination and abuse on the basis of their descent. (Asia-Pacific NGO Forum Recommendations)</p>	<p><i>NB: The ground of 'descent', which is referred to in the WCAR, has been long recognised under UDHR. However, the ground of "work and descent" was not recognized in the WCAR Outcome Documents, and therefore caste based discrimination against women was not addressed at WCAR.</i></p> <p><u>Reaffirming</u> the principles of equality and non-discrimination in the Universal Declaration of Human Rights and encouraging respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Dec)</p> <p>We recognize that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status (Dec, para 2)</p> <p><u>Urges</u> States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as "racial profiling" and comprising the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity (PoA, para 72)</p> <p><u>Urges</u> all States to prohibit discriminatory treatment based on race, colour, descent or national or ethnic origin against foreigners and migrant workers, <u>inter alia</u>, where appropriate, concerning the granting of work visas and work permits, housing, health care and access to justice (PoA, para 81)</p> <p>To adopt and implement laws that prohibit discrimination on the basis of race, colour, descent or national or ethnic origin at all levels of education, both formal and non-formal (PoA, para 123 (a))</p>

Table 7	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 5. States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p> <p>Article 11. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p>

	<p>f. To consider establishing financial assistance programmes designed to enable all students, regardless of race, colour, descent or ethnic or national origin, to attend institutions of higher education (PoA, para 123 (g))</p> <p>g. The creation of competent national bodies to investigate effectively allegations of racial discrimination and to give protection to complainants against intimidation or harassment is a desirable development and should be undertaken; steps should be taken towards the enactment of legislation to prohibit discriminatory practices on grounds of race, colour, descent, or national or ethnic origin, and to provide for the application of appropriate penalties against offenders and remedies, including adequate compensation, for the victims (PoA, para 164 (e))</p>
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	<p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p>
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Table 8 : Representation In Policy And Decision-Making

Point of Concern (2) in APWLD Issues Paper	
<p>* Dalits are denied their basic human rights and face the most terrible forms of deprivation and abuse. Representation in policy and decision-making at all levels is denied to Dalit communities, and they have least access to resources. Many Dalits face unemployment and extreme poverty due to the process of modernisation. They are excluded from the mainstream of development, and often face displacement. Their low positioning on the social scale allows for most crimes against Dalits to go unpunished. Dalit children, especially girls, lack access to education and training.</p>	
Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>* The World Conference urges States to introduce and implement innovative legal measures into the criminal justice system for the effective protection of and provision of remedies to victims of caste –based discrimination. (Issues Paper)</p> <p>* The World Conference calls for States’ commitment to the elimination of all caste-based violence through the establishment and implementation of appropriate legislative and educational measures and the consistent legal redress of perpetrators. (Issues Paper)</p> <p>* States are urged to review all existing constitutional provisions, laws, regulations and by-laws that protect persons against caste discrimination and ensure that these include provisions that prevent the exploitation of their labour. (Issues Paper)</p> <p>States are called upon to create structures and institutions that will enable the equitable political participation of men and women from caste-discriminated communities. (Issues Paper)</p> <p>States are urged to introduce affirmative action programmes in such areas as education, employment and health so as to provide equal opportunities to Dalit women and girls, particularly in the provision of primary education. (Issues Paper)</p> <p>* The World Conference calls on States to implement land law reforms, including the implementation of comprehensive legislation for farm workers. (Issues Paper)</p> <p>In countries where legislation banning discrimination on the basis of caste already exists, Governments should take immediate steps to create transparent and effective monitoring mechanisms, including the establishment of time-bound programs to ensure implementation of such legislation. (PoA, para 54 sext.)</p> <p>Extend the system of reservations to enhance access to higher government posts, including scientific institutions, in the judiciary, and in the private sector including multinational corporations operating in these countries, and to enhance participation of members of these communities in agencies such as law enforcement agencies (Asia-Pacific NGO Forum Recommendations)</p>	

Table 8	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
	<p>Article 3. States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.</p> <p>Article 5. States Parties shall take all appropriate measures (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.</p> <p>Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</p> <p>(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;</p> <p>(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</p> <p>(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.</p> <p>Article 8. States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.</p>

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	<p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</p> <p>(d) The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p> <p>(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning</p> <p>Article 12. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p> <p>Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p>
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Table 9 : Systematic Discrimination Against Such Communities as the Dalits

Point of Concern (3) in APWLD Issues Paper

The **systemic discrimination against Dalit communities** especially affects the women in these communities who bear the triple burden of caste, class and gender. The inter-sectionality of these forms of discrimination makes them vulnerable to all forms of exploitation and abuse and creates severe obstacles to their overall development.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>a. The World Conference calls on States to strengthen and enforce laws preventing discrimination against Dalit women, including prohibition of the 'Devdasi' system and manual scavenging. (Issues Paper)</p> <p>b. The World Conference urges the UN to conduct research disaggregated by race and gender and descent into the links between the shift of labour from the formal to the informal sector and from regulated to unprotected, sub-contracted labour. (PoA, para 29 bis.)</p> <p>c. Governments should ensure Dalit women's right to livelihood, right to land, right to life, right to protection from violence, right to participate in decision making structures, and equal access to all State and private sector institutions. (PoA, para 52 quart.)</p>	

* Language/issue reflected in the Asia Pacific NGO Forum Recommendations, Tehran, Iran, February 17-18, 2001

Table 9

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>
<p><i>NB: Women suffering from caste based discrimination fall within the rubric of "marginalised women", under BPFA. Therefore these issues, which were identified as relevant to all women, but which are also significant issues for women suffering from caste-based discrimination, a large proportion of which are also rural women, have been highlighted in this section.</i></p> <p>Conduct reviews of national income and inheritance tax and social security systems to eliminate any existing bias against women (BPFA, para 165f)</p> <p>Structure services to reach rural and urban women involved in micro, small and medium-scale enterprises, with special attention to young women, low-income women, those belonging to ethnic and racial minorities, and indigenous women who lack access to capital and assets; and expand women's access to financial markets by identifying and encouraging financial supervisory and regulatory reforms that support financial institutions' direct and indirect efforts to meet the credit and other financial needs of the micro, small and medium-scale enterprises of women (BPFA, para 167 (c))</p> <p>Provide outreach programmes to inform low-income and poor women, particularly in rural and remote areas, of opportunities for market and technology access, and provide assistance in taking advantage of such opportunities (BPFA, para 173 (c))</p> <p>Create non-discriminatory support services, including investment funds for women's businesses, and target women, particularly low-income women, in trade promotion programmes (BPFA, para 173 (d))</p> <p>Ensure adequate research to assess how and to what extent women are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women, particularly women with low income, indigenous women and women belonging to minorities (BPFA, 256 (c))</p>	<p>Article 5. States Parties shall take all appropriate measures: (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.</p> <p>Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</p> <p>(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;</p> <p>(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</p> <p>(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.</p> <p>Article 8. States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.</p> <p>Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p>

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<p>Ensure that national legislative and administrative reform processes, including those linked to land reform, decentralization and reorientation of the economy, promote women's rights, particularly those of rural women and women living in poverty, and take measures to promote and implement those rights through women's equal access to and control over economic resources, including land, property rights, right to inheritance, credit and traditional saving schemes, such as women's banks and cooperatives (B+5, para 68 (h))</p> <p>Undertake socio-economic policies that promote sustainable development and support and ensure poverty eradication programmes, especially for women, by, inter alia, providing skills training, equal access to, and control over resources, finance, credit, including microcredit, information and technology, and equal access to markets to benefit women of all ages, in particular those living in poverty and marginalised women, including rural women, indigenous women and female-headed households (B+5, para 74 (a))</p>	<p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <ul style="list-style-type: none">(a) To participate in the elaboration and implementation of development planning at all levels;(b) To have access to adequate health care facilities, including information, counselling and services in family planning;(c) To benefit directly from social security programmes; as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;(f) To participate in all community activities;(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.
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Chapter 5

WOMEN AND GIRLS OF ETHNIC OR NATIONAL MINORITIES OR RELIGIOUS GROUPS

Denial of the Right of Self Determination

(Point of Concern (1) in APWLD Issues Paper)

Race-based and other forms of discrimination against groups that are defined as minorities are historical and complex and deny their right to self-determination. This denial has political, social, cultural and economic dimensions such as denial of political power, poverty, uneven regional development, unequal access to education, employment, land and other resources and unequal treatment in terms of language. Racial discrimination is not about numbers or size but essentially about vulnerability.

The APWLD acknowledged and called for States to guarantee and enforce the right to citizenship for all ethnic minorities and religious groups and to adopt in their policies and programmes concepts of cultural and territorial autonomy that constitute ways to preserve and promote the ethnic, linguistic and religious identity of national minorities. APWLD lobbied for governments to counter social exclusion and multiple forms of discrimination by providing equal access to health, education, employment and housing. It also lobbied for the provision of all social services to be delivered in culturally appropriate ways. On the issue of access to education, APWLD lobbied for States to give priority to textbook and curriculum review so as to eliminate any elements which may promote racism, racial discrimination, xenophobia and related intolerance and other forms of discrimination. In order to facilitate the political participation of women who are marginalised for reasons of race, class, caste, ethnicity, religion, nationality or nationalist or for any other factor. The APWLD lobbied for governments to create favourable conditions and take measures to enable persons belonging to national or ethnic minorities within their jurisdiction to express their characteristics freely and to develop their education, culture, language, traditions and customs and to participate on a non-discriminatory and equitable basis in the cultural, social, economic and political life of the country in which they live. APWLD called on States to establish and fund comprehensive, integrated programmes which facilitate the participation of marginalised women.

Deep concern was expressed by APWLD about the reliance of globalisation on the exploitation of labour, particularly the labour of women and girls and the destruction and removal of lands.(APWLD 17 bis).

The WCAR Declaration recognised that certain groups face barriers arising from a complex interplay of ethnic, religious and other factors. Persecution against any identifiable group was recognised as impermissible under international law and that where this existed, the human rights and fundamental freedoms of minority groups must be protected. (WCAR PoA paras 28, 66, 67).

The WCAR addressed the issue of equal citizenship rights without discrimination, by urging States to ensure that the legal identity of all peoples are registered and documented without discrimination (WCAR PoA, para 37).

The WCAR urged states to promote understanding among society and to implement effective strategies to combat the racism, racial discrimination, xenophobia and related intolerance. The role of the media in promoting false images and negative stereotype was recognised in the WCAR Declaration (paras 88 & 89) and the WCAR PoA (para 117). It urged states to commit financial resources to anti-racism education and to media campaigns which promote the values of acceptance, tolerance, diversity and respect for cultures of all indigenous peoples living within their national borders. States should consider establishing an international centre for multiracial and multicultural studies and policy development to examine, analyse techniques and mechanisms policies and programmes for reconciling conflicts based on factors related to race, colour, descent, language, religion or national or ethnic origin. The WCAR (WCAR PoA para 172) urged States to protect the national or ethnic, cultural, religious and linguistic identities of minorities and to develop appropriate measures to encourage conditions for the promotion of these identities. In this context, forms of multiple discrimination should be fully taken into account.

The WCAR deplored the attempts to oblige women belonging to certain faiths and religious minorities to forego their cultural and religious identity or to restrict their legitimate expression, or to discriminate against them with regard to education or employment (WCAR Dec para 71). However, the WCAR made no mention of the intersection between gender and religion, where religious or cultural practices might inflict forms of violence on women or violate women's rights. [c/f CEDAW].

It also recognised the rights of a child to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language (WCAR PoA para 73). States should adopt measures that prohibit discrimination and promote access to education for children from national and ethnic groups (WCAR PoA para 123 (a), (b), (f), (g)). WCAR urged states to adopt measures to enable national or ethnic minorities access to the opportunity to learn their own language (WCAR PoA para 124) and urged for the introduction or reinforcement of human rights education (WCAR PoA para 132).

In addition, WCAR PoA (para 61) urged States to ensure that their political and legal systems reflect the multicultural diversity within their societies and where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalisation, exclusion and discrimination against specific sectors of society. But, the specific role of women from national and ethnic minorities in decision-making processes for socio-economic development is not mentioned.

WCAR urged states to ensure equal access to comprehensive, quality health care affordable for all, including primary health care and for States to facilitate the training of a health workforce which is both diverse and representative of the diversity of society. States were urged to work with health providers, workers and researchers to improve the health status of marginalised communities (WCAR PoA paras 110 (b), (c)). While there are many statements in the WCAR PoA about states taking measures to improve access to health care and education (WCAR PoA paras 49 & 110 (b), (c)), there is no specific reference to women's health or to the specific educational needs of national or ethnic minority women and girls.

The intersection between racism and gender discrimination experienced by women and girls from national and ethnic minorities is largely absent from the WCAR declaration and WCAR PoA.

National and Ethnic minority women and girls were not identified as a separate vulnerable group in the BPFA or the B+5 for this issue.

The BPFA encouraged ratification of the ICERD. The BPFA (BPFA para 80 (a)) sought to advance the goals of equal access to education, and to ensure respect for gender equality and cultural, religious and other diversity in educational institutions (BPFA para 83 (p)) by taking measures to eliminate discrimination. The B+5 (B+5 para 95 (l)) requested that governments continue to design efforts for the promotion and respect for cultural diversity and dialogue amount and within civilizations in a manner which contributes to the implementation of the BPFA, and which aims at the empowerment of women and the full realization of all human rights and fundamental freedoms for all women.

Cultural Marginalisation

(Point of Concern (2) in APWLD Issues Paper)

In recent years there has been increasing interference by States on religious and cultural practices leading to cultural marginalisation and annihilation of peoples. These circumstances have rendered women, especially those belonging to national and ethnic minority groups, vulnerable to all forms of violence and denial of rights thus aggravating existing discrimination within their own communities and reinforcing patriarchal values detrimental to women's dignity and status. Due to the intersection of race, ethnicity, religion and gender, marginalised women and girls experience ongoing, pervasive discrimination that obstructs their enjoyment and exercise of fundamental human rights. Women from national and ethnic minority groups are vulnerable to gender-based violence which is motivated by racial discrimination. Women from ethnic and national minority groups face the full effects of the intersection between race and gender. They are often exposed to specifically gendered forms of racism which men are not subjected to, which is manifested in sexual violation or exploitation.

The APWLD stated that States should ensure that all human rights and fundamental freedoms are upheld for all members of ethnic minorities and religious groups. APWLD also lobbied for governments to implement State policies and programs to promote and protect the well being of women from violent actions committed by State and non-State actors in situations of armed conflict.

WCAR urged States to design, implement and enforce effective measures to eliminate the phenomenon known as "racial profiling" (which is the practice of police and other law enforcement officers relying on any degree on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigations for determining whether an individual is engaged in criminal activity (WCAR PoA para 72).

However, there is no specific reflection of the situation of women from ethnic and national minority groups who face the full effects of the intersection between race and gender manifested in sexual violation or exploitation, which impacts on the mental and physical health of women as well as on their dignity and status within their society.

Women and girls from National and Ethnic minority groups are often excluded from access to services which can enhance their empowerment and capacity. CEDAW articles which address education, access to health and participation in political and social decision making can be used to strengthen the position of national and ethnic minority groups. Political participation of women and the use of the relevant CEDAW Articles to support this can help to address the issues of access to services and decision making processes to bring about change in all areas of social and economic development. Equitable participation of all peoples and nations without discrimination

in domestic and global decision making processes and institutions. This participation should be extended to promote forms of governance that are based on principles of equality and non-discrimination, including equality for women. CEDAW should be used to support this position.

**Summary of the Recognition of Intersectionality
in the WCAR Declaration and Programme of Action**
(Intersectionality can be observed in each issue and across issues)

Issue: Women and Girls of Ethnic or National Minorities or Religious Groups

Successes: The PoA recognised that certain groups faced barriers because of the complex interplay of ethnic, religious and other factors. It promoted the issue of equal citizenship rights without discrimination. The PoA urged States to take a range of concrete measures to address these forms of discrimination. It also urged States to recognise the rights of women to not suffer discrimination, violence and restrictions because of their religious beliefs and it recognised the rights of the child to his or her religion and culture. The PoA urged States to eliminate “racial profiling”.

Stepping Stones: States were urged to ensure that political and legal systems affect multicultural diversity, but women were not specifically recognised in this context. Similarly, the provision of health care to marginalised groups was included but there was no specific mention of women’s health needs.

Limitations: National and Ethnic minority women and girls are not identified as a separate vulnerable group, and their specific needs, in particular in regards to sexual and gender based violence, were not addressed.

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Following this section are Tables 10 – 11 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 10 : Denial of Right to Self Determination

Table 11 : Cultural Marginalisation

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

Table 10 : Denial of the Right of Self Determination

Point of Concern (1) in APWLD Issues Paper

Race-based and other forms of discrimination against groups that are defined as minorities are historical and complex and **deny their right to self-determination**. This denial has political, social, cultural and economic dimensions such as **denial of political power, poverty, uneven regional development, unequal access to education, employment, land, and other resources and unequal treatment in terms of use of language**. Racial discrimination is not about numbers or size but essentially about vulnerability. Majority groups also face discrimination when they are similarly vulnerable.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>The World Conference calls on States to guarantee and enforce the right to citizenship for all ethnic minorities and religious groups, and ensuring that this right is equally available to both men and women. (APWLD Issues paper)</p> <p>The World Conference urges States to adopt in their policies and programs concepts of cultural and territorial autonomy that constitute ways to preserve and promote the ethnic, linguistic and religious identity of national minorities. (APWLD Issues paper)</p> <p>The World Conference urges States to give priority to textbook and curriculum review so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance, and other forms of discrimination including sexism, or reinforce negative stereotypes, including material that refutes such stereotypes. It also urges them to provide an accurate presentation of the history of the State, highlighting the contributions of the different cultures and civilizations of the region and the world, including the role that indigenous peoples, people of African descent, migrants and other ethnic, racial, caste, cultural, religious and linguistic groups and minorities and women have played in building national identities (Regional Conference, Santiago) (APWLD Lobby Doc PoA para 16)</p> <p>The World Conference urges Governments, the private business sector and international financial institutions, particularly the World Bank, the IMF and the WTO, to promote participation by minority groups including women in these groups, in economic and social decision-making at all stages and levels and ensure that benefits of trade, investment and development policies do not exclude women of any race, ethnicity, religion, descent, or indigenous community from equal benefits from all profits and development (Seminar of experts, Warsaw) (APWLD Lobby Doc PoA para 30)</p>	<p>We recall that persecution against any identifiable group, collectivity or community on racial, national, ethnic or other grounds that are universally recognized as impermissible under international law, as well as the crime of apartheid, constitute serious violations of human rights and, in some cases, qualify as crimes against humanity (WCAR Dec para 28)</p> <p>We affirm that the ethnic, cultural, linguistic and religious identity of minorities, where they exist, must be protected and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind (WCAR Dec para 66)</p> <p>We recognise that members of certain groups with a distinct cultural identity face barriers arising from a complex interplay of ethnic, religious and other factors, as well as their traditions and customs, and call upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that the interplay of factors creates (WCAR Dec para 67)</p> <p>WCAR urges States to take, where applicable, appropriate measures to prevent racial discrimination against persons belonging to national or ethnic, religious and linguistic minorities in respect of employment, health care, housing, social services and education, and in this context forms of multiple discrimination should be taken into account (WCAR PoA para 49)</p> <p>WCAR urges States to work to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society; (WCAR PoA para 61)</p> <p>WCAR calls upon States to promote measures to deter the emergence of and to counter neo-facist, violent nationalist ideologies which promote racial hatred and racial discrimination, as well as racist and xenophobic sentiments, including measures to combat the negative influence of such ideologies especially on young people through formal and non-formal education, the media and sport. (WCAR PoA para 86)</p>

Table 10

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Discrimination Against Women (CEDAW)</p>
<p>(i) Continue to design efforts for the promotion of respect for cultural diversity and dialogue among and within civilizations in a manner which contributes to the implementation of the Platform for Action, which aims at the empowerment of women and the full realization of all human rights and fundamental freedoms for all women, and in a manner which ensures that gender equality and the full enjoyment of all human rights by women are not undermined; (B+5 para 95 (i))</p> <p>By Governments (a) Advance the goals of equal access to education by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, language, religion, national origin, or disability, or any other form of discrimination and, as appropriate, consider establishing procedures to address grievances</p> <p>(j) Encourage ratification of the International Covenant on Economic Social and Cultural Rights 13/ where they have not already done so (BPFA para 80 (a), (j))</p> <p>By Governments, educational authorities and other educational and academic institutions: (p) Ensure that gender equality and cultural, religious and other diversity are respected in educational institutions (BPFA para 83 (p))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 3. States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.</p> <p>Article 4. 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.</p> <p>Article 5. States Parties shall take all appropriate measures: (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.</p> <p>Article 9. 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.</p> <p>2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p>

<p>The World Conference urges States in their national efforts, and in cooperation with regional and international financial institutions, to promote the use of public and private investment in order to eradicate poverty particularly in those areas in which indigenous populations, people of African descent, migrants and other ethnic racial, descent, cultural, religious and linguistic groups or minorities predominately live. Such poverty eradication programs must take into account the multiple barriers which women from these groups face. (Regional Conference, Santiago) (APWLD Lobby Doc PoA para 31)</p> <p>The World Conference invites States to promote and support the organisation and operation of enterprises owned by indigenous peoples, people of minority descent, migrants and other ethnic, racial, descent, cultural, religious and linguistic groups or minorities including women from all these groups by favouring access to credit and training programmes (Regional Conference, Santiago) (APWLD Lobby Doc PoA para 32)</p> <p>The World Conference Urges Governments to counter social exclusion and multiple forms of discrimination, in particular by providing equal access to health, education, employment and housing, all government programs, especially the provision of social services should be delivered in culturally appropriate ways, and where possible by specified agencies. Gender, race and ethno-specific services should be encouraged. (APWLD Lobby Doc PoA para 3(e))</p> <p>We express deep concern about the reliance of globalisation on the exploitation of labour, particularly the labour of women and girls, and on the destruction and removal of lands traditionally inhabited by indigenous peoples. We recognise that women members of certain ethnic descent groups are systematically disadvantaged because their labour has become the fuel of the global economic engine, and emphasize the fundamental need for states to affirm and address the economic, political and socio-cultural barriers faced by such persons (APWLD Lobby Doc PoA para 17 bis)</p> <p>The World Conference calls on all States to establish and fund comprehensive, integrated programs to be conducted by government or non-government organisations to facilitate the political participation of women who are marginalised for reasons of race, religion, class, caste, ethnicity or nationality or any other factor. (APWLD Lobby Doc PoA para 41 bis)</p>	<p>We recognise that the media should represent the diversity of a multicultural society and play a role in fighting racism, racial discrimination, xenophobia and related intolerance. In this regard we draw attention to the power of advertising; (WCAR Dec para 88)</p> <p>We note with regret that certain media, by promoting false images and negative stereotypes of vulnerable individuals or groups of individuals, particularly of migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among the public and in some cases have encouraged violence by racist individuals and groups. (WCAR Dec para 89)</p> <p>WCAR urges States to recognise the challenges that people of different socially constructed races, colours, descent, national or ethnic origins, religions and languages experience in seeking to live together and to develop harmonious multiracial and multicultural societies; also urges States to recognise the positive examples of relatively successful multiracial and multicultural societies such as some of those in the Caribbean region, need to be examined and analysed, and that techniques, mechanisms, policies and programmes for reconciling conflicts based on factors related to race, colour, descent, language, religion, or national or ethnic origin and for developing harmonious multiracial and multicultural societies need to be systematically considered and developed, and therefore requests the United Nations and its relevant specialized agencies to consider establishing an international centre for multiracial and multicultural studies and policy development to undertake this critical work for the benefit of the international community (WCAR PoA para 171)</p> <p>WCAR urges States to protect the national or ethnic, cultural, religious and linguistic identity of minorities which their respective territories and to develop appropriate legislative and other measures to encourage conditions for the promotion of that identity, in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance. In this context, forms of multiple discrimination should be fully taken into account (WCAR PoA para 172)</p> <p>WCAR further urges States to ensure the equal protection and promotion of the identities of the historically disadvantage communities in those unique circumstances where this may be appropriate (WCAR PoA para 173)</p> <p>WCAR urges States</p> <ul style="list-style-type: none"> (a) to adopt and implement laws that prohibit discrimination on the basis of race, colour, descent or national or ethnic origin at all levels of education, both formal and non-formal (b) To take all appropriate measures to eliminate obstacles limiting the access of children to education; (f) To support efforts to ensure safe school environments, free from violence and harassment motivated by racism, racial discrimination, xenophobia or related intolerance; and (g) To consider establishing financial assistance programmes designed to enable all students, regardless of race, colour, descent or ethnic or national origin to attend institutions of higher education; <p>(WCAR PoA paras 123 (a), (b), (f) (g))</p>
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	<p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</p> <p>(d) The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p> <p>(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p> <p>Article 12. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p>
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	<p>WCAR urges States to adopt, where applicable, appropriate measures to ensure that persons belonging to national or ethnic, religious and linguistic minorities have access to education without discrimination of any kind and, where possible, have an opportunity to learn their own language in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they may be subjected to; (WCAR PoA para 124)</p> <p>WCAR recommends that States introduce, or reinforce, human rights education, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship between different racial or ethnic groups, in schools and in institutions of higher education, and support public formal and non-formal education programmes designed to promote respect for cultural diversity and the self-esteem of victims (WCAR PoA para 132)</p>
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	<p>Article 13. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to family benefits;</p> <p>(b) The right to bank loans, mortgages and other forms of financial credit;</p> <p>(c) The right to participate in recreational activities, sports and all aspects of cultural life.</p> <p>Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p> <p>Article 15. 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.</p> <p>Article 16. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:</p> <p>(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.</p>
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Table 11: Cultural Marginalisation

Point of Concern (2) in APWLD Issues Paper

Recent decades have seen a systematic outbreak of religion-based intolerances, often in the garb of religion based nationalism, that has resulted in the denial of basic human rights, including **the right to life, liberty, equality, opportunity, freedom of residence, conscience and belief**. We have witnessed the increasing interference by States on religious and cultural practices leading to **cultural marginalisation and annihilation of peoples**. These circumstances have rendered women, especially those belonging to religious minorities, vulnerable to all forms of violence and denial of rights, thus aggravating existing discrimination within their own communities, and thereby reinforcing patriarchal values detrimental to women’s dignity and status.

Due to the intersection of race, ethnicity, religion and gender, marginalised women and girls experience ongoing, pervasive discrimination that obstructs their enjoyment and exercise of fundamental human rights. In particular, women and girls from ethnic and religious minorities are **vulnerable to gender-based violence motivated by racial discrimination, which is often targeted at a whole ethnic/religious minority and can therefore be systematic in its approach**. Women from ethnic and national minorities and religious groups face the full effects of the intersection between race and gender, meaning that they experience multiple forms of discrimination. Not only can racism heighten gender discrimination and vice versa, but these women are also exposed to specifically gendered forms of racism which men are not subjected to; racism manifested in sexual violation or exploitation.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>Governments should ensure that all human rights and fundamental freedoms are upheld for all members of ethnic minorities and religious groups, with special attention to removing any discriminatory policies and programmes, on the basis of race and gender, that impact on women from ethnic and religious groups (APWLD Issues paper)</p> <p>Governments should implement State policies and programs to promote the well being of women from ethnic minorities and religious groups from violent actions committed by state and non-state actors in situations of armed conflict. (APWLD Issues paper)</p> <p>Governments should undertake to provide adequate health services, particularly in relation to maternity health and HIV/AIDS, for all vulnerable groups, who on the basis of their race, ethnicity, caste, gender, sexual orientation, age and other bases of discrimination are denied access to necessary health services. (APWLD Issues paper)</p> <p>The World Conference calls on all member states to provide equal access to education and training for men and women from vulnerable groups, including indigenous peoples, economically disadvantaged groups, Dalit, ethnic and religious minorities, with a special focus on providing equal access for young men and women belonging to marginalized groups to the teaching profession, as a strategy for addressing the economic, social and political disadvantage resulting from the multiple forms of discrimination which members of these groups face. (APWLD Lobby Doc PoA para 12 bis)</p>	<p>We deplore attempts to oblige women belonging to certain faiths and religious minorities to forego their cultural and religious identity, or to restrict their legitimate expression, or to discriminate against them with regard to opportunities for education and employment (WCAR Dec para 71)</p> <p>WCAR urges States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as “racial profiling” and comprising the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity. (WCAR PoA para 72)</p> <p>We recognise that a child belonging to an ethnic, religious or linguistic minority or who is indigenous shall not be denied the right, individually or in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language. (WCAR Dec para 73)</p> <p>WCAR urges States, individually and through international cooperation, to enhance measures to fulfill the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to eliminating disparities in health status, as indicated in standard health indexes, which might result from racism, racial discrimination, xenophobia and related intolerance (WCAR PoA para 109)</p>

Table 11	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Discrimination Against Women (CEDAW)
	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 3. States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.</p> <p>Article 4. 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.</p>

<p>The World Conference urges States to prevent, by all appropriate means, stereotyping of any ethnic, racial, national, cultural and linguistic group in particular the multiple stereotyping of women from these groups and to encourage objective and balanced portrayals of people, in particular indigenous peoples, events and history, especially in the media, recognizing the profound influence that such portrayals have on societal perception of groups whose members are frequently victims of racism, racial discrimination, xenophobia and related intolerance. Regional Conference, Tehran (APWLD Lobby Doc PoA para 25)</p> <p>The World Conference urges States to take measures to eliminate disparities in health status experienced by disadvantaged racial and ethnic groups by the year 2010, including disparities in maternal and infant mortality, childhood immunization, and in the incidence of diabetes, heart disease, HIV/AIDS and cancer. There remain sizeable national populations within many countries particularly indigenous communities that continue to experience very high rates of mortality and morbidity. Governments should take action to increase the healthy life-span and quality of life of all communities and populations, and reduce the disparities in life expectancy and morbidity between males and females, among geographical regions, social classes, indigenous and ethnic communities, as well as between and within countries. (Regional Conference Santiago) (APWLD Lobby Doc PoA para 53)</p> <p>The World Conference calls on all State signatories to ratify the Statute of the International Criminal Court (APWLD Lobby Doc PoA para 40 quinto)</p> <p>The World Conference calls on all States to reaffirm the commitments made under the Beijing Platform for Action to set time bound targets, including quotas and reform of electoral systems, to promote gender balance especially in political parties, government ministries and local government bodies and to further strengthen this by working towards 50:50 gender representation of all races, ethnicities, religions, national minorities, descents and indigenous peoples. (APWLD Lobby Doc PoA para 41 ter.)</p>	<p>WCAR urges States and encourages non-governmental organisations and the private sector:</p> <p>(b) to take steps to ensure equal access to comprehensive, quality health care affordable for all, including primary health care for medically underserved people, facilitate the training of a health workforce that is both diverse in the health-care profession by recruiting on merit and potential women and men from all groups, representing the diversity of their societies, for health-care careers and by retaining them in the health professions;</p> <p>(c) To work with health professionals, community-based health providers, non-governmental organisations, scientific researchers and private industry as a means of improving the health status of marginalized communities, in particular victims of racism, racial discrimination, xenophobia and related intolerance;</p> <p>(WCAR PoA paras 110 (b), (c))</p>
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	<p>Article 5. States Parties shall take all appropriate measures: (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.</p> <p>Article 9. 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p> <p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</p> <p>(d) The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p> <p>(g) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p>
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	<p>Article 12. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p> <p>Article 13. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to family benefits;</p> <p>(b) The right to bank loans, mortgages and other forms of financial credit;</p> <p>(c) The right to participate in recreational activities, sports and all aspects of cultural life.</p> <p>Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p> <p>Article 15. 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.</p> <p>Article 16. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:</p> <p>(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.</p>
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Chapter 6

INDIGENOUS WOMEN AND GIRLS

Manifestations of Institutionalised Racism

(Point of Concern (1) in APWLD Issues Paper)

A major issue of concern are manifestations of institutionalised racism towards Indigenous peoples, which deny their inherent right to self determination and cause them to suffer losses of identity, culture, dignity, values, history, heritage, language, social structures and communities. In many instances States, for the purposes of economic development have aligned with TNC's to divest Indigenous peoples of their land and resources. This continuing destruction and plunder of land violates the rights and dignity of Indigenous peoples and threatens their rights to food security. This particularly impacts on women in their roles as food producers for families and communities.

The APWLD lobbied comprehensively for States to recognise the rights and contribution of Indigenous peoples. It encouraged States to include participation by Indigenous peoples in economic and social decision-making at all stages and levels, and to include a gender responsive perspective for discriminatory policies and programmes, which have systematically displaced and marginalised indigenous peoples. The APWLD urged States to discontinue development programmes, which result in the decimation of Indigenous peoples' traditional livelihood and cultures and causes irreversible damage to the environment.

The APWLD lobbied States to recognise the diversity of Indigenous peoples, and officially recognise the identity and rights of Indigenous peoples. This included the rights to speak their chosen languages, practice their religious beliefs, culture and forms of community governance, and to support the survival of their unique cultural relationship with their land, acknowledging their customary and communal laws in relation to land. Environmental issues, including sustaining a better environment for Indigenous communities were strongly supported by the APWLD. This included adopting proper measures for action to reduce and eliminate industrial pollution that affects Indigenous people disproportionately, and to take measures to clean and redevelop contaminated sites. The APWLD lobbied States to ensure that any development programmes that are affecting Indigenous peoples' livelihood and resources should be implemented only with their full and informed consent.

The APWLD acknowledged the need to conclude negotiations, strengthen and adopt the Draft UN Declaration on the Rights of Indigenous peoples by recognising rights specific to Indigenous women, particularly in relation to access to land and survival of Indigenous women's cultural knowledge and practices and to ensure the word 'peoples' be used in all United Nations Documents.

The WCAR Declaration (Dec para 23) fully recognised that the rights of Indigenous peoples are consistent with the principles of sovereignty and territorial integrity of States, and stressed the need to adopt appropriate constitutional, administrative, legislative and judicial measures, including those derived from applicable international instruments. The WCAR also recognised the value and diversity of the cultures and

the heritage of Indigenous peoples along with the need for universal recognition of rights for Indigenous peoples (WCAR paras 40 & 42). The WCAR welcomed the decision to create a permanent forum on Indigenous issues within the UN system (WCAR para 44) and the appointment of a UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples (WCAR para 45) and recommended an evaluation of the results of the International Decade of the World's Indigenous People (1995-2004) (WCAR PoA para 203). The WCAR requested States ensure that adequate funding be made available for the establishment of an operational framework and a firm basis for the future development of the Permanent Forum on Indigenous Issues, and encouraged states to conclude negotiations on and approve as soon as possible the text of the draft declaration on the rights of Indigenous peoples, as well as honouring and respecting their treaties and agreements.

In recognising that Indigenous peoples have been victims of discrimination for centuries (WCAR Dec para 39) the WCAR urged states to adopt or continue to apply, constitutional, administrative, legislative, judicial and all necessary measures to promote, protect and ensure the enjoyment by Indigenous peoples of their rights. It also requested States to guarantee Indigenous peoples the exercise of their human rights and fundamental freedoms on the basis of equality, non-discrimination and full and free participation in all areas of society, in particular matters affecting or concerning their interests (WCAR PoA para 15 (a)). While recognising that a child who is Indigenous should not be denied the right to enjoy his or her own culture, to profess and practice his or her own religions and to use his or her own language, there was no supporting actions identified in the PoA on how to implement this.

In the area of socio-economic development, the WCAR offered suggestions for the alleviation of the negative effects of globalization on indigenous populations (WCAR PoA para 208), and urged States to assign funding and resources to the improvement of the status and support of Indigenous peoples within their area (WCAR PoA para 209 (a), (b)). In relation to environmental issues, the WCAR invited States to consider adopting non-discriminatory measures that provide a safe and healthy environment and improve access to public information on health and environmental issues, ensuring that: relevant concerns are taken into account in the public decision making process; technology is shared; and appropriate remedial measures are taken to clean, re-use and re-develop contaminated sites.

Most of the WCAR statements which acknowledged and recognised the rights of Indigenous Peoples were contained in the Declaration, and were not supported with corresponding actions in the Programme of Action. The language used is weak and leaves action items open for interpretation. Neither the Declaration nor the Programme of Action addressed the intersection between racism and gender discrimination experienced by Indigenous women nor the particular impact that lack of access to the land and resources has on women.

The Beijing PoA also did not adequately cover this issue. The suggestions put forward by the Beijing PoA were to consider ratification of Convention 169 of the ILO as part of an effort to promote and protect the rights of Indigenous Peoples. The issues of environmental hazards that pose a growing threat to health (BPFA para 107 (n)), do not specify indigenous populations.

Militarisation, Force and Violence by State and Non-State Actors *(Point of Concern (2) in APWLD Issues Paper)*

The APWLD strongly condemned the use of militarisation, force and violence by State and non-state actors against indigenous women and communities and encouraged States to take strong action to prevent such violence.

The APWLD also lobbied for States to reaffirm the commitments made under the Beijing Platform for Action to set time bound targets, to promote gender balance especially in political parties, government ministries and local government bodies. The APWLD also called for states to adopt public policies which promote civil, political, economic, social and cultural rights of indigenous women, and to support indigenous women to take an active role in dealing with urgent problems effecting them in the areas of education, health, economy and domestic violence. Protection of the rights of Indigenous people by all levels of the government and relevant UN bodies was supported, along with a call for funding and resources to be allocated to training to allow support and access to relevant fora and mechanisms. The APWLD lobbied for stronger participation by indigenous women in the economic and social decision-making at all stages and levels to ensure that benefits of trade, investment and development policies do not exclude women of any race, ethnicity, religion, descent or indigenous community from equal benefits from all profits and development.

Supporting this, the WCAR PoA requested states to consult Indigenous representatives in the process of decision-making, and also urged States to incorporate a gender perspective in all programmes of action against racism and to consider the burden of discrimination which falls particularly on indigenous women. It recommended that States ensure Indigenous women's access to the resources of production on an equal footing with men as a means of participating in the economic and productive development of their communities (WCAR PoA para 50). The WCAR urged States to sign and ratify the appropriate conventions and treaties (WCAR PoA para 78 (g), (j)).

The WCAR PoA is strongly worded and supported the concept of further involvement by Indigenous people in the decision-making process at a State, national and local level and also encouraged States to promote and respect indigenous rights. However, the intersection between racism and gender discrimination experienced by Indigenous women is not addressed, nor is the particular impact that lack of access to the land has on the survival of indigenous women's cultural knowledge and practices. While it encouraged more participation by indigenous peoples, its focus on Indigenous women appeared to be only in the areas where they were most affected. As it would be better for a more inclusive gender perspective across all areas of governance, women's participation in the institutional mechanisms and decision making should not be limited to certain areas.

The BPFA (para 58 (q)) asked governments to take particular measures to promote and strengthen policies and programmes for Indigenous women with their full participation to open up opportunities and choice in the development process to eradicate the poverty that affects them. B+5 (para 66 (b)) strongly urged governments to address the barriers faced by women in accessing and participating in politics and decision-making including lack of training and the double burden of paid and unpaid work. Equal access to capacity building and training programmes to enhance women's participation in decision making was also addressed (B+5 para 95 (f)).

Denial of Access to Essential Infrastructure *(Point of Concern (3) in APWLD Issues Paper)*

A key issue for the APWLD was that Indigenous peoples are denied access to essential infrastructure, in particular for health, education, information and communication. Indigenous women and children suffer most from the lack of basic survival services and this is reflected in high infant mortality rates. Women's health is severely affected through imposed sterilisation and barbaric control policies which amount to ethnic cleansing. It is important that States ensure the equal access of Indigenous women to safe housing, appropriate maternal health care, reproductive rights, education, social security and other social services.

The APWLD acknowledged that health disparities within national populations were recognized at the Cairo International Conference on Population and Development (paras 8.1, 8.3 (b) & 8.4, Cairo ICPD 1994). APWLD lobbied for governments to take measures to eliminate disparities in health status experienced by Indigenous populations and also, in partnership with Indigenous communities to address infant and child mortality and the underlying causes of poverty, malnutrition, inadequate sanitation and health facilities.

In the area of educational issues for Indigenous peoples, APWLD lobbied for States to incorporate Indigenous studies, including Indigenous history, culture and languages, as a compulsory component of primary and secondary school curriculum. Also States should give priority to textbook and curriculum review to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance by reinforcing negative stereotypes or inaccurate presentation of the history of the state. Member States were also called upon to provide equal access to education and training for men and women from vulnerable groups, including Indigenous peoples. As a strategy for addressing the economic, social and political disadvantage resulting from multiple forms of discrimination experienced by these groups, a special focus should be on providing equal access to the teaching profession.

The WCAR PoA (para 18) requested States to adopt public policies and give impetus to programmes on behalf of and in concert with Indigenous girls and women with a view to promoting civil, political, economic, social and cultural rights, and to dealing with urgent problems affecting indigenous women and girls in regard to education, physical and mental health, economic life and in the matter of violence. They encouraged States, individually and through international cooperation to enhance measures to fulfill the right of everyone to the enjoyment of the highest attainable standard of physical and mental health with a view to eliminating disparities in health status as indicated in standard health indexes (WCAR PoA para 109). The WCAR PoA also urged States and non-governmental organisations to take steps to ensure equal access to comprehensive, quality health care and to work with all sectors to improve the health of Indigenous peoples. (WCAR PoA para 110 (b), (c)).

The WCAR PoA (18) specifically addressed the multiple grounds of racism and gender discrimination. Health is specifically covered in this issue, but there was no equivalent reference to ensure the equal access of indigenous women to safe housing, appropriate maternal health care, reproductive rights, education, social security and other social services. Nor did it address imposed sterilization and barbaric reproductive control policies which amount to ethnic cleansing.

The BPFA (paras 106 (b), (c), (y)) covered the areas of physical and mental health, the special needs of rural women and women with disabilities, socio-economic and cultural differences in health care, the removal of all barriers to women's health services and the full and equal access to health care infrastructure and services for Indigenous women. The BPFA also covered the area of gender-sensitive and women-centred health research, an area not raised in APWLD's lobbying documents. It also linked traditional and Indigenous knowledge with modern medicine, urging governments to make information available to women to enable them to make informed and responsible decisions. It also supported research directed towards achieving this aim (BPFA para 109 (b), (j)). The BPFA (para 83 (n), (o)) acknowledged respect for the artistic, spiritual and cultural activities of Indigenous women and covered the issue of education by recognising the right to a multicultural approach to education that is responsive to needs, aspirations and cultures of Indigenous women, which included developing appropriate educational programs, curricula and teaching aids. The B+5 (para 95 (e)) advocated for the voluntary participation of indigenous women to develop and implement educational and training programmes that respect their history, culture, spirituality, languages and aspirations. It also asked governments to ensure access to all levels of formal and non-formal education, including higher education.

The WCAR covered the health aspects of Indigenous women, but failed to adequately address the educational and other issues affecting indigenous women, which are covered in the BPFA and B+5. Specific housing needs of Indigenous women who are in need of a secure place are not addressed in either document.

Racist Ideologies and Discrimination within Social Institutions *(Point of Concern (4) in APWLD Issues Paper)*

Intolerance and the continuing use of racist ideologies and discrimination within social institutions and the excessive use of force by police and military has resulted in further marginalisation of Indigenous peoples. Intolerance of Indigenous religions and spirituality, destruction and commercialisation of religious and sacred sites violate the rights and dignity of indigenous peoples.

The APWLD lobbied for States to prevent, by appropriate means, stereotyping of any ethnic, racial, national, cultural and linguistic group, in particular the multiple stereotyping of women, especially in the media. The APWLD also lobbied that militarisation of Indigenous communities is an unacceptable act of aggression, and that conflict resolution or resolution through peaceful and democratic means should include indigenous voices, especially involvement of women representatives.

The WCAR urged States to promote understanding among society and to implement effective strategies to combat the racism, racial discrimination, xenophobia and related intolerance. The role of the media in promoting false images and negative stereotypes was recognised in the WCAR Declaration (paras 88 & 89) and the PoA (para 117). The WCAR urged states to commit financial resources to anti-racism education and to media campaigns which promote the values of acceptance, tolerance, diversity and respect for cultures of all indigenous peoples living within their national borders. States should promote an accurate understanding of the histories and cultures of Indigenous peoples.

Neither the WCAR Declaration nor the PoA addressed the intersection between racism and gender discrimination experienced by Indigenous women or the role of indigenous women in conflict resolution or peace building.

The B+5 (69 (h)) urged states to take concrete steps to address the impact of violence on indigenous women in order to implement appropriate, effective programmes and services to eliminate all forms of violence.

Manifestations of institutional racism towards Indigenous peoples have long denied their inherent right to self-determination. CEDAW can be used to promote the position of Indigenous women and girls to redress and reform inherently racist legislation, policies and programmes that have displaced, marginalised and severely discriminated against Indigenous peoples and which have contributed to the removal of their land rights, the decimation of their cultures and their heightened vulnerability in situations of migration and trafficking. Governments should invest resources into the protection of Indigenous women and providing women and girl victims of conflict with legal-aid programmes and other forms of recourse, and being in measures, without delay to provide access to remedies for women who have been subjected to violence.

CEDAW can be used to promote women's participation in economic, cultural and social decision-making, and promote women's rights in employment in accordance with standards set out in ILO, the Beijing Platform for Action and other Human Rights Conventions. It should also be used to support participation by Indigenous peoples in economic and social decision-making especially in educational, health and environmental issues affecting them.

CEDAW can also be used to strengthen input into the draft UN Declaration on the Rights of Indigenous Peoples by recognising rights specific to Indigenous women in the Declaration, particularly in relation to access to land and survival of Indigenous women's cultural knowledge and practice.

Summary of the Recognition of Intersectionality in the WCAR Declaration and Programme of Action

(Intersectionality can be observed in each issue and across issues)

Issue: Indigenous Women and Girls

Successes: The Declaration is particularly strong in its recognition of the multiple discriminations experienced by Indigenous peoples and the need to address their human rights. It stresses that the rights of indigenous people are consistent with the principles of sovereignty and the territorial integrity of States and urges the establishment of the Permanent Forum on Indigenous Issues and the appointment of a Special Rapporteur on Indigenous issues. A number of recommendations are made to address the multiple layers of discrimination experienced by indigenous peoples including addressing negative images used in media. The PoA requests states to consult Indigenous peoples in the process of decision making, and to undertake programmes of education and understanding of culture and history to counter racism against indigenous peoples.

Stepping Stones: While the language of the Declaration is very strong, these statements were not supported with corresponding actions in the Programme for Action. While gender dimensions are acknowledged in the programme for action, women are not included across all areas of recommendations.

Limitations: The special needs of Indigenous women such as maternal health care, reproductive rights, education, social security and other social services are not acknowledged in the PoA documentation. Nor are difficult issues such as the imposed sterilisation and reproductive control mechanisms experienced by some Indigenous women.

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Following this section are Tables 12 – 15 containing the comparison of language in APWLD Lobby Document; WCAR Outcomes Document; The Beijing Platform for Action and Beijing + 5 Outcomes Documents and The Convention on the Elimination of All Forms of Discrimination Against Women.

Table 12 : Manifestations of Institutionalised Racism

Table 13 : Militarisation, Force and Violence by State and Non-State Actors

Table 14 : Denial of Access to Essential Infrastructure

Table 15 : Racist Ideologies and Discrimination within Social Institutions

*Within the tables some of the text has been highlighted in **Bold**. This may help when comparing the coverage of the identified key issues (and language used) from the different sources.*

Note: These tables are set out across double pages (for those viewing this document in e-format, please set your view to 2 pages).

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Table 12 : Manifestations of Institutionalised Racism

<p>Point of Concern (1) in APWLD Issues Paper</p>	
<p>All forms of colonisation , state legislation and foreign domination are manifestations of institutionalised racism to Indigenous Peoples, denying their inherent right to self-determination and causing them to suffer the losses of identity, culture, dignity, values, history, heritage, language and social structures and communities. They suffer the non-recognition of their rights to have control of their territories and ownership of their lands, waterways and natural resources. The continuing plunder and destruction of land and resources by transnational and national mining companies violates the rights and dignity of Indigenous Peoples.</p> <p>For the purposes of economic development, States and TNC’s frequently divest Indigenous and ethnic and national minority people of their land and resources, threatening their rights to self determination, and their rights to food security. This impacts particularly on women in their roles as food producers for families and communities.</p>	
<p>Suggested language in Issues Paper and APWLD Lobby Document</p>	<p>Language included in the WCAR Outcomes Document</p>
<p>The World Conference urges Governments to reform and provide redress from a gender-responsive perspective for discriminatory policies and programmes that have systematically displaced and marginalized indigenous peoples and simultaneously instituting legislative and policy mechanisms that encourage the flourishing and sustainability of a diversity of human livelihood options and cultures. (APWLD Lobby Doc PoA para 3 (j))</p> <p>The World Conference urges Governments, the private business sector and international financial institutions, particularly the World Bank, the IMF and the WTO, to promote participation by minority groups including women in these groups, in economic and social decision-making at all stages and levels and ensure that benefits of trade, investment and development policies do not exclude women of any race, ethnicity, religion, descent, or indigenous community from equal benefits from all profits and development (APWLD Lobby Doc PoA para 30)</p> <p>The World Conference urges States in their national efforts, and in cooperation with regional and international financial institutions, to promote the use of public and private investment in order to eradicate poverty particularly in those areas in which indigenous populations, people of African descent, migrants and other ethnic racial, descent, cultural, religious and linguistic groups or minorities predominately live. Such poverty eradication programmes must take into account the multiple barriers which women from these groups face. (APWLD Lobby Doc PoA para 31)</p> <p>The World Conference invites States to promote and support the organisation and operation of enterprises owned by indigenous peoples, people of minority descent, migrants and other ethnic, racial, descent, cultural, religious and linguistic groups or</p>	<p>We declare that the use of the term “indigenous peoples” in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is in the context of, and without prejudice to the outcome of, ongoing international negotiations on texts that specifically deal with this issue, and cannot be construed as having any implications as to rights under international law. (WCAR Dec para 24)</p> <p>We recognise the value and diversity of the cultures and the heritage of indigenous peoples, whose singular contribution to the development and cultural pluralism of society and full participation in all aspects of society, in particular on issues that are of concern to them. are fundamental political and social stability, and for the development of the States in which they live (WCAR Dec para 40)</p> <p>We emphasise that, in order for indigenous peoples freely to express their own identity and exercise their rights, they should be free from all forms of discrimination, which necessarily entails respect for their human rights and fundamental freedoms. Efforts are now being made to secure universal recognition for those rights in the negotiations on the draft declaration on the rights of indigenous peoples, including the following: to call themselves by their own names; to participate freely and on an equal footing in their country’s political, economic , social and cultural development; to maintain their own forms of organization, lifestyles, cultures and traditions; to maintain and use their own languages; to maintain their own economic structures in the areas where they live; to take part in the development of their educational systems and programmes; to manage their lands and natural resources, including hunting and fishing rights; and to have access to justice on a basis of equality (WCAR Dec para 42)</p>

Table 12

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>
<p>By Governments, in collaboration with non-governmental organizations and employers' and workers' organizations and with the support of international institutions;</p> <p>(n) reduce environmental hazards that pose a growing threat to health, especially in poor regions and communities; apply a precautionary approach, as agreed to in the Rio Declaration on Environment and Development, adopted by the United Nations Conference on the Environment and Development, 18/ and include reporting on women's health risks related to the environment in monitoring the implementation of Agenda 21; 19/ (BPFA para 107 (n))</p> <p>By Governments (c) Consider ratification of Convention No. 169 of the International Labour Organization (ILO) as part of their efforts to promote and protect the rights of indigenous people. (BPFA para 61 (c))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 11. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</p> <p>(a) The right to work as an inalienable right of all human beings;</p> <p>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</p> <p>(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</p> <p>(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;</p> <p>(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p>

<p>minorities including women from all these groups by favouring access to credit and training programmes (APWLD Lobby Doc PoA para 32)</p> <p>The World Conference urges States to adopt measures to provide a proper environment for disadvantaged groups and in particular indigenous communities, including action to reduce and eliminate industrial pollution that affects them disproportionately, to take measures to clean and redevelop contaminated sites located in or near where they live and, where appropriate, to relocate, on a voluntary basis and after consultation with those affected, racially and ethnically disadvantaged groups to other areas when there is no other practical alternative for ensuring their health and well-being. (APWLD Lobby Doc PoA para 33)</p> <p>The World Conference urges States to acknowledge the contribution of indigenous peoples including hunter-gatherers and pastoralists, to the plurality of society ,and to adopt all necessary measures to ensure the full enjoyment by indigenous peoples of their rights, on the basis of equality and non-discrimination, including their full and free participation in all areas of society, in particular in matters affecting or concerning their interests, and to promote better knowledge of and respect for indigenous cultures and heritage. (APWLD Lobby Doc PoA para 76)</p> <p>The World Conference urges States to implement measures to enable the realization of indigenous peoples rights to self determination, to respect their rights to speak their chosen languages, practice their religious beliefs, culture and forms of community governance, and to support the survival of their unique cultural relationship with their land, acknowledging their customary and communal laws in relation to land, including allowing access and ownership of lands. (APWLD Lobby Doc PoA para 76 bis)</p> <p>The World Conference calls upon States to conclude negotiations, adopt [t and strengthen, by recognizing rights specific to Indigenous women in the text of the draft United Nations declaration on the rights of indigenous peoples, before the international decade of the world's indigenous peoples ends in 2004, under discussion in the Working Group on Indigenous Populations of the Sub Commission on the Promotion and Protection of Human Rights Regional Conference, Santiago (APWLD Lobby Doc PoA para 78)</p> <p>All governments should specifically recognise the diversity of indigenous peoples, and the differing life experiences produced by that experience and ensure that the word 'peoples' be used consistently in all united nations documents. (APWLD Lobby Doc PoA para 80 ter)</p> <p>Governments should ensure the protection of Indigenous peoples right to use their traditional knowledge in line with international human rights standards, including the freedom to develop their natural resources and their rights to protect their indigenous knowledge over the management and conservation of their resources and ban the patenting of all life forms. (APWLD Lobby Doc PoA para 76 ter.)</p>	<p>We welcome the decision to create the Permanent Forum on Indigenous Issues within the United Nations system, giving concrete expression to major objectives of the International Decade of the World's Indigenous People and the Vienna Declaration and Programme of Action (WCAR Dec 44)</p> <p>We welcome the appointment by the United Nations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and express our commitment to cooperate with the Special Rapporteur (WCAR Dec para 45)</p> <p>We recognise that a child belonging to an ethnic, religious or linguistic minority or who is indigenous shall not be denied the right, individually or in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language. (WCAR Dec para 73)</p> <p>WCAR recommends that the United Nations Secretary-General conduct an evaluation of the results of the International Decade of the World's Indigenous People (1995-2004) and make recommendations concerning how to mark the end of the Decade, including an appropriate follow-up (WCAR PoA para 203)</p> <p>WCAR requests States to ensure adequate funding for th establishment of an operational framework and a firm basis for the future development of the Permanent Forum on Indigenous Issues within the United Nations system. (WCAR PoA para 204)</p> <p>WCAR urges States to cooperate with the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and requests the Secretary-General and the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur is provided with all the necessary human, technical and financial resources to fulfill his responsibilities (WCAR PoA para 205)</p> <p>WCAR calls upon States to conclude negotiations on and approve as soon as possible the text of the draft declaration on the rights of indigenous peoples, under discussion by the working group of the Commission on Human Rights to elaborate a draft declaration, in accordance with Commission resolution 1995/32 of 3 March, 1995 (WCAR PoA para 206)</p> <p>WCAR urge States and international financial and development institutions to mitigate any negative effects of globalization by examining <u>inter-alia</u>, how their policies and practices affect national populations in general and indigenous peoples in particular; by ensuring that their policies and practices contribute to the eradication of racism through the participation of national populations and, in particular indigenous peoples in development projects; by further democratizing international financial institutions; and by consulting with indigenous peoples on any matter that may affect their physical, spiritual or cultural integrity (WCAR PoA para 208)</p>
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	<p>2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p> <p>(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;</p> <p>(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p> <p>Article 14.</p> <p>1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;</p> <p>(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p> <p>Article 15.</p> <p>1. States Parties shall accord to women equality with men before the law.</p> <p>2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.</p> <p>Article 16.</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:</p> <p>(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.</p>
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<p>The World Conference urges States to discontinue development which is prejudicial to Indigenous peoples, decimating their traditional livelihoods and culture, and which causes irreversible environmental damages such as large scale uranium mining, large dams and unsustainable agriculture. Governments should ensure that any development programs affecting indigenous people's livelihood and resources should be implemented only with their full and informed consent. (APWLD Lobby Doc PoA para 76 quarter)</p>	<p>WCAR invites financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies :</p> <p>(a) to assign particular priority to and allocate sufficient funding, within their areas of competence, to the improvement of the status of indigenous peoples, with special attention to the needs of these populations in developing countries, including the preparation of specific programmes with a view to achieving the objectives of the International Decade of the World's Indigenous Peoples;</p> <p>(b) to carry out special projects, through appropriate channels and in collaboration with indigenous peoples, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between indigenous peoples and experts in these areas; (WCAR PoA paras 209 (a) (b))</p> <p>We fully recognise the rights of indigenous peoples consistent with the principles of sovereignty and territorial integrity of States, and therefore stress the need to adopt the appropriate constitutional, administrative, legislative and judicial measures, including those derived from applicable international instruments. (WCAR Dec para 23)</p> <p>We recognise that the indigenous peoples have been victims of discrimination for centuries and affirm that they are free and equal in dignity and rights and should not suffer any discrimination, particularly on the basis of their indigenous origin and identity, and we stress the continuing need for action to overcome the persistent racism, racial discrimination, xenophobia and related intolerance that affect them: (WCAR Dec para 39)</p> <p>We reiterate our conviction that the full realization by indigenous peoples of their human rights and fundamental freedoms is indispensable for eliminating racism, racial discrimination, xenophobia and related intolerance. We firmly reiterate our determination to promote their full and equal enjoyment of civil, political, economic, social and cultural rights, as well as the benefits of sustainable development, while fully respecting their distinctive characteristics and their own initiatives. (WCAR Dec para 41)</p> <p>WCAR urges states to adopt or continue to apply, in concert with them, constitutional, administrative, legislative, judicial and all necessary measures to promote, protect and ensure the enjoyment by indigenous peoples of their rights, as well as to guarantee them the exercise of their human rights and fundamental freedoms on the basis of equality, non-discrimination and full and free participation in all areas of society, in particular in matters affecting or concerning their interests; (WCAR PoA para 15(a))</p> <p>WCAR calls upon concerned States to honour and respect their treaties and agreements with indigenous peoples and to accord them due recognition and observance (WCAR PoA para 20)</p> <p>WCAR calls upon States to give full and appropriate consideration to the recommendations produced by indigenous peoples in their own forums on the World Conference (WCAR PoA para 21)</p>
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	<p>WCAR invites States to consider non-discriminatory measures to provide a safe and healthy environment for individuals and groups of individuals victims of or subject to racism, racial discrimination xenophobia and related intolerance, and in particular:</p> <ul style="list-style-type: none">(a) to improve access to public information on health and environment issues;(b) To ensure that relevant concerns are taken into account in the public process of decision-making on the environment;(c) To share technology and successful practices to improve human health and environment in all areas;(d) To take appropriate remedial measures, as possible, to clean, re-use and re-develop contaminated sites and, where appropriate, relocate those affected on a voluntary basis after consultations; <p>(WCAR PoA paras 111 (a), (b), (c) (d))</p>
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Table 13 : Militarisation, Force and Violence by State and Non-State

Point of Concern (2) in APWLD Issues Paper

Women’s access to institutional mechanisms for advancement improves when more women have **decision-making** power. Women of racially disadvantaged groups are severely underrepresented in official decision-making capacities in areas such as government, political parties, businesses, and trade unions. Women generally comprise only ten percent of all legislative bodies in the world, and an even smaller percent hold ministerial positions. Comparable statistics on political representation by women of racially disadvantaged groups are unavailable, but can be produced by the disaggregation of data according to gender and race.

The implementation of policies which favour the privatisation of public services, trade liberalisation, deregulation of economies withdrawal of subsidies, downsizing of governments, substitution of food production by cash crops and the inflow of foreign capital and enterprise has increased the number of men, women and children in the Asia Pacific Region living in poverty. These policies have resulted in unemployment, under-employment, retrenchment and the shift of labour from the formal to the informal sector and from regulated to unprotected, sub-contracted labour. Women and girls from marginalised groups including indigenous women, women from ethnic and religious minorities and women displaced by ethnic conflicts are disproportionately affected by these.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>Member states strengthen the Draft UN Declaration on the Rights of Indigenous Peoples by recognising rights specific to indigenous women in the Declaration, particularly in relation to access to land and survival of indigenous women’s cultural knowledge and practices. (APWLD Issues paper)</p> <p>Member states to condemn the use of force and violence by state and non-state actors against indigenous women and communities and take strong action to prevent such violence. (APWLD Issues paper)</p> <p>The World Conference calls on all States to reaffirm the commitments made under the Beijing Platform for Action to set time bound targets, including quotas and reform of electoral systems, to promote gender balance especially in political parties, government ministries and local government bodies and to further strengthen this by working towards 50:50 gender representation of all races, ethnicities, religions, national minorities, descents and indigenous peoples. (APWLD Lobby Doc PoA para 41 ter.)</p>	<p>WCAR requests States to consult indigenous representatives in the process of decision-making concerning policies and measures that directly affect them (WCAR PoA 22 (d))</p> <p>WCAR urges States to incorporate a gender perspective in all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of such discrimination which falls particularly on indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrants and women from other disadvantages groups, ensuring their access to the resources of production on an equal footing with men, as a means of promoting their participation in the economic and productive development of their communities (WCAR PoA par 50)</p> <p>WCAR urges States to involve women, especially women victims of racism, racial discrimination and related intolerance, in decision-making at all levels when working towards the eradication of such discrimination, and to develop concrete measures to incorporate race and gender analysis in the implementation of all aspects of the Programme of Action and national plans of action, particularly in the fields of employment programmes and services and resource allocation (WCAR PoA para 51)</p>

Table 13	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>By Governments (q) Take particular measures to promote and strengthen policies and programmes for indigenous women with their full participation and respect for their cultural diversity, so that they have opportunities and the possibility of choice in the development process in order to eradicate the poverty that affects them. (BPFA para 58 (q))</p> <p>By Governments (b) Address the barriers faced by women, particularly by indigenous and other marginalised women, in accessing and participating in politics and decision making, including lack of training, women's double burden of paid and unpaid work, negative societal attitudes and stereotypes. (B+5 para 66 (b))</p> <p>(f) Apply and support positive measures to give all women, particularly indigenous women, equal access to capacity-building and training programmes to enhance their participation in decision-making in all fields and at all levels. (B+5 para 95 (f))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</p> <p>(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;</p> <p>(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</p> <p>(f) To participate in all community activities;</p>

<p>The World Conference calls on States to adopt public policies which promote the civil, political, economic, social and cultural rights of indigenous women; to putting an end to their situation of disadvantage for reasons of gender; and to support indigenous women to take an active role in dealing with urgent problems affecting them, in education, health and in the economy and in the matter of domestic violence; and to ending the situation of aggravated discrimination they suffer as women in manifestations of racism and gender discrimination (Regional Conference, Santiago) (APWLD Lobby Doc PoA para 42)</p> <p>The World Conference encourages all levels of Government and the relevant UN bodies to protect the rights of Indigenous, migrant and refugee women to act and speak for themselves. Further, that these rights be secured through the provision of appropriate funding and resources for training, support and access to these relevant fora and mechanisms – such as the various UN human rights treaties at all levels – to ensure their self-determination. That this funding and resourcing also be directed at non-government organisations committed to the self-determination of Indigenous, migrant and refugee women. (APWLD Lobby Doc PoA paras 6 (d) bis))</p> <p>The World Conference urges Governments, the private business sector and international financial institutions, particularly the World Bank, the IMF and the WTO, to promote participation by minority groups including women in these groups, in economic and social decision-making at all stages and levels and ensure that benefits of trade, investment and development policies do not exclude women of any race, ethnicity, religion, descent, or indigenous community from equal benefits from all profits and development (seminar of experts Warsaw) (APWLD Lobby Doc PoA para 30)</p>	<p>WCAR urges States and encourages all sectors of society to empower women and girls who are victims of racism, racial discrimination, xenophobia and related intolerance, so that they can fully exercise their rights in all spheres of public and private life, and to ensure the full, equal and effective participation of women in decision-making at all levels, in particular in the design and implementation and evaluation of policies and measures which affect their lives (WCAR PoA para 53)</p> <p>WCAR requests States to develop and, where they already exist, support institutional mechanisms to promote the accomplishment of the objectives and measures relating to indigenous peoples agreed in the Programme of Action (WCAR PoA paras 22 (a))</p> <p>WCAR recognises that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States. It therefore encourages States to develop or elaborate national action plans to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all. Through, among other things, affirmative or positive actions and strategies, these plans should aim at creating conditions for all to participate effectively in decision-making and realise civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination. The World Conference encourages States, in developing and elaborating such action plans, to establish, or reinforce, dialogue with non-governmental organisations in order to involve them more closely in designing, implementing and evaluating policies and programmes. (WCAR PoA para 99)</p> <p>We express our concern that in some States political and legal structures or institutions, some of which were inherited and persist today, do not correspond to the multi-ethnic, pluricultural and plurilingual characteristics of the population and, in many cases, constitute an important factor of discrimination in the exclusion of indigenous peoples (WCAR Dec para 22)</p> <p>We also recognise the special relationship that indigenous peoples have with the land as the basis for their spiritual, physical and cultural existence and encourage States, wherever possible, to ensure that indigenous peoples are able to retain ownership of their lands and of those natural resources to which they are entitled under domestic law. (WCAR Dec para 43)</p> <p>WCAR urges States to promote better knowledge of and respect for indigenous cultures and heritage; and welcomes measures already taken by States in these respects; (WCAR PoA paras 15 (b))</p>
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<p>(a) Establish or reinforce existing institutional mechanisms at all levels to work with national machineries to strengthen societal support for gender equality, in cooperation with civil society, particularly women's non governmental organizations; (B+5 para 76 (a))</p> <p>(a) Consider adopting, where appropriate, national legislation consistent with the Convention on Biological Diversity to protect the knowledge, innovations and practice of women in indigenous and local communities relating to traditional medicines, biodiversity and indigenous technologies; (B+5 para 71 (a))</p>	<p>(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.</p> <p>Article 8. States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.</p> <p>Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</p> <p>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(a) To participate in the elaboration and implementation of development planning at all levels;</p> <p>(b) To have access to adequate health care facilities, including information, counselling and services in family planning;</p>
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	<p>WCAR urges states to work with indigenous peoples to stimulate their access to economic activities and increase their level of employment, where appropriate, through the establishment, acquisition or expansion by indigenous peoples of enterprises, and the implementation of measures such as training, the provision of technical assistance and credit facilities; (WCAR PoA para 17)</p> <p>WCAR recommends that States examine, in conformity with relevant international human rights instruments, norms and standards, their Constitutions, laws, legal systems and policies in order to identify and eradicate racism, racial discrimination, xenophobia and related intolerance towards indigenous peoples and individuals whether implicit, explicit or inherent; (WCAR PoA para 19)</p> <p>WCAR requests States to promote, in concert with indigenous organisations, local authorities and non-governmental organisations, actions aimed at overcoming racism, racial discrimination, xenophobia and related intolerance against indigenous peoples and to make regular assessments of the progress achieved in their regard (WCAR PoA paras 22 (b))</p> <p>WCAR urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments:</p> <ul style="list-style-type: none">(g) Convention on the Elimination of all Forms of Discrimination against Women of 1979, with a view to achieving universal ratification within five years, and its Optional Protocol of 1999;(j) International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No 169) and the Convention on Biological Diversity of 1992; <p>(WCAR PoA paras 78 (g), (j)).</p> <p>WCAR further urges States to ensure the equal protection and promotion of the identities of the historically disadvantage communities in those unique circumstances where this may be appropriate (WCAR PoA para 173)</p>
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Table 14 : Denial of Access to Essential Infrastructure

Point of Concern (3) in APWLD Issues Paper

Indigenous peoples are denied access to essential infrastructure, in particular for **health, education, information and communication**. Indigenous communities generally have higher infant and child mortality rates than the national norm. Indigenous women suffer most from the lack of basic survival services in Indigenous communities. Women's health is severely affected through imposed sterilisation and barbaric birth control policies, which amount to ethnic cleansing.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>Member states to ensure the equal access of indigenous women to safe housing, appropriate maternal health care, reproductive rights, education, social security and other social services. (APWLD Issues paper)</p> <p>Governments in partnership with Indigenous communities must take immediate action to address infant and child mortality rates and bring them in line with those of the general population. States must also address the underlying issues of poverty, malnutrition, inadequate or lack of sanitation and health facilities, and decline in breast-feeding, all factors associated with high infant and child mortality. (APWLD Lobby Doc PoA para 46 ter)</p> <p>The World Conference urges States to take measures to eliminate disparities in health status experienced by disadvantaged racial and ethnic groups by the year 2010, including disparities in maternal and infant mortality, childhood immunization, and in the incidence of diabetes, heart disease, HIV/AIDS and cancer. There remain sizeable national populations within many countries particularly indigenous communities that continue to experience very high rates of mortality and morbidity. Governments should take action to increase the healthy life-span and quality of life of all communities and [populations, and reduce the disparities in life expectancy and morbidity between males and females, among geographical regions, social classes, indigenous and ethnic communities, as well as between and within countries. (Regional Conference Santiago) (APWLD Lobby Doc PoA para 53)</p> <p>The World Conference calls upon participating States with indigenous populations to incorporate indigenous studies, including indigenous history, culture and languages, as a compulsory component of primary and secondary school curriculum. (APWLD Lobby Doc PoA para 12 ter)</p>	<p>WCAR requests States to adopt public policies and give impetus to programmes on behalf of an d in concert with indigenous women and girls, with a view to promoting their civil, political, economic, social and cultural rights; to putting an end to their situation of disadvantage for reasons of gender and ethnicity; to dealing with urgent problems affecting them in regard to education, their physical and mental health, economic life and in the matter of violence against them, including domestic violence; and to eliminating the situation of aggravated discrimination suffered by indigenous women and girls on multiple grounds of racism and gender discrimination. (WCAR PoA para 18)</p> <p>WCAR urges States, individually and through international cooperation , to enhance measures to fulfill the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to eliminating disparities in health status, as indicated in standard health indexes, which might result from racism, racial discrimination, xenophobia and related intolerance (WCAR PoA para109)</p> <p>WCAR urges States and encourages non-governmental organisations and the private sector:</p> <p>(b) to take steps to ensure equal access to comprehensive, quality health care affordable for all, including primary health care for medically underserved people, facilitate the training of a health workforce that is both diverse in the health-care profession by recruiting on merit and potential women and men from all groups, representing the diversity of their societies, for health-care careers and by retaining them in the health professions;</p> <p>(c) To work with health professionals, community-based health providers, non-governmental organisations, scientific researchers and private industry as a means of improving the health status of marginalized communities, in particular victims of racism, racial discrimination, xenophobia and related intolerance; (WCAR PoA paras 110 (b), (c))</p>

Table 14

<p>Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.</p>	<p>The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>
<p>By Governments, in collaboration with non-governmental organizations and employers' and workers' organizations and with the support of international institutions :</p> <p>(b) Reaffirm the right to enjoyment of the highest attainable standards of physical and mental health, protect and promote the attainment of this right for women and girls and incorporate it in national legislation, for example; review existing legislation, including health legislation, as well as policies, where necessary to reflect a commitment to women's health and to ensure that they meet the changing roles and responsibilities of women wherever they reside;</p> <p>(c) Design and implement, in cooperation with women and community-based organizations, gender-sensitive health programmes, including decentralized health services ,that address the needs of women throughout their lives and take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities and the diversity of women's needs arising from age and socio-economic and cultural differences, among others; include women, especially local and indigenous women, in the identification and planning of health-care priorities and programmes; remove all barriers to women's health services and provide a broad range of health-care services;</p> <p>(y) Ensure full and equal access to health care infrastructure and services for indigenous women; (BPFA paras 106 (b), (c), (y))</p> <p>By Governments, the United Nations system, health professions, research institutions, non-governmental organizations, donors, pharmaceutical industries and the mass media, as appropriate::</p> <p>(b) Promote gender-sensitive and women-centered health research, treatment and technology and link traditional and indigenous knowledge with modern medicine, making information available to women to enable them to make informed and responsible decisions;</p> <p>(j) Acknowledge and encourage beneficial traditional health care, especially that practiced by indigenous women, with a view to preserving and incorporating the value of traditional health care in the provision of health services, and support research directed towards achieving this aim; (BPFA paras 109 (b), (j))</p> <p>By Governments, educational authorities and other educational and academic institutions: (n) Recognize and support the right of indigenous women and girls to</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 3. States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.</p> <p>Article 4. 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.</p> <p>Article 5. States Parties shall take all appropriate measures: (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.</p> <p>Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</p>

The World Conference calls on all member states to provide equal access to education and training for men and women from vulnerable groups, including indigenous peoples, economically disadvantaged groups, Dalit, ethnic and religious minorities, with a special focus on providing equal access for young men and women belonging to marginalized groups to the teaching profession, as a strategy for addressing the economic, social and political disadvantage resulting from the multiple forms of discrimination which members of these groups face. (APWLD Lobby Doc PoA paras 12 bis)

The World Conference urges States to give priority to textbook and curriculum review so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance, **and other forms of discrimination including sexism**, or reinforce negative stereotypes, including material that refutes such stereotypes. It also urges them to provide an accurate presentation of the history of the State, highlighting the contributions of the different cultures and civilizations of the region and the world, including the role that indigenous peoples, people of African descent, migrants and other ethnic, racial, **caste**, cultural, religious and linguistic groups and minorities **and women** have played in building national identities (Regional Conference, Santiago) (APWLD Lobby Doc PoA para 16)

<p>education and promote a multicultural approach to education that is responsive to the needs, aspirations and cultures of indigenous women, including by developing appropriate education programmes, curricula and teaching aids, to the extent possible in their languages of indigenous people, and by providing for the participation of indigenous women in these processes;</p> <p>(o) Acknowledge and respect the artistic, spiritual and cultural activities of indigenous women; (BPFA para 83 (n), (o))</p> <p>With the full voluntary participation of indigenous women, develop and implement educational and training programmes that respect their history, culture, spirituality, languages and aspirations and ensure their access to all levels of formal and non-formal education, including higher education; (B+5 para 95 (e))</p>	<p>(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</p> <p>(d) The same opportunities to benefit from scholarships and other study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;</p> <p>(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;</p> <p>(g) The same opportunities to participate actively in sports and physical education;</p> <p>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p> <p>Article 11. 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p> <p>Article 12. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p> <p>Article 14. 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;</p>
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Table 15 Racist Ideologies and Discrimination Within Social Institutions

Point of Concern (4) in APWLD Issues Paper

The continuing use of racist ideologies, discrimination within social institutions, the excessive use of force by the military and police brutality further marginalises Indigenous Peoples and communities. Intolerance of Indigenous religions and spirituality, destruction and commercialisation of religious and sacred sites that are integral to the **spiritual health of Indigenous Peoples** violate the right and dignity of Indigenous Peoples.

Suggested language in Issues Paper and APWLD Lobby Document	Language included in the WCAR Outcomes Document
<p>All governments should specifically recognise the diversity of Indigenous peoples and the differing life experiences produced by that experience and ensure that the word 'peoples' be used consistently in all united nations documents. (APWLD Issues paper)</p> <p>The World Conference urges States to prevent, by all appropriate means, stereotyping of any ethnic, racial, national, cultural and linguistic group in particular the multiple stereotyping of women from these groups and to encourage objective and balanced portrayals of people, in particular indigenous peoples, events and history, especially in the media, recognizing the profound influence that such portrayals have on societal perception of groups whose members are frequently victims of racism, racial discrimination, xenophobia and related intolerance. Regional Conference, Tehran (APWLD Lobby Doc PoA para 25)</p> <p>The World Conference declares the militarisation of indigenous communities to be an unacceptable act of aggression. (APWLD Lobby Doc PoA paras 76 quint)</p> <p>The World Conference supports the resolution of the International Conference on Conflict Resolution, Peace Building, Sustainable Development and Indigenous Peoples for the creation of a commission on Indigenous Peoples and Conflict Resolution mediation. (APWLD Lobby Doc PoA paras 80 bis)</p> <p>The World Conference recognises the responsibility and accountability of States, nationally, regionally and internationally, to act decisively to resolve, through peaceful and democratic means, situations of ethnic, religious and other forms of armed conflict that result in the violations of human rights and the displacement of vast numbers of people particularly women and girls internally and internationally including through the greater, involvement of women representatives in peace building and conflict resolution bodies. (APWLD Lobby Doc PoA paras 90 bis)</p>	<p>We emphasize that remembering the crimes or wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity.(WCAR Dec para 106)</p> <p>WCAR urges States to promote understanding among society at large of the importance of special measures to overcome disadvantages faced by indigenous peoples (WCAR PoA para 22(c))</p> <p>WCAR calls upon States to recognise the particular challenges faced by indigenous peoples and individuals living in urban environments and urges States to implement effective strategies to combat the racism, racial discrimination, xenophobia and related intolerance they encounter, paying particular attention to opportunities for their continued practice of their traditional, cultural, linguistic and spiritual ways of life (WCAR PoA para 23)</p> <p>We recognise that the media should represent the diversity of a multicultural society and play a role in fighting racism, racial discrimination, xenophobia and related intolerance. In this regard we draw attention to the power of advertising; (WCAR Dec para 88)</p> <p>We note with regret that certain media, by promoting false images and negative stereotypes of vulnerable individuals or groups of individuals, particularly of migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among the public and in some cases have encouraged violence by racist individuals and groups. (WCAR Dec para 89)</p> <p>WCAR urges States, where appropriate working with other relevant bodies, to commit financial resources to anti-racism education and to media campaigns promoting the values of acceptance, tolerance, diversity and respect for cultures of all indigenous peoples living within their national borders. In particular, States should promote an accurate understanding of the histories and cultures of indigenous peoples ; (WCAR PoA para 117)</p>

Table 15

Table 15	
Language in the Beijing Platform for Action & Beijing + 5 Outcomes Doc.	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
<p>(h) Take concrete steps, as a priority and with their full and voluntary participation to address the impact of violence on indigenous women in order to implement appropriate, effective programmes and services to eliminate all forms of violence. (B+5 para 69 (h))</p>	<p>Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 5. States Parties shall take all appropriate measures:</p> <p>(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;</p>