

Summer 2002

The 45th Session of the Commission on the Status of Women: Gender Discrimination and the AIDS Pandemic

Janice Alfred

Follow this and additional works at: https://digitalcommons.nyls.edu/journal_of_human_rights



Part of the [Law Commons](#)

Recommended Citation

Alfred, Janice (2002) "The 45th Session of the Commission on the Status of Women: Gender Discrimination and the AIDS Pandemic," *NYLS Journal of Human Rights*: Vol. 18 : Iss. 3 , Article 5. Available at: https://digitalcommons.nyls.edu/journal_of_human_rights/vol18/iss3/5

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Journal of Human Rights by an authorized editor of DigitalCommons@NYLS.

UN REPORTS

The 45th Session of the Commission on the Status of Women: Gender Discrimination and the AIDS Pandemic

The Commission on the Status of Women (hereinafter “the Commission”) was established in 1946 by a resolution of the United Nations’ Economic and Social Council to prepare recommendations and reports on ways to promote women’s rights in all aspects of society.¹ The forty-five-member Commission, which meets on an annual basis, has taken on a very active role in promoting women’s rights in the political, economic, social, civil, and educational realms of society. Its chief objective is to promote the principle that men and women are created equal and thus should have equal rights.²

At its 45th session meetings, the Commission focused on two very important thematic issues affecting women worldwide: (1) women, girls, and the human immuno-deficiency virus/acquired immuno-deficiency syndrome (HIV/AIDS) and (2) gender and all forms of discrimination, particularly racism, racial discrimination, xenophobia, and other related intolerances.³ To discuss these issues, the commission held two separate expert panel discussions followed by dialogue on each topic.

THE HIV/AIDS PANDEMIC AND THE ROLE OF CSW

As we moved into the twenty-first century, HIV/AIDS became the fourth leading cause of death in the world and the leading cause of death in sub-Saharan Africa, which represents 71 percent of all globally infected people.⁴ Also, during this time, women began to

¹ *Commission on the Status of Women*, (2002) available at <http://www.un.org/womenwatch/daw/csw/index.html>.

² *Id.*

³ See *Women’s World Summit Foundation WWSF*, (2002) available at <http://www.woman.ch/un45th.h>; *Final Report on the Forty-Fifth Session of the CSW*, (2002) at <http://www.un.org/womenwatch/daw/csw/45sess.htm>.

⁴ *Gender and HIV/AIDS – Update on the UN response*, (2002) available at <http://www.un.org/womenwatch/daw/csw/hiv aids/unresponse.htm>. [hereinafter *Gender and HIV/AIDS*].

represent 47 percent of all the infected adults worldwide.⁵ As the virus spreads primarily through unprotected sexual intercourse, women and girls are particularly vulnerable to infection because of their biological make-up, social and economic inequalities and the culturally accepted gender roles that render them subordinate to men in decisions concerning sexual relations.⁶

The expert panelists concluded that the main cause of the spread of HIV/AIDS is the imbalance of power between men and women which has been promoted by cultural, social and religious norms.⁷ In many developing countries, this imbalance of power contributes to the problem of gender-based violence against these women and young girls, which not only violates their human rights, but also exposes them to higher risks of contracting the virus.⁸ During times of conflict, they face the possibility of rape which exposes them to HIV infection.⁹ Furthermore, those who are suspected of having the virus face the possibility of being abused, abandoned, or killed.¹⁰

Poverty was identified as the second most important factor in the spread of the virus. Women constitute the majority of the world's poor, thus, they are often trafficked into prostitution and sexual slavery.¹¹ In the poverty-stricken sub-Sahara African region alone, women constitute about 55 percent of the total number of individuals infected with HIV/AIDS.¹² Of this group, young girls and women in that region are particularly vulnerable. Studies conducted suggest that one in five of them, particularly those under the age of twenty-five, were infected with the virus and have a life expectancy age of thirty years.¹³

This is not the first time that the Commission has addressed the HIV/AIDS issue. At its 14th session in 1996, its 16th session in 1977,

⁵ *Id.*

⁶ *Id.*

⁷ See *Summary Submitted by the Moderator of the Panel Discussion on Women, Girl Child . . . /AIDS*, (2002) available at <http://www.un.org/womenwatch/daw/csw/hivsummary.htm> [hereinafter *Summary-AIDS*].

⁸ *Id.*

⁹ *EGM on HIV-AIDS and its Gender Implications concludes in Windhoek*, (2002) available at <http://www.un.org/womenwatch/daw/csw/hiv aids/presshivegm.htm> [hereinafter *EGM on HIV/AIDS*].

¹⁰ See *id.*

¹¹ See *EGM on HIV/AIDS*, *supra* note 9.

¹² See *id.*

¹³ *Gender and HIV/AIDS*, *supra* note 4.

its 18th session in 1998, its 20th session in 1999 and its 22nd and 23rd sessions in 2000, the Commission expressed concern about the effects of HIV/AIDS among young women in the context of prostitution, trafficking in women and girls, health education, lack of statistical data on HIV/AIDS, and risks of mother-to-child transmission.¹⁴ As possible solutions, the Commission therefore recommended: more information on the prevention of the spread of the virus; more studies and statistical data; access by prostitutes to appropriate health services; and education in sexual and reproductive health, including the promotion of condom use and an increase in education and services to all women.¹⁵

At its 45th session, the prevailing consensus was that a holistic approach to women empowerment was necessary.¹⁶ The participants suggested that “the vulnerability to and impact of the spread of the virus could not be eliminated unless the fundamental gender inequalities were addressed by fostering an enabling environment that transformed relationships and promoted true partnerships, respect for human rights, and equal opportunities for women and men.”¹⁷ The participants specifically identified a number of possible solutions to the AIDS pandemic.

First, the panelists concluded that a number of short-term relief measures to alleviate immediate emergencies were necessary.¹⁸ These measures include the distribution of emergency food aid (including nutrient supplements) and care packages to people living with the virus in the most severely affected regions of the world.¹⁹ Secondly, the experts prescribed a number of long-term relief measures that would eliminate gender inequality and reduce the risk of infection.²⁰ They proposed that the problem of violence against women and girls could be achieved through (1) formal and informal sexual education for children and adolescents, ideally before they engage in sexual relations and (2) modification of laws which contributed to the violence.²¹ Thirdly, as to the poverty issue, the par-

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Summary-AIDS, supra note 7.*

¹⁷ *Id.*

¹⁸ *EGM on HIV-AIDS, supra note 9.*

¹⁹ *See id.* *See also*, Division for the Advancement of Women, Department for Economic and Social Affairs, *The HIV/AIDS Pandemic and its Gender Implications*, (2002) available at <http://www.un.org/womenwatch/daw/>.

²⁰ *See EGM on HIV-AIDS, supra note 9.*

²¹ *Summary-AIDS, supra note 7.*

ticipants recommended an integration of the programs aimed at eradicating poverty with those aimed at eliminating gender-based violence and other forms of discrimination.²² To achieve these goals, the participants expressed a need for advocacy with development policy makers, legislators, health-care providers, educators, and community leaders to create policy or reform that would reduce social inequalities.²³

Other emergent themes included the need to work with men to fight against the virus. The panelists pointed out that the role of men in changing gender relations was one of the key elements in fighting the pandemic.²⁴ They stressed the importance of encouraging fuller participation by men in preventing and alleviating the impact of the virus and in caring for HIV/AIDS victims.²⁵ Another emergent theme was the importance of providing information to everyone, particularly individuals in the poorer regions, because too many of them remain ignorant about the disease, how it affects their bodies, and the ways by which they can avoid infection.²⁶

GENDER DISCRIMINATION, RACISM, XENOPHOBIA AND RELATED INTOLERANCE

At its March 13th, 2001 meeting, the Commission considered three topics: (1) the intersection of gender and racial discrimination; (2) the effects of the intersection of gender and race on women both in the private and public domain; and (3) appropriate measures to eradicate and redress these forms of discrimination.²⁷

First, the experts stressed that it is crucial that the Commission address discrimination in multidimensional ways so as to address the discrimination suffered by all—i.e., that they should take into account the intersectionality of gender-based and other forms of discrimination, including discrimination based on race, age, and dis-

²² *Women Empowerment seen as Crucial*. . . Commission on the Status of Women Told, (2002) available at <http://www.un.org/News/Press/docs/2001/wom1266.doc.htm>.

²³ *Id.*

²⁴ *EGM on HIV-AIDS*, *supra* note 9.

²⁵ *Id.*

²⁶ *EGM on HIV-AIDS*, *supra* note 9.

²⁷ See *Gender and Racial Discrimination Report of the Expert Group Meeting, 21-24 November 2000, Zagreb, Croatia*, (2002) available at <http://www.un.org/womenwatch/daw/csw/genrac/report.htm> [hereinafter *Gender and Racial Discrimination Report*].

ability.²⁸ The panelists emphasized the fact that racism affected men and women differently and that other forms of discrimination, like racism, may facilitate and intensify gender discrimination.²⁹ For example, they argued that certain forms of racial discrimination and xenophobia—including sexual violence against women and girls during armed conflicts and in refugee and detention camps; the forced sterilization of indigenous women; and the trafficking of women and girls—are directed against women because of their gender.³⁰

The participants emphasized the importance of understanding the root cause of racism, including its links to social and economic instability, and of understanding its role in legal reform and the justice system.³¹ They argued that, absent a gender analysis of all forms of discrimination, violations of human rights of women might escape detection, thus, remedies to address these discriminations may fail to meet the needs of women and girls.³² They agreed that gender-based differences needed to be acknowledged in the development and formulation of policies and programs, particularly in relation to the criminal justice system, and in immigration and asylum laws and policies.³³

The panelists also stressed the need for government involvement. They agreed that governments should make it clear through public campaigns and human rights education in schools and law enforcement personnel training, that all forms of discrimination are against the law.³⁴ In discussing the fact that economic crisis and political instability increase the vulnerability of marginalized and minority women to violence, the panelists recommended that governments support gender-sensitive macroeconomic policies, partic-

²⁸ See Ibra Denguene Ka, *Summary Submitted by the Moderator of the Panel Discussion on Gender and All Forms of Discrimination, in Particular Racism, Racial Discrimination, Xenophobia and Related Intolerance*, (2002) available at <http://www.un.org/womenwatch/daw/csw/racesummary.htm>.

²⁹ See *id.* See also, *Draft Agreed Conclusions on Gender and All Other Forms of Discrimination, in Particular Racism, Racial Discrimination, Xenophobia and Related Intolerance*, (2002) available at <http://www.un.org/womenwatch/daw/csw/draftacrace.htm> [hereinafter *Draft Agreed Conclusions on Gender*].

³⁰ See Ka, *supra* note 28.

³¹ See *id.*

³² See *Draft Agreed Conclusions on Gender*, *supra* note 28. See also, *Gender and Racial Discrimination Report*, *supra* note 27.

³³ See Ka, *supra* note 28.

³⁴ See *id.*

ularly for rural women, in order to enhance women's empowerment and economic productivity and to address the link between unequal distribution of wealth and intolerance.³⁵

Finally, the panelists recommended a number of educational programs that would change the attitudes of both men and women and eliminate all stereotypes and prejudices. Some of the measures include the development of: (1) gender sensitive education and training programs to eliminate discriminatory attitudes towards women; (2) programs and policies to raise awareness about the multiple discriminations that women face; (3) anti-racist and gender-sensitive human rights training programs for law enforcement, health care and school personnel; and (4) strategies that would increase awareness among men and boys about their shared responsibilities in promoting gender inequality.³⁶

RESOLUTIONS ADOPTED

At the conclusion of its 45th session, the Commission adopted five resolutions: (1) the situation of and assistance to Palestinian women; (2) release of women and children taken hostage, including those subsequently imprisoned, in armed conflict; (3) discrimination against women and girls in Afghanistan; (4) mainstreaming a gender perspective into all policies and programs in the United Nations system; and (5) a multi-year program of work for the Commission for the 2002-2006 period.³⁷

On the issue concerning the assistance to Palestinian women, out of the thirty-three attendees, there was a recorded vote of thirty-one in favor and one abstention from Rwanda.³⁸ The one vote against the measure came from the United States.³⁹ The Commission proposed that the Economic and Social Council call upon Palestine and Israel, as well as the international community, to "ex-

³⁵ See *id.*

³⁶ See *Draft Agreed Conclusions on Gender*, *supra* note 29.

³⁷ *Women's World Summit Foundation WWSF*, (2002) available at <http://www.woman.ch/un45th.h>

³⁸ *Women's Commission Suspends Session; Adopts Resolutions on Palestinian Women, Hostage-Taking, Discrimination in Afghanistan, and Gender Mainstreaming*, (2002) available at <http://www.un.org/News/Press/docs/2001/wom1281.doc.htm> [hereinafter *Women's Commission Suspends Session*].

³⁹ See *id.* Mirta Alvarez, the United States delegate, voted against the draft resolution because she felt that it was inappropriate to mention the matter in the resolution since both sides had agreed to address it in the permanent status negotiations. *Id.*

ert all the necessary effort to restore the peace process in the region."⁴⁰ They proposed that Israel: (1) comply fully with the provisions and principles of the Universal Declaration of Human Rights; the regulations of The Hague Convention of 1907; and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War; and (2) return all refugees and displaced Palestinian women and children to their homes.⁴¹ Finally, the Commission called for measures to protect the rights of Palestinian women and their families and to improve their living conditions.⁴² Specifically, it suggested that the Council urge United Nations member states, United Nations financial organizations and other relevant institutions to provide financial and technical assistance to the Palestinian women.⁴³

In adopting the resolution on the release of women and children taken hostage in armed conflict, there was a recorded vote of thirty-one in favor. This time, the United States and India abstained.⁴⁴ The Commission condemned violent acts against civilian women and children during armed conflicts. It also called for an effective response to these acts—i.e., the immediate release of the women and children hostages, including those who were subsequently imprisoned.⁴⁵

Acting without a vote, the Commission adopted a resolution on discrimination against women and girls in Afghanistan, particularly those under the control of the Taliban.⁴⁶ The Commission rec-

⁴⁰ See *Women's Commission Suspends Session*, *supra* note 38. See also *Commission Hears Introduction of Resolutions on Hostage-Taking, Palestinian Women, HIV/AIDS, Discrimination in Afghanistan and Gender Mainstreaming*, (2002) available at <http://www.un.org/News/Press/docs/2001/wom1277.doc.htm> [hereinafter *Commission Hears Introduction of Resolutions*].

⁴¹ See *Women's Commission Suspends Session*, *supra* note 38. See also, *Commission Hears Introduction of Resolutions*, *supra* note 40.

⁴² See *Women's Commission Suspends Session*, *supra* note 38. See also, *Commission Hears Introduction of Resolutions*, *supra* note 40.

⁴³ See *Women's Commission Suspends Session*, *supra* note 38.

⁴⁴ See *id.* Alvarez (the U.S. delegate) claimed that although the United States condemned violent acts against civilians during armed conflict, she was forced to vote against the resolution because it was inconsistent with the existing humanitarian laws; that had her suggestions been taken up, she would have voted or even co-sponsored the resolution. Asith Kumar from India abstained because she found out about the possibility of the vote at the last minute. *Id.*

⁴⁵ See *Women's Commission Suspends Session*, *supra* note 38. See also, *Commission Hears Introduction of Resolutions*, *supra* note 40.

⁴⁶ See *Women's Commission Suspends Session*, *supra* note 38.

ommended that the Economic and Social Council condemn the continued human rights violations of these women and girls in all areas of the country.⁴⁷ Among these violations are the denied access to health care, the lack of freedom of movement, and the continued harassment and violence against these women.⁴⁸ Finally, the Council calls for the repeal of all legislative measures that discriminate against women and girls and urge the Taliban and other parties in Afghanistan to respect and uphold international humanitarian law.⁴⁹

Also adopted, without a vote, was the recommendation that the Economic and Social Council establish a regular item on its agenda that would help to incorporate a gender perspective into all policies, programs and decisions of the United Nations system.⁵⁰ The Commission felt that it was important for the United Nations to take a holistic approach in addressing discrimination—i.e., that it consider the intersection of all forms of discrimination rather than focus on individual categories.⁵¹

Finally, the commission approved, without a vote, the recommendation that the Council adopt the multi-year program of work for the period 2002 to 2006 entitled “Women 2000: gender equality, development and peace for the twenty-first century.”⁵² This program outlines the Commission’s calendar themes for the next five years. For the 2002 year, the Commission would focus on eradicating poverty. In 2003, the focus would be women’s access to and participation in the media, the use of information and communication technologies to empower women, and the elimination of all forms of violence against women.⁵³ In 2004, the focus would be placed on the role of men and boys in achieving gender equality, and on women’s participation in conflict-related issues. In 2005, there would be a review of: (1) the outcome of the twenty-third special session and (2) the implementation of the Beijing Platform for Action.⁵⁴ Finally, in 2006, the Commission would focus on cre-

⁴⁷ *See id.* *See also Commission Hears Introduction of Resolutions, supra* note 40.

⁴⁸ *See Women’s Commission Suspends Session, supra* note 38.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Gender and Racial Discrimination Report, supra* note 27.

⁵² *See Women’s Commission Suspends Session, supra* note 38.

⁵³ *See id.*

⁵⁴ *See Women’s Commission Suspends Session, supra* note 38.

ating gender equality and an environment for the equal participation of women and men in all decision-making processes.⁵⁵

Janice Alfred

⁵⁵ *Id.*

