



KEY LANGUAGE AT THE COMMISSION ON THE STATUS OF WOMEN

The negotiations of the “zero draft” gives governments a chance to ensure that the language in the final Agreed Conclusions is progressive and forward-thinking, and serves to empower women and promote their rights. However, these negotiations also provide an opportunity for conservative groups to limit and restrict women’s and girls’ rights through language that undermines the advancements that have been made since the passing of the Universal Declaration of Human Rights. Below are some of the more key areas of language and an explanation of our preferred language.

GENDER v SEX

The World Health Organisation defines sex as “the biological and physiological characteristics that define men and women.” Gender is defined as the “socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.” In order to achieve full equality between men and women, the social and cultural attributes, roles and opportunities associated with being male or female, and the relative status and value accorded to men and women, need to be transformed. For this reason, we suggest that the term “gender” be used as a default, and the term “sex” be restricted to those discussions that relate only and specifically to the biological characteristics.

GENDER EQUALITY v EQUALITY BETWEEN MEN & WOMEN

The term “gender equality” has been recognised since the 1995 Beijing Declaration, which called on states to: “Take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women.” This term is preferred over “equality between men and women” as it goes further than simply equal treatment and is based in the equal valuing of all people, regardless of gender. It is based on women and men having equal opportunities, responsibilities and rights, including equal access to and control over resources and decision-making, and being full partners in their homes, communities and societies.

The language in the final Agreed Conclusions should serve to empower women & promote their rights.



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EARLY AND FORCED MARRIAGE v CHILD MARRIAGE

The term “child marriage” is confusing as there is no single definition of the term “child” worldwide, and there can even be variations within countries. For example, across the US, states have different definitions of “child.” According to the culture of many Muslim countries, a girl child is one who has not yet had menstruation. Thus, in many Muslim countries, “child marriage” can be interpreted as the marriage of a girl who has not yet reached puberty. Given this, our preferred language is “early and forced marriage”. This language has been used since Beijing +5, and ensures that girls who are married between menses and the age of 18 are recognised as victims of violence. It also reduces the stigma of young people who have married consensually and legally while under the age of 18.



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HARMFUL TRADITIONAL PRACTICES v HARMFUL PRACTICES

The term “Harmful traditional practices,” which refers to a major source of women's human rights violations, as recognised in many UN negotiated documents, is increasingly coming under attack. Some conservative governments prefer the term “harmful practices.” We advocate keeping the full term “harmful traditional practices” as it acknowledges that these practices come from a long-standing traditional background, which allows their harmful nature to be addressed, while respecting and working within the context of that tradition. Further, harmful traditional practices should be defined as widely as possible and include FGM/C, early and forced marriage, crimes committed in the name of honour, dowry-related violence and son preference.

REPRODUCTIVE RIGHTS & SEXUAL HEALTH AS HUMAN RIGHTS

The 1994 International Conference on Population and Development recognised that “reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.” This reflected an international consensus that reproductive rights and sexual health were essential components of – and not divisible from – human rights. This concept was reflected in Beijing +5 that stated that “The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.” It was then reinforced in the Convention on the Rights of Persons with Disabilities, which specifically

identified the right to reproductive and sexual health as a human right. It also has regional support, with the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which expresses reproductive rights as human rights, and affirms the states' duties in realising these rights.

“THE CENTRAL ROLE OF FAMILY”

Increasingly, human rights fora have seen a move to asserting the central role of the family (for example, during CPD 2012 negotiations and in Resolution A/HRC/21/L2, The promotion of human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices). The Beijing Platform for Action recognised that “the family is the basic unit of society and as such should be strengthened,” but also noted that “in different cultural, political and social systems, various forms of the family exist.” We support this, and recognise the family as an important societal unit, but argue that any reference to the role or importance of the family should recognise the diversity of families, and not be used in any way that would restrict or be detrimental to women, women's rights or the rights of young people.

QUALIFYING REPRODUCTIVE RIGHTS WITH “IN ACCORDANCE WITH/AS DEFINED BY THE ICPD”

In affirming the importance of guaranteeing reproductive rights for poverty alleviation, development and gender equality, States should not qualify their commitment with “in accordance with/as defined by the ICPD”. This would exclude key elements of reproductive rights that have been subsequently agreed, such as:

- comprehensive sexuality education (CPD 2009 and 2012)
- training and equipping health providers to provide safe abortion services in circumstances where abortion is not against the law (ICPD+5)
- marital rape and honour killings as forms of violence (Beijing +5)