



Fédération internationale des ligues des droits de l'Homme

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EU guidelines on women's rights ***“Freedom and equality in dignity and rights”***

Position paper

The rules of freedom, democracy and respect for human rights along with the Rule of law are the cornerstone of the European Union. The promotion of these universal values is a fundamental objective of the EU's foreign policy. In this respect, the EU has committed itself to ensure the integration of the question of human rights in all its meetings and discussions with third countries.

In this perspective, the Council of the EU has adopted a series of guidelines on human rights covering specific themes. By using these tools, currently at the number of six¹, the EU aims to endow itself with operational tools, including universal benchmarks and concrete actions, in order to target and systemize its interventions on the promotion and protection of human rights within the framework of its bilateral external relations.

Why adopt guidelines on women's rights?

Sixty years after its adoption, article 1 of the Universal Declaration of Human Rights stipulating that *“all human beings are born free and equal in dignity and rights”*, is still largely flouted by discriminatory legislations and practices against women.

Despite efforts from the international community and the commitment by the vast majority of States to combat discrimination against women, notably by means of the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), women still remain victims of violence and discrimination in all regions of the world.

Men's continued legal guardianship over adult women, the impossibility of filing for divorce and the continuance of the practice of repudiation, inequality of inheritance, unequal terms of pay for equal responsibility positions, low political participation and the near total exclusion from poles of power, and the continuing violence, the still widespread practice of genital mutilation in many

1 [Death penalty \(1998\)](#); [Torture and other cruel, inhuman or degrading treatment \(2001\)](#); [Human Rights dialogues with third countries \(2001\)](#); [Children in armed conflict \(2003\)](#); [Human Rights defenders \(2004\)](#); [Promotion and Protection of the Rights of the Child \(2007\)](#)

African countries, sexual slavery and gender specific crimes, are but some examples of the human rights violations and discrimination that women suffer particularly. Today, no society is exempted from one or many of these violations of civil, political, economic, social and cultural rights, and over half of the world population is either directly or indirectly victim of gender discrimination.

Moreover, if the CEDAW has been ratified by more than 90% of the United Nations Member States, its lack of implementation within national constitutions or laws, the reservations, and the upholding of discriminatory national laws, continue to stand in the way of respect for women's rights.

The defence and protection of women's rights are a priority within the EU's human rights policy. The EU has committed itself to making women's rights violations a priority theme within the framework of its human rights dialogues with third countries. The action spearheaded by the EU in view of reinforcing respect for women's rights is drawn from international and regional terms of reference on the subject. However, it needs to be said that the EU's current approach with regard to women's rights within the framework of its foreign policy could show more coherence and determination.

Within this context, the adoption of guidelines on the promotion and respect of women's rights would provide the EU with an additional tool for the promotion and protection of women's rights. The EU should, within the framework of its bilateral external relations, focus its efforts on the following priorities:

1. The promotion of the ratification and implementation of CEDAW, as well as the ratification of its optional protocol, the suppression of the reservations made by numerous States during their ratification of these texts ;
2. The repeal of discriminatory national laws ;
3. The elimination of all form of violence against women ; The fight against impunity for violence to women ;
4. The promotion of equality between men and women, notably within political, public and economic arenas ;
5. The support for organisations and individuals fighting for equality between men and women in all fields of action.

Assessment of the European Union's actions on women's rights

The European Union and its member states have already included women's rights in their policies towards third countries. These actions are the object of a political mainstreaming, touching all of the institutions.

Among these, we can point out the most important ones:

- The Communication and EU Action Plan from 2005 against people trafficking, and the Ouagadougou Action plan from 2002 to combat trafficking in human beings adopted in the framework of the EU-Africa relations.
- The Euromed Conference on gender equality of 2006, that established an action plan to promote women's rights.
- The financing of projects, at the level of 6 million euros in 2006, in the framework of the EIDHR instrument, concerning gender equality and the physical integrity of women.

These actions are both strong political declarations and concrete projects. Nevertheless, because of

their limited number and their disparity, they do not constitute a coordinated and systematic instrument to fight inequality, discrimination and violence against women in the world today.

Only a concerted and systematic action, like the ones existing within the framework of the guidelines on torture, death penalty, human rights defenders or children's rights, will allow real political progress in the field of women's rights in the countries concerned.

It is due to the success of the above-mentioned guidelines that we encourage the adoption of new guidelines on women's rights.

Tools of intervention

The tools of intervention that could be developed within the guidelines are potentially quite varied and already used for the implementation of the EU's main guidelines. They would enable the involvement of all the EU's actors, notably and particularly the embassies and permanent representations of the EU and members states in third countries. Thus, women's rights could be usefully promoted by reinforcing:

- EU internal evaluation reports established by the EU delegations in third countries;
- the multiplication of public or confidential demarches ;
- the use of human rights related or political dialogues ;
- the denunciation of the reservations to the CEDAW, based on international law rules;
- the observation of trials linked to violence against women;
- technical and financial support programmes;
- the modification of the EU's behaviour (for example, the composition of its delegations)

Actions to be considered

To be more specific about each of the objectives to be considered, the following table inventories, for each of them, the problems to address and the actions to be undertaken.

OBJECTIVE	MAIN PROBLEMS TO BE SOLVED	SPECIFIC ACTION TO BE DEVELOPPED
Promote the ratification and implementation of the UN Convention on the Elimination of all forms of Discrimination against Women	<ul style="list-style-type: none"> - No ratification of the CEDAW or of its Optional Protocol. - Reservations to the Convention are contrary to the objectives and purposes of the Convention (as denounced by the CEDAW Committee). - No report or overdue reporting to the CEDAW Committee. 	<ul style="list-style-type: none"> - Encourage, through demarches, the ratification of the CEDAW and/or the lifting of reservations, and ratification of the Optional protocol. - Collective denunciation of the reservations at the United Nations. -Follow up recommendations of the CEDAW Committee through demarches and in the framework of human rights dialogues. - Encourage country reporting to CEDAW and provide, where relevant technical support for the preparation of these reports.
Combat discriminatory legislation against women	<ul style="list-style-type: none"> - Laws expressly discriminate against women, or discriminate against women in practice. 	<ul style="list-style-type: none"> - Include briefings on discriminatory gender legislation within EU human rights dialogues.

	<ul style="list-style-type: none"> - Gender specific legislation and policies do not exist or remain insufficient (e.g. reproductive health legislation and policies). 	<ul style="list-style-type: none"> - Follow up recommendations of the CEDAW Committee on discriminatory legislation and harmonisation of national law with CEDAW, through demarches and in the framework of human rights dialogues. - Provide financial support to action plans aimed at following up recommendations of the CEDAW Committee, and Special procedures. - Promote and support reproductive health policies and legislation.
Fight impunity for violence against women	<ul style="list-style-type: none"> - UN Special rapporteur on violence against women has requested a visit or undertaken a visit but recommendations remain ignored. - Violence against women is widespread and remains largely unpunished. - No centres or only under-financed homes for women victims of violence. 	<ul style="list-style-type: none"> - Promote the invitation of the UN Special rapporteur on violence against women, and compliance with conclusions and observations. - Observe trials linked to violence against women. - Support and promote the fight against impunity of violence against women, including within and by the ICC. - Support victims' access to justice. - Promote and support policies, training and awareness-raising against gender violence.
Promote women's rights defenders	<ul style="list-style-type: none"> - Women's rights defenders are threatened, victims of specific and targeted repression, acts of harassment, negative or defamatory statements (see Council conclusions on women human rights defenders) - Women's rights defenders are prevented from conducting activities to promote women's rights 	<ul style="list-style-type: none"> - EU member States' representations in third countries should promote the role of women's rights defenders, by inviting them to meetings within the EU embassies, promoting and supporting their work, etc. - Meetings should be organised with women's rights defenders on the occasion of visits of high-level EU officials. - Demarches should be organised, where relevant, in application of the EU guidelines on human rights defenders (see Council conclusions on women human rights defenders.)
Promote gender equality	<ul style="list-style-type: none"> - Women are absent from or poorly represented in political and economic spheres, receive unequal pay, are excluded from certain areas of work. 	<ul style="list-style-type: none"> - Ensure gender equality in EU or EU member States' delegations, - Promote gender equality in political dialogues or demarches.

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