

REPORT TO GANHRI on NHRI ENGAGEMENT AT THE 63rd SESSION

OF THE COMMISSION ON THE STATUS OF WOMEN (CSW 63)

**March 2019, New York**

**Pip Dargan, Deputy Director, APF**

Contents

[1. Background 3](#_Toc5895388)

[2. NHRI Engagement 6](#_Toc5895389)

[2.1 Caucus meeting, bilateral meetings and networking 7](#_Toc5895390)

[2.2 High Level Interactive Dialogue on accelerating implementation of the Beijing Declaration and Platform for Action and achieving concrete results by 2020 (High Level Interactive Dialogue) 8](#_Toc5895391)

[2.3 NHRI Side Event on the priority theme 9](#_Toc5895392)

[2.4 UNFPA-APF-GANHRI Side Event ‘Advancing Gender Equality & Sexual and Reproductive Health and Rights: the Role of NHRIs’. 9](#_Toc5895393)

[2.5 Agreed Conclusions 10](#_Toc5895394)

[The advocacy by the APF, GANHRI and individual NHRIs resulted in a stand-alone paragraph in the Agreed Conclusions adopted at the conclusion of CSW 63, that “*The Commission recalls General Assembly resolution 72/181 of 19 December 2017 and encourages the secretariat to continue its consideration of how to enhance the participation, including at the sixty-fourth session of the Commission, of national human rights institutions that are fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), where they exist, in compliance with the rules of procedure of the Economic Council*”. 10](#_Toc5895395)

[3. Key Issues 10](#_Toc5895396)

[3.1 GANHRI CSW Taskforce 10](#_Toc5895397)

[3.2 Future side-event hosting/venue 11](#_Toc5895398)

[3.3 ECOSOC Resolution on NHRI participation and modalities? 11](#_Toc5895399)

[3.4 GANHRI office in New York? 13](#_Toc5895400)

[4. CSW 64 – Beijing + 25 (2020) 13](#_Toc5895401)

[5. Recommendations to GANHRI and CSW Taskforce 13](#_Toc5895402)

[6. Recommendations to the Australian NHRI 14](#_Toc5895403)

[7. Acknowledgements 14](#_Toc5895404)

[8. Draft TOR for GANHRI CSW Taskforce (as of February 2019) 15](#_Toc5895405)

[9. Key documents and resources 18](#_Toc5895406)

[10. NHRI and NHRI Network participants 19](#_Toc5895407)

1. Background

This report provides a summary of national human rights institution (NHRI) engagement at the 63rd session of the UN Commission on the Status of Women (CSW 63). This engagement was led by the Asia Pacific Forum of National Human Rights Institutions (APF) and the Global Alliance of National Human Rights Institutions (GANHRI). CSW 63 was held from 11 to 21 March 2019 in New York. The CSW priority theme this year was *‘Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls’.* Its review theme was *‘women’s empowerment and the link to sustainable development’*.

The CSW is the United Nations (UN) largest annual multilateral meeting on women's rights and gender justice bringing together hundreds of world leaders and ministerial delegations, as well as over 9,000 representatives from non-government organizations.

As such, it is important that NHRIs can contribute their independent knowledge and expertise on the human rights issues facing women and girls in their country. In addition, NHRI exposure to the intellectual, international, regional and national policy developments as well as to State and civil society positions discussed at CSW is equally important.

Unlike the Human Rights Council, NHRIs do not have independent standing to participate in sessions of the CSW and can only attend as part of their country's official government delegation, if they are invited, or as part of an ECOSOC-accredited NGO. Neither options reflect the independent status of NHRIs.

The objective of the NHRI engagement at CSW is to continue the campaign to have that body progress, enhance and formalise participation and registration rights of A-status NHRIs, and their networks and to show case their contributions towards the Beijing Platform and Action and the rights of women and girls generally. NHRI advocacy is primarily focused during the annual two-week sessions of CSW. It is at these annual sessions where the 45 Member States of CSW, other States and thousands of NGOs come to New York to engage on the agenda set by CSW. It is during this time that the States negotiate and adopt the Agreed Conclusions including a paragraph on NHRIs as its final communique.

During these sessions, NHRIs engage at CSW to promote their work and their contribution to promoting and protecting women and girls’ human rights. They do this by holding an APF-GANHRI side-event that is co-sponsored by governments, holding individual side-events with States or parallel events with civil society, engaging in high level interactive dialogues (at the invitation of UN Women), meeting with State, UN officials, and civil society and lobbying for the inclusion of NHRI language in CSW’s Agreed Conclusions.

Prior to the start of the NHRI-CSW campaign in 2009[[1]](#footnote-1), only one or two NHRIs[[2]](#footnote-2) would attend CSW (if invited by government), and the CSW Agreed Conclusions, at that time, made no mention of the role of NHRIs in relation to women’s rights. Since 2009, the numbers of NHRIs attending CSW has significantly increased and language recognising the role of NHRIs in promoting and protecting women’s rights, as well as language relating to enhanced participation at CSW for NHRIs has substantially developed in the Agreed Conclusions. Since 2016, the Agreed Conclusions now include a ‘stand-alone’ paragraph that is substantive and relates specifically to enhancing NHRI participation – but the Bureau is yet to establish the **right** of NHRIs to participate and register in their independent status at CSW that is separate and distinct from government and NGOs. However, ‘securing’ language in the Agreed Conclusions is not in the control of NHRIs. States are the decision-makers at CSW and are responsible for the negotiations in formulating the Agreed Conclusions. NHRIs are therefore heavily dependent on States (primarily Australia, Germany and this year, the Philippines) to lead negotiations on behalf of NHRIs and ‘friendly’ States to protect that language once included. A number of key and powerful States resist enhancing participation rights at CSW.

A turning point for CSW advocacy came in December 2015 with the General Assembly (GA) resolution on **National institutions for the promotion and protection of human rights’ (A/RES/70/163).** It not only welcomed the increasingly important role NHRIs play in the promotion and protection of human rights, but it required specific UN mechanisms to take action. These mechanisms included the CSW; the Conference of States Parties to the Convention on the Rights of Persons with Disabilities; the Open-ended Working Group on Ageing; and the 2030 Agenda for Sustainable Development, including its high-level political forum.

This GA resolution presented the APF and GANHRI with a new opportunity in 2016 to reinvigorate its campaign at CSW after a 3-year hiatus <http://www.asiapacificforum.net/news/un-resolution-urges-greater-participation-nhris/>. The hiatus (2013-2015) was due to lack of movement by the General Assembly or CSW on NHRI participation in New York based UN bodies.

In 2017, the GA adopted a similar resolution as in 2015, repeating the call for action on NHRI participation rights – (GA A/RES/72/181). The resolution

*“welcomes the contribution of national human rights institutions compliant with the Paris Principles to the work of the United Nations, including of the Commission on the Status of Women* (…) (para. 14); and

*“Encourages all relevant United Nations mechanisms and processes, in accordance with their respective mandates, including the Commission on the Status of Women, (…) to further enhance the participation of national human rights institutions compliant with the Paris Principles” (para. 16).*

There has been some progress amongst the UN bodies referred to in the 2015 GA resolution. Most notably, in December 2016, the UN Open-Ended Working Group, in its decision 7/1 (A/AC.278/2016/L.1) on “Modalities of participation of NHRIs in the work of the Open-ended Working Group on Ageing” agreed to include NHRIs to independently participate in its work.

A similar arrangement could be considered and adopted by CSW. However, and importantly, **it must be recognised that the OEWGA and CSW have different parent bodies, and during the past three years of advocacy, NHRI’s have been reminded that ECOSOC, which is the parent body of CSW, is much more challenging to access and introduce changes. T**his has been documented in previous APF CSW reports available at <http://www.asiapacificforum.net/support/international-regional-advocacy/united-nations/csw/>.

This year the NHRI delegation raised the OEWGA modalities resolution as a potential model for CSW (although noting the different parent bodies of the OEWGA and CSW) with the Philippines Deputy Permanent Representative (Kira Azucena). The Philippines is currently an ECOSOC Bureau member. It could also be used as a constructive example of progress with friendly States if we are to pursue the option of an ECOSOC resolution on NHRI participation and modalities.

The goals for the APF-GANHRI campaign at CSW 63 were to:

(i) raise awareness of the critical role played by NHRIs to promote and protect the rights of women and girls and the enormous value they can bring to discussions of human rights issues at the international level via a side-event.

(ii) in cooperation with States urge negotiations to include a stand-alone paragraph in the CSW Agreed Conclusions that moves towards enhancing NHRI participation in that body and build upon the landmark General Assembly resolutions (A/RES/70/163) and (A/RES/72/181) as well as the CSW 60 (para. 29), CSW 61 (para.43), CSW 62 (para.51) Agreed Conclusions. This year we aimed to progress language with the paragraph on NHRIs in the Agreed Conclusions specifically by requesting the CSW secretariat (UN Women) to ‘report’ on progress of NHRI participation and include participation for NHRI ‘networks’ to capture the global and regional membership bodies of NHRIs such as GANHRI and APF for example.

(iii) raise other measures (e.g. an ECOSOC resolution on NHRI modalities of participation rights for NHRIs) for discussion with States and UN Women that could be considered to try and establish permanent participation rights and modalities for recognised and separate registration.

1. NHRI Engagement

From October 2018 to March 2019 the APF coordinated information, strategy, meetings and NHRI engagement for CSW 63. We encouraged and coordinated GANHRI and NHRI input and contributions to the various revisions of the CSW Agreed Conclusion text at national and international levels. During the session itself APF organized a number of meetings.

A number of NHRIs attending CSW including Australia, Afghanistan, New Zealand and Northern Ireland engaged with their governments to host an APF-GANHRI side-event on this year’s priority issue on social protection without success. The Australian Government did offer, at the last minute, a venue for an APF-GANHRI event for the second week of CSW, however this offer was declined as few NHRIs were to be in New York the second week of CSW (due to the high expense and heavy domestic workloads).

The APF, in wide consultation with GANHRI and NHRIs developed the CSW ‘Call for Action’[[3]](#footnote-3) and ‘Talking Points for NHRI Advocacy’.[[4]](#footnote-4) GANHRI leveraged its ongoing engagement with UNPFA in the area of Sexual and Reproductive Health and together with APF collaborated with the UNFPA in the development of the concept note, sponsorship and speakers for the UNFPA-APF-GANHRI side-event held on reproductive rights on 13th March 2019.

Similar to the previous year, GANHRI produced a report on ‘Preventing and Eliminating All Forms of Violence Against Women and Girls: The Role of National Human Rights Institutions: A Contribution to the Review and Priority Themes of CSW63’[[5]](#footnote-5) which was to be the subject of a side event that was not held due to challenges in securing state party co-sponsorship, the participants were given a brief of the report which was also distributed at the UNFPA-APF-GANHRI side event on 13th March.

The GANHRI report looks at combating gender-based violence against women, and therefore contributes to both the priority theme and the review theme of CSW63. By explaining how NHRIs contribute to ensuring all women’s access to public services in the context of violence against women, the report deals with an important dimension of the priority theme of CSW63 “Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls”. By expounding how NHRIs use their mandate to prevent and combat gender-based violence against women and girls, the report focuses on the core issue of the review theme of CSW63 “Women’s empowerment and the link to sustainable development”.

All documents are at [https://www.asiapacificforum.net/events/apf-ganhri-advocacy-csw-63/](https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.asiapacificforum.net%2Fevents%2Fapf-ganhri-advocacy-csw-63%2F&data=01%7C01%7Cpipdargan%40asiapacificforum.net%7Ca84c0eddd5c44ec08bc708d6b1a205be%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=%2Fufje7R5CXDZVG05dcUO3Av4p0zmQWbCFKEAbXP1q6M%3D&reserved=0).

In the first week of CSW, 11-15 March, eight (8) NHRIs met in New York. Those institutions included the NHRIs of Australia, Afghanistan, Germany, Georgia, Liberia, New Zealand. Northern Ireland and the Philippines. The senior GANHRI representative was Florence Simbiri-Jaoko, GANHRI Special Envoy, and the APF secretariat representative was Pip Dargan, Deputy Director.

All NHRI representatives were extremely dedicated in their advocacy and this year was the first year that an A-status NHRI from West Africa (Liberia) participated at CSW. In previous years the Moroccan NHRI (North Africa) actively participated at CSW[[6]](#footnote-6).

## 2.1 Caucus meeting, bilateral meetings and networking

Individual NHRIs, GANHRI and APF conducted meetings with the diplomatic community, civil society and UN agencies, held side-events, lobbied and networked to promote participation rights and registration modalities for NHRIs.

Prior to CSW, GANHRI and the APF made every effort to contact significant Members States to request a meeting. In December 2018, GANHRI’s (then) Chairperson, Professor Beate Rudolf wrote to the Permanent Representatives of Colombia, Estonia, Ghana, Iraq, Ireland, Kenya, Morocco, Rwanda and Zimbabwe, to request meetings with the visiting NHRI delegation. Reminder letters were sent in February 2019. None of the States (most of which are on the CSW Bureau) responded to our requests for a meeting except for Colombia.

We also requested a meeting with Ms Nahla Haidar, CEDAW member and Chair of the NHRI-CEDAW Working Group. Ms Haidar was unable to meet the delegation as she was not going to be in New York for CSW due to CEDAW-related commitments.

NHRIs, APF and GANHRI held an NHRI caucus meeting in UNDP offices on Monday 11th March. All NHRIs were represented except for Liberia. APF and GANHRI gave a background on the history of NHRI engagement at CSW and current developments. NHRIs gave updates on engagement with respective governments and on their institutions side-event or parallel event.

The NHRIs of Australia, Liberia, New Zealand, Northern Ireland, and the Philippines participated in, or held separate side-events. These side and parallel events provide useful platforms for NHRIs to engage with the human rights issues impacting on women and girls and demonstrate to a range of stakeholders the unique value and contributions of NHRIs at the domestic and how it directly relates to the work and discussions at CSW.

In practice, NHRI engagement at CSW is not solely focused on obtaining independent participation rights for NHRIs (important as it is). Equally important, it is about engaging and demonstrating the important and independent work of NHRIs in exercising their mandates to promote and protect the human rights of women and girls as well as engaging in international human rights forums. Engagement at CSW also reinforces the domestic and international interconnections between NHRIs, at the national level, and CSW as a part of the UN human rights system by demonstrating domestic implementation of international human rights standards.

A small delegation of four GANHRI-APF representatives (Florence Simbiri-Jaoko, Dr Sima Samar, Pip Dargan and Rosa Öktem) networked and attended a number of bilateral meetings to gather information and advocate for independent participation rights. The delegation met with:

* Mr Thomas Rohland, Adviser at the Human Rights / Political Department, Permanent Mission of Germany to the UN
* Ms Tegan Brink, Deputy Head of Mission and Ambassador, Permanent Mission of Australia to the UN.
* Ms Christine Brautigam, Director, Intergovernmental Support Division and Ms Aina Iiyambo, UN Women
* Ms Claudia Luciani, Director of Democratic Governance and Anti-Discrimination, and Caterina Bolognese, Head, Gender Equality, Council of Europe.
* Ms Eleanor Openshaw, International Service for Human Rights.
* Ms Kira Azucena, Ambassador, Deputy Permanent Resident, Philippine Permanent Mission to the UN (ECOSOC Bureau member)
* Mr Francisco Gonzales, Deputy Ambassador, Permanent Mission of Colombia to the UN (CSW Bureau Member)
* Ms Sarah Rattray and Marta Mestres, Rule of Law, Justice and Human Rights Specialist, Governance and Peacebuilding Cluster, Regional Hub for Arab States, UNDP.

## 2.2 High Level Interactive Dialogue on accelerating implementation of the Beijing Declaration and Platform for Action and achieving concrete results by 2020 (High Level Interactive Dialogue)

Following from the previous 2 years (2017 and 2018), UN Women (the CSW secretariat) invited NHRI and GANHRI participants to speak for 3 minutes each at the high-level interactive dialogue on *“Accelerating implementation of the Beijing Declaration and Platform for Action and achieving concrete results by 2020”* which was held on Wednesday 13th March. The GANHRI and NHRI speakers were Florence Simbiri-Jaoko, GANHRI Special Envoy, Dr Sima Samar, Chairperson, Afghanistan Independent Commission on Human Rights, Ms Kate Jenkins, Sex Discrimination Commissioner, Australian Human Rights Commission. All representatives raised NHRI participation at CSW[[7]](#footnote-7). This was the third consecutive year that NHRI/GANHRI representatives had been invited by UN Women to speak at the high-level dialogue and signifies greater engagement for NHRIs. At this point we understand the invitation is discretionary and not standing, though it could be argued these three precedents are now establishing a ‘convention’ in practice. This year we requested an inclusion in the Agreed Conclusions NHRI paragraph that UN Women provide a report to CSW outlining current participation and in line with the NHRI paragraph in the Agreed Conclusions, a future looking plan for NHRI modalities and engagement at CSW. However, we were not successful in securing the report request in the paragraph.

## 2.3 NHRI Side Event on the priority theme

The Australian NHRI and the APF actively engaged with the Australian Office for Women and Department of Foreign Affairs from October 2018 to March 2019 regarding the sponsorship and venue request for NHRIs to hold their annual side event on the priority theme. After some uncertainty and numerous follow-ups, Australia finally offered a venue for the NHRI side event in the second week of CSW in the UN Building. Unfortunately, as most NHRIs are unable to afford to be in New York for two weeks, the short notice and the lack of adequate global NHRI representation that week we regretfully declined the offer. Other NHRIs including Afghanistan, New Zealand and Northern Ireland also requested their governments to provide a venue without success.

## 2.4 UNFPA-APF-GANHRI Side Event ‘Advancing Gender Equality & Sexual and Reproductive Health and Rights: the Role of NHRIs’.

On 13th March the APF-GANHRI-UNFPA held a side event on ‘Advancing gender equality and sexual and reproductive health rights’. It featured speakers from the NHRIs of the Afghanistan, Philippines, Georgia and Northern Ireland, as well as UNFPA's Deputy Executive Director. The side event was co-sponsored by Georgia and Germany.

The side event was an important platform to build continue to strengthen partnerships between UNFPA and NHRIs as well as promote the work of NHRIs in how they use their mandates to promote the rights of women and girls in relation to sexual and reproductive health and rights – for example through their national inquiry or strategic litigation powers.

It promoted ‘A Guide in Support of National Human Rights Institutions: Country Assessments and National Inquiries on Human Rights in the Context of Sexual and Reproductive Health and Well-being’[[8]](#footnote-8).

The side event was a successful joint venture. The UNFPA wrote to the APF:

*We would like to thank you for co-sponsoring yesterday's side event on the role of NHRIs in Advancing Gender Equality and Sexual and Reproductive Health and Rights. It was very useful to hear the experiences of the AIHC and the CHR as shared by Dr. Samar and Commissioner Gomez-Dumpit.*

*We have received great feedback from participants, including on the substantive quality of the discussions. We hope you enjoyed this side-event at CSW63 as well, and that it is just one step in raising the visibility of this important work.[[9]](#footnote-9)*

## 2.5 Agreed Conclusions

## The advocacy by the APF, GANHRI and individual NHRIs resulted in a stand-alone paragraph in the Agreed Conclusions adopted at the conclusion of CSW 63, that “*The Commission recalls General Assembly resolution 72/181 of 19 December 2017 and encourages the secretariat to continue its consideration of how to enhance the participation, including at the sixty-fourth session of the Commission, of national human rights institutions that are fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), where they exist, in compliance with the rules of procedure of the Economic Council*”.

This year we advocated for the inclusion of a reporting mechanism in the NHRI paragraph. It would now be timely for UN Women to report to CSW Member States on what steps it has taken to enhance NHRI participation and registration modalities in the past three years and what it will propose for the future. We encouraged States that we met to support such a report from the UN Women in 2020. Unfortunately, we were not successful. However, we do recommend that the new GANHRI Chair consider writing to the CSW Bureau and UN Women to request such a report. We also advocated for the inclusion of NHRI networks in the text, and this too was not accepted during the negotiations. However, despite difficult and at times hostile environment we continue to secure our paragraph in the Agreed Conclusions[[10]](#footnote-10) – even if not to our expectation.

1. Key Issues

## 3.1 GANHRI CSW Taskforce

In March 2018, at the NHRI CSW caucus meeting in New York the APF advised GANHRI that, after the years, it would no longer lead CSW NHRI global coordination after 2019-2020. It will continue to engage at CSW for the APF membership. Discussions took place on ideas and next steps and the Australian NHRI agreed to lead the discussion and potentially, coordination, of a GANHRI CSW Taskforce[[11]](#footnote-11). Later that year in October 2018, further discussion of a Taskforce was held by NHRIs, GANHRI and regional secretariats in Morocco during the GANHRI International Conference. It was agreed at that time that the Australian NHRI would take the lead in drafting the terms of reference (TOR) for the Taskforce. The TOR was shared with the APF and GANHRI secretariats and each made comments. Normally Task Forces do not need to be approved by the GANHRI Bureau, as they are not a formal Working Group; this has been the case of the Task Force on Migration, for instance. The Task Force can work, under the auspices, and in collaboration with the GANHRI Head Office and the GANHRI Chairperson, as soon as there is a group of at least one member per region. The APF recommends that membership of the Taskforce be established at the soonest[[12]](#footnote-12).

## 3.2 Future side-event hosting/venue

Typically, Australia has provided venues for NHRI side-events through its co-sponsorship. However, for political and strategic purposes the Taskforce should begin to explore other States to do so in the future, preferably those supportive States outside the Western European and Other Group (WEOG). Potential States to be called on to host future side-events, for example, are Afghanistan, Colombia, Georgia, Kenya, Liberia, Morocco and the Philippines. This could be done in co-sponsorship with the UNDP within the context of the Tripartite Partnership. It would also be useful for GANHRI to ensure that advocacy for co-sponsorship is initiated at the earliest possible time and by using members to contact state parties at the capitals and New York.

## 3.3 ECOSOC Resolution on NHRI participation and modalities?

ECOSOC is the parent body of CSW. However, it is improbable that ECOSOC would amend its Rules of Procedures (ROP) to provide the rights for NHRIs to participate independently at CSW sessions alongside States, ECOSOC-accredited NGOs and UN entities. In our meetings several ideas on how participation rights could be secured were discussed: a) a decision by CSW similar to that of the OEWGA; b) inclusion of NHRI participation rights in the next CSW methods of work resolution[[13]](#footnote-13); c) a specific ECOSOC resolution on NHRI participation and modalities.

Neither GANHRI nor APF are in a position to assess the legal and practical feasibility of these options on their own. However, in APF’s view it is highly unlikely that CSW will follow the path of the OEWGA resolution because the OEWGA is a body under the General Assembly as is the Human Rights Council. On the other hand, CSW is established under ECOSOC and its rules. ECOSOC rules do not recognise NHRIs like the GA. GANHRI could consider

i) requesting reporting on progress and an ‘options paper’ from CSW secretariat, e.g. via a formal letter from the GANHRI Chairperson and with the support of Member States such as Germany prior to negotiations on the 2019 General Assembly resolution on NHRIs, or requesting report on progress through other UN means, such as the report of the Secretary General;

ii) further discussing a possible ECOSOC resolution on NHRI participation and modalities or inclusion or NHRI participation rights in the next CSW methods of work resolution

In discussions with Christine Brautigam, Director, Intergovernmental Support Division, UN Women, the issue of an ECOSOC resolution was discussed in detail.

We explained the continuing procedural obstacles for NHRIs at CSW and she clearly understood the issues. She advised that there were no changes from last year in terms of procedural matters. In terms of potential further strategic ‘entry points’ for NHRIs Ms Brautigam advised that there are no resolutions forthcoming on CSW Working Methods[[14]](#footnote-14) or ECOSOC ROPs. She also advised that no further ECOSOC reform process is anticipated. Any changes introduced in ECOSOC review processes are regarded as minimally incremental.

We raised the issue of the CSW Working Methods resolution and the existing reference to States inviting NHRIs as part of their Government delegation each year[[15]](#footnote-15). Ms Brautigam advised that UN Women does not direct States on who to invite in its delegations but does write to States each year to ask them to consider including stakeholders in their delegations.

She encouraged NHRIs to continue their work at the national level to contribute to the realisation of the rights of women and girls and contribute to the Beijing Platform for Action, Beijing +25 and SDGs. She referred to the General Assembly NHRI resolution led by Germany and forthcoming in 2019 and to continue to have reference to CSW in that resolution.

For any real gain to establish procedural outcomes for NHRIs Ms Brautigam advised that it would require an ECOSOC resolution (as CSW’s parent body) to develop and establish NHRI procedures and a separate registration modality for A-status NHRIs. This would require serious strategic and political effort by the GANHRI CSW Taskforce. Such a campaign would require GANHRI along with the Taskforce to begin a conversation with a number of Member States (in New York and Geneva) to support such a resolution. An ECOSOC resolution, if successfully obtained, would be the most effective and binding instrument to formalise modalities for NHRIs at CSW, and possibly other subsidiary bodies under ECOSOC’s mandate such as the Commission for Population and Development[[16]](#footnote-16).

During the meeting we also raised the issue that progress on NHRI engagement at CSW (e.g. increasing number of NHRI side events, GANHRI/NHRI representatives invited to speak at the high-level interactive dialogue and stand-alone paragraphs in the Agreed Conclusions) has not been officially documented at CSW and is the reason why we had wanted a ‘report’ of these developments for CSW 2020. It was our view that such documentation would provide useful ‘evidence’ for states to understand the value of NHRIs at CSW and provide them with rationale for an ECOSOC resolution on NHRI participation and modalities. Nonetheless it was not lost on us that in an increasingly fractious political environment at the UN including CSW[[17]](#footnote-17) there will be significant resistance to opening up space and modalities for NHRIs despite the clarity of the 2015 and 2017 GA Resolutions and the rights they enjoy at the UN Human Rights Council.

Ms Brautigam suggested that progress on NHRI engagement at CSW could possibly be detailed under the Secretary General Report and it could make recommendations.

Ms Brautigam did encourage us to continue our side-events, bilateral meetings with States to give visibility to the work of NHRIs and think how an ECOSOC resolution could look like and assist in advancing our campaign. She noted that the NHRI engagement at CSW was very useful and noted our dedication over the years despite the procedural obstacles.

In a separate meeting with UNDP, Sarah Rattray, indicated its interest in supporting a meeting of like-minded NHRI friendly States in New York to raise the issue of NHRI participation and ECOSCOC resolution on NHRIs.

## 3.4 GANHRI office in New York?

Ultimately, for the NHRI campaign to have success on NHRI participation rights at New York bodies, including CSW, GANHRI need to consider funding a small presence in New York to enable ongoing engagement with States, UN entities and civil society. Ad hoc advocacy does not allow for institutional and personal relationships to be built over the long term or taken seriously by the diplomatic community. The APF would suggest that GANHRI consider fundraising for a presence in New York over the next strategic planning period.

1. CSW 64 – Beijing + 25 (2020)

In 2020, the global community will mark the twenty-fifth anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action (1995). A five-year milestone will be reached towards achieving the Sustainable Development Goals of the 2030 Agenda for Sustainable Development. 2020 is therefore a pivotal year for the accelerated realization of gender equality and the empowerment of all women and girls, everywhere.

The sixty-fourth session of the CSW (CSW 64) will take place at the UN Headquarters in New York in March 2020. Dates are to be announced.

1. Recommendations to GANHRI and CSW Taskforce
2. That Ms Simbiri-Jaoko, GANHRI Special Envoy, represent GANHRI at CSW 64 in 2020.
3. That the GANHRI secretariat and GANHRI Special Envoy brief the new GANHRI Chair, Carlos Alfonso Negret Mosquera, on CSW and to develop a program of meetings for him with Member States in New York and Geneva to continue to discuss how to enhance NHRI participation at CSW through the above-mentioned options.
4. That the CSW Taskforce be established as soon as possible.
5. GANHRI should formally table this report and adopt the CSW Taskforce no later than by its next Bureau meeting in 2019.
6. The GANHRI secretariat should add CSW participation as an agenda item for next GANHRI-UNDP-OHCHR Tripartite meeting to be held in June 2019, including a possible ECOSOC resolution. Further it should discuss setting up a meeting with UNDP and NHRI friendly States in New York to establish a circle of allied States (cross regional to ensure there are States representing various geographical and political groupings) and discuss the issue of NHRI participation rights at CSW and other New York-based UN bodies and mechanisms.
7. The GANHRI Chairperson should consider writing to UN Women (prior to the Tripartite meeting in June) to ask for it to report on the progress of enhancing NHRI engagement at CSW and what proposals it plans to submit to Member States to further enhance NHRI participation at CSW.
8. GANHRI/CSW Taskforce should continue to advocate for the inclusion of NHRI participation rights at CSW in the next General Assembly Resolution led and sponsored by Germany in 2019.
9. GANHRI/CSW Taskforce should explore how NHRI engagement at CSW could be reported on under the Secretary General Report.
10. GANHRI/CSW Taskforce should encourage NHRIs on the need to engage with their governments in advance of CSW 64.
11. GANHRI should strongly consider establishing a small presence in New York to permanently represent it and to continue sustained advocacy for NHRI participation rights in New York UN bodies and mechanisms. Therefore, GANHRI should consider fundraising for a presence in New York over the next strategic planning period.
12. GANHRI should communicate its response to APF on these recommendations.
13. Recommendations to the Australian NHRI

1. The NHRI of Australia should immediately circulate the draft TOR for the CSW Taskforce to GANHRI Bureau members and interested NHRIs to receive input and set up its establishment this year.

1. Acknowledgements

In coordinating the NHRI advocacy campaign at CSW 63, the APF worked in close cooperation with GANHRI representatives, individual NHRIs, governments.

The APF is appreciative to all the NHRIs that attended CSW 63 and for their active engagement.

The APF wishes to thank sincerely Dr Beate Rudolf, then Chairperson, GANHRI, Ms Florence Simbiri-Jaoko, Special Envoy, GANHRI, Ms Katharina Rose, Geneva Representative, GANHRI, and Ms Rosa Öktem, then adviser to the GANHRI Chairperson, for their strong support.

The APF expresses its gratitude to UNDP for facilitating the use of a room for the NHRI caucus meeting.

APF and GANHRI appreciate the partnership with UNFPA to sponsor a side-event on NHRI and reproductive rights and the States including Georgia and Germany for their sponsorship.

GANHRI and participating members expressed their sincere appreciation to the APF, especially Pip Dargan, for leading NHRI advocacy at CSW 63.

The APF funded the participation and travel costs of Dr Sima Samar and Pip Dargan. It also funded Pip Dargan’s salary costs for time to coordinate efforts for the CSW campaign (before, during and after CSW) and for the official photography of the UNFPA-APF-GANHRI side-event on reproductive rights. GANHRI and participating NHRIs contributed their own costs for participation at CSW.

1. Draft TOR for GANHRI CSW Taskforce (as of February 2019)

CSW Taskforce

Independent participation of National Human Rights Institutions at the Commission of the Status of Women

Terms of Reference

1. Background

The work of National Human Rights Institutions (NHRIs) is critical to promoting gender equality. This includes NHRIs using their mandates to underscore the prevalence, nature and consequences of discrimination against women and girls and contributing in a substantive way to national, regional and international conversations on identifying and providing effective responses to such discrimination. NHRIs also play an important role in advancing gender equality and women’s rights in international fora and bridging the implementation gap between international human rights and their domestic application.

Numerous United Nations (UN) Human Rights Council (HRC) resolutions recognise the valuable participation and contribution of NHRIs and their networks in UN processes most recently HRC/RES/39/17 and HRC/RES/33/15. In addition, General Assembly Resolutions A/RES/70/163 and A/RES/72/181 call for the enhanced independent participation of NHRIs in relevant UN mechanisms and processes including the Commission on the Status of Women (CSW). The CSW Agreed Conclusions of 2016, 2017 and 2018 encourage the CSW secretariat (UN Women) to enhance the participation of NHRIs at CSW.

Despite this global consensus of the value of NHRIs in international human rights mechanisms, NHRIs are yet to be able to engage independently at CSW sessions as UN-recognised institutions with an independent and unique role from government and civil society.

For many years, NHRIs, GANHRI and regional NHRI networks have been advocating for participation rights at CSW. The Asia Pacific Forum of National Human Rights Institutions (APF) has led this advocacy. Recognising the need for a formal coordinating mechanism at the Global Alliance of National Human Rights Institutions (GANHRI) level, the following Terms of Reference seek to outline the key features of a CSW Taskforce. The establishment of such a taskforce provides an opportunity for NHRIs to deepen and strengthen CSW advocacy and ensure ongoing coordination around these efforts.

2. Aim

The aim of the CSW Taskforce is to ensure that NHRIs have independent participation rights at CSW, similar to the HRC.

3. Function

Members of the CSW Taskforce will:

• Work together in joint strategic advocacy and campaign efforts to achieve the goal of NHRIs participating independently at the CSW;

• Liaise, support and represent ‘A-status’ NHRIs interest in participating independently at the CSW;

• Provide advice, support and recommendations to governments, NHRIs, civil society and other interested stakeholders regarding the independent participation of NHRIs at the CSW;

• Monitor trends in NHRI participation at CSW and within UN forums, where relevant;

• Serve as a channel to share best practices and lessons learnt on the independent participation of NHRIs at the CSW and other UN forums, where relevant; and

• Report to GANHRI on an annual basis on the status of advocacy efforts.

4. Membership

The CSW Taskforce comprises of no more than fourteen members in total. The Chair of the GANHRI and the GANHRI Special Envoy (responsible for CSW) will have standing memberships within the Taskforce.

The Taskforce is to have approximately an additional eight members (including the Chair). That is, two ‘A-status’ NHRIs from Europe, the Americas, Africa and Asia.

Each regional network will also be able to nominate an additional representative, should they wish.

a. Role of Members of the Taskforce

NHRIs from each of the four regions should nominate two A-status NHRI representatives for the Taskforce to serve for a three year period.

The role of the individual members of the Taskforce includes:

• Attending regular meetings as required and actively participating in the Taskforce’s work;

• Report to the Taskforce on their own initiatives (individual, regional and global) in promoting NHRI participation rights at CSW and

• Being committed to, and actively involved in, pursuing the Taskforce aims and objectives.

b. Role of the Chair

The Chair will serve for a period of three years. The role of the Chair includes:

• Coordinating the strategic efforts of the Taskforce and reporting to GANHRI;

• Developing advocacy materials in close consultation with Taskforce members; and

• Delivering public statements or engaging in meetings on behalf of the Taskforce.

• Communicating and reporting on advocacy developments and outcomes to the Taskforce and to the GANHRI AGM.

The position of the Chair will be agreed to at the 2019 annual GANHRI meeting, following consensus by GANHRI members.

5. Meetings

The Taskforce will meet at least once annually in the margins of the GANHRI Annual Meeting in Geneva. Additional meetings can be arranged if agreed to by the majority of the members of the Taskforce. This would include meeting in New York during CSW.

6. Reporting

The outcomes of CSW advocacy will be reported to GANHRI during the annual meeting in Geneva. The APF has offered to continue to update and host information on CSW including its reports on its website. This would help to continue to enable consistent documentation and centralise information regarding CSW advocacy on a site that already has historical and contemporary documents.

7. Financial resources

Taskforce members will not be required to make financial contributions to the group or its objectives. Taskforce members will be responsible for making their own financial arrangements to attend meetings of CSW.

8. Duration

Members of the Taskforce will serve for a period of three years. At which time the work of the Taskforce will be reviewed and GANHRI can decide whether the mandate should continue.

9. Review of Terms of Reference

The Chair of the Taskforce will periodically consult with members of the Taskforce about the adequacy of these Terms of Reference, the Task Force’s membership and its impact.

1. Key documents and resources

**CSW63 Call for Action:** https://www.asiapacificforum.net/resources/csw-63-nhri-call-action/CSW 63 Talking Points: <https://www.asiapacificforum.net/resources/csw-63-nhri-talking-points/>

CSW 63 Side Event Concept Note on Advancing Gender Equality and SRHR: the Role of NHRIs: <https://www.asiapacificforum.net/resources/csw-63-concept-note-nhris-srhr/>

CSW 63: Side Event Flyer on Advancing Gender Equality and SRHR: the Role of NHRIs: <https://www.asiapacificforum.net/resources/csw-63-flyer-side-event-nhris-and-SRHR/>

CSW 63 Agreed Conclusions: <https://www.asiapacificforum.net/resources/csw-63-agreed-conclusions/>

CSW high level interactive dialogue statements by GANHRI and NHRI representatives:

<https://www.asiapacificforum.net/resources/csw-63-afghanistan-nhri-statement-hld-accelerating-implementation-beijing-declaration/>

<https://www.asiapacificforum.net/resources/csw-63-ganhri-envoy-statement-hld-accelerating-implementation-beijing-declaration/>

https://www.asiapacificforum.net/resources/csw-63-australian-nhri-statement-hld-accelerating-implementation-beijing-declaration/

APF article re CSW 63:

<https://www.asiapacificforum.net/news/nhris-join-global-discussion-womens-rights/>

The short APF video promoting our work at CSW is at: [https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fyoutu.be%2FXMkaow08VM8&data=01%7C01%7Cpipdargan%40asiapacificforum.net%7C871101af40264a82cded08d593ed4180%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=HKEwRKfBanG9LCOpf%2FBCTJfTusX3L7atUQ3rZnJqdRE%3D&reserved=0<https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fyoutu.be%2FXMkaow08VM8&data=01%7C01%7Cpipdargan%40asiapacificforum.net%7C2c647ef63c5444bb8d6f08d592ce30a4%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=QHB6qx6tHp5ZpkqK76EzErbu%2BjIkSvVx%2F%2BuZ19ASu50%3D&reserved=0](https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fyoutu.be%2FXMkaow08VM8&data=01%7C01%7Cpipdargan%40asiapacificforum.net%7C871101af40264a82cded08d593ed4180%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=HKEwRKfBanG9LCOpf%2FBCTJfTusX3L7atUQ3rZnJqdRE%3D&reserved=0%3chttps://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fyoutu.be%2FXMkaow08VM8&data=01%7C01%7Cpipdargan%40asiapacificforum.net%7C2c647ef63c5444bb8d6f08d592ce30a4%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=QHB6qx6tHp5ZpkqK76EzErbu%2BjIkSvVx%2F%2BuZ19ASu50%3D&reserved=0)

1. NHRI and NHRI Network participants

African NHRIs

Hon Tonieh Talery-Wiles, Commissioner, Independent National Human Rights Commission of Liberia.

Asia Pacific NHRIs

Dr Sima Samar, Chairperson, Afghanistan Independent Commission on Human Rights (and APF Chair).

Ms Kate Jenkins, Sex Discrimination Commissioner, Australian Human Rights Commission (AHRC)

Ms Natasha de Silva, Head, International Unit (AHRC)

Dr Karanina Sumeo Equal Employment Opportunities Commissioner, New Zealand Human Rights Commission (NZHRC)

Ms Joanna Maskell – Human Rights Advisor (NZHRC)

Ms Karen Gomez Dumpit, Commissioner, Philippines Commission on Human Rights (CHR)

Ms Gwendolyn Pimentel Gana, Commissioner (CHR)

Ms Leah Tanodra Armamento, Commissioner (CHR)

European NHRIs

Ms Ekaterine Skhiladze, Deputy Public Defender, Georgian Public Defender’s Office (GPDO)

Ms Ana Iluridze , Head of Gender Equality (GPDO)

Ms Rosa Öktem, Researcher and Policy Advisor, German Institute for Human Rights

Dr Hannah Russell, Senior Policy and Research Officer, Northern Ireland Human Rights Commission (NIHRC)

Sara Donnelly Clegg, Legal and Research Officer, NIHRC.

GANHRI and APF

Ms Florence Akinyi Simbiri-Jaoko, GANHRI Special Envoy

Ms Pip Dargan, APF Deputy Director.

1. The APF has documented this campaign and engagement since 2009 and its reports are at http://www.asiapacificforum.net/support/international-regional-advocacy/united-nations/csw/ [↑](#footnote-ref-1)
2. The Australian Human Rights Commission was the NHRI that attended CSW on a regular basis prior to the APF-GANHRI campaign. [↑](#footnote-ref-2)
3. https://www.asiapacificforum.net/resources/csw-63-nhri-call-action/ [↑](#footnote-ref-3)
4. https://www.asiapacificforum.net/resources/csw-63-nhri-talking-points/ [↑](#footnote-ref-4)
5. https://nhri.ohchr.org/EN/News/Documents/DIMR\_GANHRI%20CSW%20Report.pdf [↑](#footnote-ref-5)
6. Names of all NHRI and NHRI network representatives is at p 19. [↑](#footnote-ref-6)
7. https://www.asiapacificforum.net/events/apf-ganhri-advocacy-csw-63/ [↑](#footnote-ref-7)
8. https://www.unfpa.org/publications/guide-support-national-human-rights-institutions [↑](#footnote-ref-8)
9. Email dated 15 March 2019 from Ahmadou Ndiaye, Human Rights & Gender Analyst, UNFPA [↑](#footnote-ref-9)
10. The CSW Agreed Conclusions are available at http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/csw63%20ac\_adopted\_for%20submission.pdf?la=en&vs=852 [↑](#footnote-ref-10)
11. A summary of that discussion is at https://www.asiapacificforum.net/resources/csw-62-apf-report-nhri-engagement/ [↑](#footnote-ref-11)
12. Email to Pip Dargan from Illeana Bello, GANHRI, of 11 April 2019. [↑](#footnote-ref-12)
13. The draft would be provided by the CSW secretariat, UN Women. [↑](#footnote-ref-13)
14. Although information received from the PM of Germany implied that the methods of work resolution might be reviewed in 2020. [↑](#footnote-ref-14)
15. E/RES/2015/6, para. 21 [↑](#footnote-ref-15)
16. https://www.un.org/ecosoc/en/content/subsidiary-bodies-ecosoc [↑](#footnote-ref-16)
17. https://www.passblue.com/2019/03/24/the-us-goes-bonkers-at-the-un-womens-conference/ [↑](#footnote-ref-17)