

Gender Dimensions of Racial Discrimination

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United Nations
Office of the High Commissioner for Human Rights

FOREWORD

Intolerance, prejudice and racism are deep-rooted, complex forces. They take many forms: they can be based on difference of religion, nationality, social class, or gender. One thing is certain: discrimination on the grounds of racial difference is particularly strong.

The gender dimension of racism calls for close attention. This subject has particular relevance as we prepare for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which will be held in South Africa, from 31 August to 7 September. The Beijing Declaration and Platform for Action recognized that “many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, disability or socio-economic class or because they are indigenous people, migrants, displaced women or refugees. They may also be disadvantaged and marginalized by a general lack of knowledge and recognition of their human rights as well as by obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights”.

The issues at stake are more fundamental: what should we do in every community, in every nation and in the community of nations to create a new context where women and men are treated fairly, equally and with dignity, irrespective of colour, race, nationality or religious belief? Durban must summon up our collective will to make genuine respect for the dignity of every individual and equal opportunities for all a reality.

The Beijing wording is useful because there is a tendency to speak of so-called “double discrimination” in relation to women of a racial or ethnic group who experience discrimination based both on their gender and on their race or ethnicity. But in real life the problem is far more complex than this. There are, in fact, multiple potential forms of discrimination involved.

A gender analysis of racial discrimination recognizes that racial discrimination does not affect men and women equally, or in the same way. To promote and protect the rights of all persons to be free from racial discrimination, it is necessary to ensure the rights of women when they are similarly

situated to men and when they are not. There are circumstances in which women suffer racial discrimination of a different kind or to a different degree than men, or in which discrimination primarily affects women.

To understand the problem we need to consider what forms violations take, the context in which they occur and the consequences of a violation, and the availability and accessibility of remedies to victims.

The form: One can ask what is the nature of the particular injury, infringement or obstacle experienced by a victim because of race, gender and race *and* gender? For example, women of a particular racial or ethnic group may be the victims of trafficking or sexual slavery. Or, as we have seen in many recent conflicts, women of particular ethnic or religious groups may be targeted for sexual abuse.

The context: In what legal or practical situation or context does *gender-based* racial discrimination or *race-based* gender discrimination or sexual abuse occur? For example, a particular racial or ethnic group of women may face added discrimination where there are inadequate labour laws and safety standards to protect them.

The consequences of the violation: What are the particular consequences or impact of violations experienced by victims due to their gender or race? In racial and ethnic conflicts, women who are sexually abused due to their ethnicity or race often become pregnant as a result. In many countries, there are social or legal barriers to women who seek redress for rape or sexual abuse, thus adding to their suffering.

The availability and accessibility of recourse procedures and remedies: To what extent does race and/or gender limit or act as a barrier to recourse procedures and remedies? Illiteracy, lack of resources, restriction on access to public places and lack of legal standing, amongst other barriers, may act as limits to women members of particular racial or ethnic groups.

Clearly, the gender dimensions of racial discrimination are complex and varied. Yet, this very complexity requires the attention of the member States, national institutions, civil society and the United Nations in order to address the problem.

This publication does not have the ambition to present a complete or definite study on the gender dimensions of racial discrimination. It provides an

overview which examines a set of fundamental issues on the intersectionality between gender and racial discrimination. This is enough to understand how women experience multiple discrimination and what challenges lie for us at Durban to ensure we conclude with a declaration and programme of action which live up to the high ideals and principles of the Universal Declaration of Human Rights: universality and indivisibility of all human rights, equality and non-discrimination.

The issue of the gender dimensions of racism and racial discrimination is on the agenda of the World Conference against Racism and I intend to ensure that it receives proper consideration at the conference.

A handwritten signature in black ink, reading "Mary Robinson". The signature is written in a cursive style with a large, prominent "M" and "R".

Mary Robinson

High Commissioner for Human Rights and Secretary-General of the
World Conference against Racism



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GENDER DIMENSIONS OF RACIAL DISCRIMINATION

We inhabit a universe that is characterised by diversity. There is not just one planet or one star; there are galaxies of all different sorts, a plethora of animal species, different kinds of plants, and different races and ethnic groups. God shows us even with a human body that it is made up of different organs performing different functions and that it is precisely the diversity that makes it an organism. If it was only one organ it would not be a human body.

Reverend Desmond M. Tutu, Archbishop Emeritus
UNHCHR Special Meeting on Tolerance and Respect,
Geneva, March 26 2001

Introduction

Since its inception, the United Nations has been committed to combating all forms of discrimination and ensuring equality for all. One of the tasks of the United Nations, enshrined in Article 1 of its Charter, is to foster respect for human rights and for fundamental freedoms for all, regardless of an individual's race, colour, gender, language, religion, political opinion or other status. The principles of non-discrimination and equality are also reflected in UN human rights instruments and in the work of UN bodies, such as the General Assembly and the Economic and Social Council. In addition to developing international standards and policies of non-discrimination, the United Nations has been active in monitoring implementation of international instruments at national level, preparing studies and reports, and drawing attention to discrimination by proclaiming special Decades and International Years.

Despite the efforts of the international community to promote and achieve respect for human rights for all, discriminatory practices based on race persist in most parts of the world and have become more prominent and widespread in some contexts. Harsher immigration and asylum policies adopted by some States sometimes coincide with racist rhetoric and activities, while ethnic cleansing and human rights atrocities have also occurred. Racial minorities, migrants, asylum-seekers and indigenous peoples are targets of intolerance. In addition, millions of people face discrimination daily in employment, education and health care, merely because they belong to a particular racial or ethnic group.

The decision to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance reflects growing international concern about the increase in these types of discrimination. The World Conference provides

an opportunity to raise awareness about the scourge of racism and racial discrimination and to strengthen efforts to combat them. During the regional, expert and intergovernmental meetings that have been held in preparation for the World Conference, many recommendations have been adopted which seek to improve the situation of people who are or have been subjected to racial discrimination.

There has been growing recognition in recent years that racial discrimination does not always affect women and men in the same way. In some circumstances, women belonging to particular racial or ethnic groups may face dual or multiple forms of discrimination based on race, gender, religion, nationality, social class, caste, age and/or other status. Racism is frequently linked to hatred and intolerance of other facets of identity, including sexual orientation. These factors are *differences that make a difference*

to the ways in which particular women experience discrimination. Yet the United Nations, governments, inter-governmental and non-governmental organizations have often addressed racial and gender discrimination as two separate problems, leaving women faced by multiple forms of discrimination unsure of where to turn for redress.

Understanding the gender dimensions of racial discrimination is essential for designing responses to racial discrimination that are effective for both women and men. To gain a better understanding of the problem, an Expert Group Meeting on Gender and Racial Discrimination was convened in November 2000 in Zagreb, Croatia, by the Division for the Advancement of Women, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Fund for Women.

... Above all, we must seek to ensure that the World Conference Against Racism does not just become an isolated year of looking at racism, but an opportunity to advance a way of working that permeates all human rights practice in the future. We must use this occasion to declare the necessity of addressing diversity in human rights and to show what can be done when the human rights of all, in all our diversity, are addressed. This World Conference is taking place in the present, but the issues it addresses are shaped by the past and how we do this work now will point the way towards the future.

Charlotte Bunch, Director, Centre for Women's Global Leadership Presentation at the panel "Why the World Conference Against Racism is Critical to Women's Human Rights Advocacy", Commission on Human Rights, March 7, 2001

INTERSECTION OF GENDER AND RACIAL DISCRIMINATION

Discrimination based on both gender and race can assume different forms and occur in many contexts:

Gender-based violence - Women tend to face higher rates of violence because discrimination on the basis of gender renders them among the most powerless members of society. Racial discrimination often results in violence. Women who face discrimination based on both race and gender are thus doubly at risk of violence.

Women from marginalized communities may be reluctant to report violence for fear of inaction or indifference by, or hostility from, State authorities who may even condone such violence, or for fear of being stigmatized within their own communities. They may also face language barriers or cultural insensitivity when seeking redress. In some societies, gender-based violence may be perceived as “justified” by racial, national, cultural or religious traditions, and a State’s reluctance to remedy the situation can pose further problems for women. Those wishing to challenge such practices are often accused of adopting Western cultural norms and turning their backs on tradition.

Few countries recognize gender-based violence as a ground for asylum. Women migrants subjected to domestic violence may not report the abuse they suffer for fear of losing their legal status in their new country, especially where this status is dependent on that

“ . . . A comparison which I have been making is with the achievements at Beijing in the context of the movement to secure women’s rights. Under the banner ‘women’s rights are human rights’ there has been undeniable advance internationally and nationally on equality for women. That does not mean that women’s rights are not grievously violated in many parts of the world, both developed and developing. But Beijing helped to foster a sense of optimism that change is possible. And that has had tangible results as the international human rights standards are increasingly integrated into both legislation and women’s campaigns. Durban should bring about a similar breakthrough against racism, and it can if the political will exists.”

Opening remarks by Mary Robinson, UN High Commissioner for Human Rights and Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. 3rd Preparatory Committee Meeting. Geneva, 30 July 2001.

of their spouse. Some countries grant immigration privileges to women who can prove domestic violence, but the level of proof is often very high, sometimes requiring a police conviction, caution or court order. Because of language difficulties, immigrant women may also have limited access to lawyers or legal aid or may fear reporting abuses to the police.

Women and poverty - The majority of the world's 1.3 billion people living in poverty are women. Women of disadvantaged racial groups are even more adversely affected by poverty, particularly because of their lack of access to education and training programmes, and limited employment opportunities.

The process of globalization, the trend towards privatization, and structural adjustment policies adopted by some governments place additional burdens on all women, but especially on racially marginalized women. Recent studies suggest that economic growth spurred by liberalized policies can result in inequality and a decline in living standards for some particularly marginalized groups. Government cuts in social spending, including unemployment insurance, tend to affect women from certain racial or ethnic groups more than others, especially single mothers or female heads-of-households.

The combined effects of gender and racial discrimination may also limit women's access to economic resources, such as loans and credit, or to land and property, and can determine their treatment under the social welfare system. These limitations can increase the risk of falling into poverty, as can polygamy and *machismo* prejudices, which often leave women as *de facto* single mothers in a state of economic instability.

Women and education - Figures disaggregated by sex, but not by race,

show that the literacy rate for women, worldwide, is 71.48 per cent compared to 83.71 per cent for men. In developing countries, the literacy rate for men is 59.19 per cent, while for women it is only 39.3 per cent. Of the 130-million school-age children who do not receive an education, 73 million are girls. Of the 960 million illiterate adults, two-thirds are women. Although these statistics are not disaggregated by race, other evidence suggests that women and girls of disadvantaged racial, ethnic, immigrant and indigenous groups have fewer educational resources.

Women's lower rates of literacy, school attendance, access to education and participation in training programmes marginalizes them in the public sphere and affects their awareness of

"... Reconciliation is a journey about conscience, yours, mine, all of us. In true Reconciliation, through remembering, the grieving and the healing, we can come to terms with our conscience and become as one in the dreaming of this land."

Welcome address to Corroboree 2000 by Dr. Evelyn Scott, Former Chairperson. Australian National Aboriginal Reconciliation Council, June 2000.

their legal rights, such as the equal right to own and inherit land. Women from some disadvantaged racial groups are also more likely to drop out of school earlier because of pregnancy, child-bearing, marriage and domestic responsibilities. Lack of education on reproductive health keeps them captured to illiteracy and poverty.

There are emerging innovative programmes that challenge racial and gender stereotypes, by encouraging education and training for women of disadvantaged groups, particularly for fields formerly closed to them, such as science and mathematics. Because education and training are closely linked to employment opportunities and economic success, addressing race and gender inequalities is a significant key to securing women's rights in other areas.

Women in the labour market - Discriminatory and exploitative labour practices disproportionately affect women of disadvantaged communities and limit their employment opportunities. Women from particular racial groups, indigenous women and other minority women seeking employment may have to resort to working in free trade zones, the underground economy, or informal sectors because of their sex, race, ethnicity and/or language limitations. In these sectors, women are increasingly subjected to poor working environments, minimal or no social protection, and low wages. Wage disparities among workers of different racial groups combine with

wage disparities between women and men to leave minority women at the bottom of the labour market.

It is mainly women from the South who constitute the cheap and flexible labour force, where labour laws are often lacking, unionization is weak and unemployment is high. These women tend to work in domestic service and other service and entertainment sectors where the potential for abuse is high and discrimination, based on sexist and racist attitudes, is common. In many countries migrant workers may be bound to a particular type of employment or to a particular employer. For example, migrant domestic workers are usually contracted to a particular employer. It is not unusual for such workers to lose their residence status on termination of their contract and to become illegal immigrants in their country of migration if they do not repatriate.

Women and trafficking - Trafficking is usually perceived as an issue of gender discrimination and the racial dimension of the practice is usually overlooked. However, race and ethnicity can be a push or pull factor in trafficking. Women are vulnerable to trafficking because of the limited avenues for legal migration, which are affected by their lower education and employment opportunities, and because of social inequalities and economic disparities within and between States. Women from certain racial and ethnic groups, indigenous women and migrant women are more vulnerable to trafficking, forced labour or slavery-like practices because existing

economic, political and social structures fail to provide equal opportunities for these women, and because their rights are frequently violated in their countries of origin.

problem of illegal migration or prostitution and national policies tend to criminalize the victims rather than the traffickers. Very often, it is the victims who are arrested and deported, while

Economic transition has caused a deterioration of the economic status of women. This has led to increased poverty, unemployment, and jobs with lower payment. In the context of globalization, women's poverty makes them vulnerable to various kinds of exploitation. The profits of the multinationals often rely on the exploitation of labour of women whose economic survival is endangered by racism, gender discrimination and poverty. Thousands of Eastern European women are lured into underground networks with promises of jobs in the West. They are exploited, humiliated, forced into prostitution, sold and detained without having any recourse against their aggressors. Often they are threatened by organized crime. For many women from Eastern Europe, the sex industry is the only place where they can find work without work experience and knowledge of foreign languages.

Statement of the Women's Caucus to the Meeting of NGOs from Eastern and Central Europe, Warsaw, 15 - 18 November 2000.

Racial discrimination may not only constitute a risk factor for trafficking, it may also determine the treatment that such women receive at their destination. For example, 80 per cent of women who have been trafficked to the west come from Central and Eastern Europe. These women, many of whom become prostitutes have faced triple discrimination: as women, as foreigners, and as prostitutes.

Trafficked women must overcome obstacles when seeking redress for abuses. In some countries, government officials, police officers and immigration personnel may ignore, facilitate or even profit from trafficking. Trafficking is also frequently seen as a

the traffickers continue to operate with impunity.

Women and health - A number of factors, including racial discrimination, can prevent women from receiving adequate health care. In many countries, for example, women from certain racially disadvantaged groups show disproportionately higher rates of HIV/AIDS than women from other groups. In numerous societies, women not only lack power over their bodies and sexual lives, but those with HIV infection may also be stigmatized and blamed for spreading HIV/AIDS.

Forced sterilization and other coercive birth control measures fre-

quently target women of particular racial groups. In some countries, financial or other incentives have been offered to such women to undergo sterilization. Women of some racial communities have been (mis) informed and encouraged to participate in the use of experimental reproductive technologies. Differences in rates of maternal and child mortality also exist among races, with indigenous and minority women showing higher rates of maternal mortality than women of other groups.

Women from racially disadvantaged groups are over represented amongst the poor, and the privatization of health care in some countries limits minority women's access to these services. When new drugs are marketed, marginalized women are less likely to be able to afford them. Access to health care for women of some racial groups may also be adversely affected by social norms that may restrict their freedom of movement.

“... A particular concern in the region – as it is for all of us - is the rise in trafficking in human beings. Women migrants are especially vulnerable. Isolated from their own community and family, they can be exposed to violence or other forms of abuse and usually have little or no means of remedy or redress at their disposal. The plight of migrant and trafficked women and the whole nexus of gender and racism are legitimate topics for the Durban Conference to consider.”

Address by Mary Robinson, United Nations High Commissioner for Human Rights and Secretary-General of the World Conference against Racism. Second Preparatory Committee Meeting, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Geneva, 21 May 2001.

States are encouraged to pay particular attention to vulnerable groups such as girls, children belonging to ethnic minorities, children of migrant workers, refugee and asylum seeking children, internally displaced children, children of economically disadvantaged families, and children living in remote rural communities. Denying adequate access to education to these groups of children who are already vulnerable to discrimination often significantly increases the likelihood that they become victims of discrimination.

Women and armed conflict - During situations of armed conflict, ethnic or race-based violence, systematic rape, forced pregnancy, forced abortion, sexual abuse, sexual slavery and other grave human rights violations against women of a particular racial group are common. In such circumstances, women are specifically targeted for these forms of abuse, not only because of their race and sex, but also because they may be perceived as representing the honour of the persecuted ethnic group. Violence against women is frequently part of a war strategy to undermine the morale of a community.

During the recent conflicts in Bosnia, Burundi, Colombia, East Timor, Kosovo, Rwanda and Sri Lanka, women have been targeted and become victims of ethnically motivated, gender-specific forms of violence. In some cases, women were deliberately impregnated to dishonour an ethnic group; in other cases, women were sexually mutilated to make them incapable of reproducing. Rape and other forms

of sexual violence have also been used as instruments of persecution against particular racial or ethnic groups.

During the post-conflict period, women who had been subjected to sexual violence faced additional problems such as pregnancy, guilt, community stigma and social ostracism. Remedies for rape and sexual abuse may be inaccessible in some societies because of social or legal barriers.

Women and decision-making - Despite the fact that women constitute half of the world's population, in no country of the world are women represented in the same numbers as men in decision-making positions. In general, women comprise only twelve per cent of all legislative bodies in the world, and an even smaller percentage of women (zero per cent, in some countries) hold ministerial and sub-ministerial positions. Women are thus frequently excluded from designing and influencing the policies that have a direct effect on

“...Intolerance around the world is as widespread as it is pernicious. Its victims are diverse, and include women, migrant workers, refugees, indigenous people, minorities and those whose political views or sexual orientation are deemed objectionable for one reason or another.”

“...We need a Conference and a Declaration that will look unflinchingly at every society in the world, and at those flaws which exacerbate, rather than eliminate, conflicts rooted in race and ethnicity. We need to acknowledge the tragedies of the past, but not become captive to them. We need a Declaration that all people can recognize as their own — one that inspires all peoples, not just governments, to do their part, to understand the past and build a better future.”

Address by the United Nations Secretary-General, Kofi Annan, to the National Urban League Conference in Washington, D.C., on 30 July 2001. SG/SM/7901

their lives; as a result, their position in society is unlikely to improve. In some circumstances, a woman's ethnic or religious community may prevent her from seeking or attaining positions of power. Unless marginalized women are able to participate in political and other decision-making spheres, inequality will persist.

Women in the criminal justice system - In countries where mandatory sentencing policies have an adverse impact based on race and gender, women constitute the fastest-growing segment of the prison population. Laws limiting prisoners' access to the courts restrict remedies for women bringing challenges to dual and multiple forms of discrimination in the criminal justice system.

Abuse of women in prison is a common occurrence. Most are low income, and, unlike racial minority men who may have been convicted of violent crimes, many have been

incarcerated for non-violent offences. Women are also more likely than men to be subjected to rape by law enforcement officials and also run the risk of gender discrimination during the judicial process.

Foreign domestic workers and women who enter a country illegally may be at great risk of detention and sexual and physical abuse. Moreover, foreign domestic workers who have been subjected to sexual violence or rape in the course of their work may find themselves incarcerated when seeking redress for such abuses, since some societies perceived them as offenders rather than victims.

Women's access to complaint mechanisms - When seeking redress, mechanisms for reporting and remedying discrimination on the basis of race, gender, religion, social class, caste, age and/or other status may be inaccessible to many women because of their lack of legal standing, restrictions on their access to public places, bias in

"...Racism is something that we must never let ourselves become complacent about ...although we can lose sight of this when bombarded with all the mounting horrors of war and intolerance in the world and after a while you can become kind of desensitised...and one must be aware that some racism is due to cultural differences, mentality and customs differences, which can lead to stubborn refusal to try and reach mutual respect...some of this can be so ingrained in ones upbringing that patience is vital in trying to overcome this. But the fact remains that racism is world-wide and endemic, but probably one of the main things to be done is to promote multicultural and intercultural relations in the very young, as this awareness will permeate into society, and cultural differences will not become an issue."

Natacha Atlas, Performer, Goodwill Ambassador. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

the judicial system, cultural insensitivity and illiteracy. Immigrant women may not wish to report cases of domestic violence or labour rights violations for fear of compromising their legal status in their host country.

Discriminatory attitudes affecting the host country's legal personnel can create further obstacles for women seeking redress. For example, immigrant women from certain societies are often denied their rights to divorce, custody or protection from domestic violence because law enforcement officials believe that these women

would lack redress for such claims in their own culture.

States that adopt anti-racist policies must be aware of the potential for misuse of those policies. For example, some women may wish to challenge certain aspects of their culture, such as the practice of arranged marriages. However, they may find that they are unable to do so because the State in which they reside wants to be culturally sensitive to and tolerant of others' values. In effect, then, women from minority or ethnic groups are denied their individual rights.

THE UNITED NATIONS' EFFORTS TO COMBAT GENDER AND RACIAL DISCRIMINATION – A HISTORICAL OVERVIEW

Efforts to eradicate racism and racial discrimination have been at the forefront of the international community's agenda since the end of the Second World War. The mandate of the UN Sub-commission on the Promotion and Protection of Human Rights, which was created in 1947, focuses on protecting racial, national, religious and linguistic minorities. In 1948, the Convention on the Prevention and Punishment of the Crime of Genocide, which addresses the intentional destruction of any national, ethnical, racial or religious groups, was unanimously adopted by the General Assembly.

The Declaration on the Elimination of All Forms of Racial Discrimination was adopted in 1963, followed by the International Convention on the Elimination of All Forms of Racial Discrimination in 1965. The latter established the Committee on the Elimination of Racial Discrimination, which is mandated to consider the reports of State Parties to the Convention and individual petitions from individuals or groups that claim to be victims of racial discrimination.

In December 1969, the General Assembly designated 1971 as the International Year for Action to Combat Racism and Racial Discrimination. Since that time, three

Decades of Action to Combat Racism and Racial Discrimination have been proclaimed, beginning in 1973, 1983 and 1993 respectively. The first two Decades included World Conferences in 1978 and 1983. These World Conferences launched international education campaigns to implement measures that would eliminate racial discrimination and highlighted the importance of national legislation and judicial and administrative action to combat racial discrimination.

In 1993, the Commission on Human Rights appointed a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Rapporteur's work includes reporting on institutionalized and indirect forms of racism and racial discrimination against national, racial, ethnic, linguistic and religious minorities and migrant workers throughout the world.

The General Assembly declared the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Efforts to eradicate gender discrimination have followed a similar path. The General Assembly adopted the Declaration on the Elimination of All Forms of Discrimination against Women in 1967, followed by the

Convention on the Elimination of All Forms of Discrimination against Women in 1979, which established the Committee on the Elimination of Discrimination against Women. The Committee is mandated to consider reports of State Parties to the Convention. The Optional Protocol to the Convention entitles the Committee to conduct enquiries into grave or systematic violations of the Convention, and to receive individual petitions.

Violations of women's human rights, especially those committed during armed conflict, were considered at the 1993 World Conference on Human Rights. Following the recommendations of the Conference, the General Assembly adopted the Declaration on the Elimination of Violence against Women, which specifically refers to the risk of violence against minority groups, refugee women and migrant women. In 1994, the Commission on Human Rights appointed a Special Rapporteur on violence against women, its causes and consequences. The Special Rapporteur is mandated to seek and receive information on violence against women and recommend measures to eliminate gender-based violence.

The Beijing Platform for Action, which emerged from the 1995 World Conference on Women, not only called for the mainstreaming of gender analysis into all policies and programmes of the United Nations, but also recognized that some women face multiple forms of discrimination based on race, language, ethnicity, culture and/or

religion. The Beijing Platform for Action was reaffirmed and strengthened in the 'Outcome Document' of the 23rd special session of the General Assembly in June 2000 (Beijing +5), which made specific recommendations for the elimination of racially motivated violence against women.

Since the adoption of the Beijing Platform for Action, there has been an increasing awareness of the multiple forms of discrimination suffered by women, including discrimination on the grounds of gender and race. The Statute of the International Criminal Court specifically addresses gender-based crimes, as do the International Criminal Tribunals for the Former Yugoslavia and Rwanda. In 1998, the International Criminal Tribunal for Rwanda, recognizing the link between gender and race, held that genocide could be perpetrated through rape and sexual violence. In February 2001, the International Criminal Tribunal for the Former Yugoslavia, holding that rape and enslavement constituted crimes against humanity, convicted three Bosnian Serbs for the systematic rape and enslavement of Muslim women during the war. The UN Security Council adopted a resolution on special measures to be taken to protect women and girls from gender-based violence, in particular rape, in situations of armed conflict.

The Committee on the Elimination of Racial Discrimination has taken steps to address the gender dimensions of racial discrimination in its work. At its 55th session, the Committee adopted

an amendment to its reporting procedure requesting State Parties to provide information on the situation of women in the context of racial discrimination. At its following session in March 2000, the Committee adopted a general recommendation on the gender-related dimensions of racial discrimination. The recommendation not only emphasizes that racial discrimination does not always affect women and men in the same way, but it also recognizes the specific impact that some forms of racial discrimination can have on women. The Committee has agreed to consider gender issues linked to racial discrimination in its work.

Multiple forms of discrimination have been recognized and reported by other UN human rights mechanisms. In particular, the Special Rapporteur against racism and the Special Rapporteur on violence against women have considered the intersection of gender and racial discrimination in their reports on certain countries. The Special Representative on internally displaced persons, the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of expression have also noted multiple forms of discrimination against women. Moreover, the Committee on the Elimination of Discrimination against Women has begun to integrate race considerations into its review of State Parties' reports.

A number of seminars and meetings have also addressed the gender dimensions of racial discrimina-

tion. The Division for the Advancement of Women, for example, convened meetings on Refugee Women and Children in 1990 and on Gender-based Persecution in 1997. Gender and racial discrimination was the subject of an Expert Group Meeting convened by the Division for the Advancement of Women, in collaboration with the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Fund for Women in Zagreb, Croatia, in November 2000. At its 45th session in March 2001, the Commission on the Status of Women adopted agreed conclusions on gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance. This statement is significant because the Commission on the Status of Women is the first political body to make a pronouncement on the substantive agenda of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

In addition, the General Assembly, the Sub-Commission on the Promotion and Protection of Human Rights, the Economic and Social Council and the Commission on Human Rights have all called for a gender perspective to be integrated throughout the preparations for and in the outcome of the World Conference against Racism. Expert and regional seminars held in relation to the World Conference have also focused on the effects of racial discrimination on women.

National Efforts to Combat Gender and Racial Discrimination - Some examples

Individual States have taken steps to combat gender and racial discrimination:

- Over the past half-century, many States, particularly newly independent countries, have enacted constitutional guarantees of human rights. Some of these constitutions recognized, for the first time, either the rights of all persons and/or of certain racial, ethnic or religious groups, of indigenous peoples, and of women.
- Some countries have adopted legislation that addresses the needs and concerns of certain vulnerable groups, such as indigenous peoples, Roma, and racial or ethnic minority women, who often constitute a “doubly disadvantaged” group.
- There are few national laws, policies or programmes that specifically address the issue of equal rights for women who also suffer racial or ethnic discrimination, xenophobia or related intolerance. The same policies and programmes that cover women, in general, usually cover these women. In addition to its Office for Human Rights, the Government of Guatemala created an Ombudsman for Indigenous Women.
- The Technical Secretariat for Indigenous Affairs (SETAI) was created in Chile to promote, coordinate, direct, supervise and evaluate gender-sensitive policies, plans and programmes for the development of peasant and native communities, while respecting their ethnic and cultural identity and their organizations.
- Laws have been enacted to address incitement to racial hatred, discriminatory labour and consumer practices, discrimination against women, equality before tribunals, equality in housing, and laws against racist or hate organizations.

RECOMMENDATIONS FOR ACTION

Although advances have been made in addressing the intersection of gender and racial discrimination, a more structured approach is needed to eliminate the multiple forms of discrimination to which women may be subjected. Since a number of human rights instruments provide protection to victims of discrimination, in particular the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, there is no need for additional instruments. Instead, a methodology should be developed to identify the gender dimensions of racial discrimination, launch prevention activities and establish redress procedures.

The primary responsibility for the promotion and protection of human rights rests with States. Indeed, under the relevant human rights treaties, States Parties are required to enact legislation to address race and gender discrimination. The following recommendations which are taken from the outcomes of various regional and expert meetings, including the Zagreb Expert Group Meeting on Gender and Racial Discrimination, aim at improving the protection of marginalized women and are principally addressed to States. However, the international community also has a role to play. The United Nations and other international organizations should raise awareness of discrimination against women from racial-

ly disadvantaged groups and provide technical assistance to States in implementing policy changes to ensure that the human rights of all persons are protected.

States

Data/Information-gathering

For the development and evaluation of policies to combat gender and racial discrimination, States must collect, compile and disseminate data according to race and sex. Data is often collected only according to the racial characteristics of a population or only on the basis of gender, leaving racial discrimination against women undocumented. UN bodies and other relevant organizations could explicitly require disaggregated data from States so that such data is provided more systematically.

Information must be gathered on the intersection of race and gender, focusing on issues that specifically affect women of racially disadvantaged groups. To this end, sources of information and expertise should include UN treaty bodies and specialized agencies, and relevant inter-governmental and non-governmental organizations. Obstacles to collecting information, such as community pressure on women not to report their concerns and restrictions on women's access to public places, must be addressed.

States must take special steps to ensure the accurate and systematic documentation of citizens. Millions of women, children and men are undocumented. Every person should be registered and issued with legal identity documents to reduce the possibility of human rights abuses against him/her.

Integrating an Intersectional Analysis

Although there has been growing recognition of intersectional discrimination at the international level, such recognition has not been adequately reflected at the national level. The intersection of gender and race must be considered when drafting and revising national legislation and policies. States should integrate a gender perspective into all programmes of action and policies aimed at combating racism, racial discrimination, xenophobia and related intolerance. Similarly, race considerations must be taken into account when adopting measures to eliminate gender discrimination. States must, furthermore, review and repeal all policies and laws that could negatively affect women from racially disadvantaged groups, for example, those concerning citizenship, nationality, asylum and immigration.

The full and equal participation of women in decision-making and policy development must be encouraged. States should promote the advancement of women and adopt measures that enable women to play an active role in the design and implementation of policies and programmes that affect their lives.

Affirmative Action for Groups of Women

Special attention must be given to those groups affected by the intersection of gender and racial discrimination, including refugee women, migrant women, trafficked women, female domestic workers and other marginalized women, and practices to protect them must be adopted. Differences within these groups, such as those based on age or sexual preference, must also be addressed. States are urged to accede to or ratify all international agreements that call for the elimination of discrimination.

To improve the situation of women in the labour market, the International Labour Organization's conventions on equal treatment and non-discrimination in the field of labour standards and social security must be adopted by States and implemented. Domestic work should be included in States' formal labour laws so that domestic workers, who are mainly women, are accorded social security and other benefits that are available to other women, and so they are protected from abuse.

To limit human rights abuses, States must ensure that immigrant women, including illegal immigrants, are informed about their rights and can secure equal access to investigative and prosecutorial machinery against all types of discrimination, including intersectional discrimination based on gender and race. Immigrant women should have access to education, training and

income-generating activities. Policies and programmes, including quotas, that increase participation of immigrant women in decision-making, especially at the local level, should be developed. It is also essential that States ensure respect for the social and economic rights of female migrant-workers, including those working in the informal sector and domestic workers, on matters such as pay, annual and maternity leave, social security and protection. The ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families is particularly important.

Those who are responsible for trafficking should be brought to justice. States should seek to prosecute all offenders involved in trafficking, including intermediaries, and design effective measures to prevent trafficking and to protect and reintegrate trafficked women and ensure the protection of their human rights. Such measures should include eliminating negative stereotyping of marginalized women. This can be done by designing anti-trafficking campaigns, setting up special protection mechanisms, such as sheltered housing and special residence permits for women who want to escape from traffickers, and ensuring that social inclusion programmes and access to training and employment are available to women who have become victims of trafficking.

States must protect the human rights of refugees in camps and detention centres. In places where protection against rights violations may be

minimal, refugee women and girls are often targets of gender-based crimes such as rape, sexual assaults or other abuses. States must also strive to protect the rights of women refugees in all phases of their return and resettlement, and to ensure that internally displaced women are accorded the same protection and benefits as their male counterparts.

States should increase resources for the education and training of incarcerated women, including those from certain racial groups, and protect their fundamental rights, including reproductive rights, hygiene, access to legal advice and services, and the right to have children join them. Given the link between poverty and women from racially marginalized groups, policies should be designed and implemented that provide “safety net” benefits for poor and disadvantaged women.

Education and Training Programmes

People are not born racist. Racism and racial discrimination are learned; they originate in and develop out of ignorance. Human rights education is therefore essential in preventing the spread of racism and racial discrimination. Human rights education must be part of school curricula so people are taught the value of diversity and respect for difference at the earliest age.

With the aid of international and other relevant organizations, steps should be taken to provide education, training and skills-development to

women of racially disadvantaged groups. Educational institutions must be encouraged to adopt anti-racism and equal-opportunity policies that are regularly reviewed. Women from disadvantaged groups should be educated about their entitlement to rights and access to redress mechanisms.

To eliminate racist and sexist stereotypes and prejudices, human rights education must be incorporated into training for law enforcement officials, the media, health authorities, labour unions, immigration authorities, members of the armed forces, and teachers. Mass media and information campaigns should also be conducted to highlight the gender dimensions of racial discrimination and to promote ideas of gender equality and tolerance among people of different cultures.

Health Care Practices

Special attention must be given to the health needs and rights, including the right to sexual and reproductive health, of women belonging to vulnerable and disadvantaged groups, including migrant women, refugee and internally displaced women, women in prostitution, and indigenous women. States must design health policies and training programmes for health care officials that promote understanding and respect for different cultural backgrounds and personal experiences related to health, disease, sexuality, pregnancy and childbirth so racist stereotypes and prejudices can be eradicated.

States must also ensure that adequate protection and health services, including trauma treatment and counselling, are offered to women in especially difficult circumstances, such as those trapped in situations of armed conflict and those who are refugees. Consideration should also be given to harmful traditional practices, which may expose girls and women to the risk of contracting HIV/AIDS and other sexually transmitted diseases. Women in prostitution and trafficked women are particularly vulnerable to these diseases, as well. States must therefore ensure the right to sexual and reproductive health information, education and services for all women and girls, including those who are not legally resident in the country.

Remedies and Complaint Mechanisms

States should review national redress mechanisms to ensure that women can obtain protection from and remedies against discrimination based on race and sex. It is also essential that judicial and other remedies are widely publicized, transparent, accessible and not unduly complicated.

Training and awareness programmes to eradicate prejudices must also be offered to law enforcement officials, such as the police, the judiciary and prison personnel. These officials should receive training in international human rights standards and specific gender issues so that the rights of women from disadvantaged communities are recognized and protected.

The establishment of institutions and mechanisms that assist victims of gender and racial discrimination, such as non-governmental organizations and shelters, must be encouraged and supported. States should ensure adequate funding and resources for mechanisms that aid victims of gender and racial discrimination.

United Nations System

The United Nations should develop new methodologies, reporting procedures and evaluating tools to identify and address the effects of multiple forms of discrimination, including gender and racial discrimination. To this end, the United Nations must develop systems to collect data disaggregated by race and sex and conduct studies on how measures to eradicate gender and racial discrimination are reflected in national laws, policies, institutions and practices. Where necessary, the United Nations should provide technical assistance to States in implementing policy changes that will assist women who suffer racial discrimination.

The United Nations should also take a more integrated and holistic approach in addressing gender and racial discrimination. The United Nations must address the intersection of gender and race in the design and implementation of its social, economic and political policies and programmes.

The Office of the United Nations High Commissioner for Human Rights, in particular, should focus on

integrating an intersectional analysis of gender and racial discrimination into the work of all mechanisms of the human rights system, including treaty bodies, commissions and the activities of the thematic and country-specific Rapporteurs and working groups. Other bodies, such as the Commission on the Status of Women, could also incorporate an analysis of race and gender discrimination into its work.

Treaty bodies such as the Human Rights Committee, the Committee on Economic Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, and the Committee against Torture should call for an analysis of violations on the basis of gender and race. To this end, the treaty bodies could:

- Review their documents and practices and analyze patterns of human rights violations related to gender and racial discrimination. They should recommend the collection of data disaggregated by sex and race to determine the extent to which women are subjected to intersectional discrimination.
- Develop recommendations that address how women and girls experience discrimination based on racism and intolerance.
- Increase information-sharing and cross-referencing, and consider joint consultations and production of joint recommendations.

- Examine complaints submitted under international human rights treaties to ascertain the extent and scope of racial and gender discrimination and ensure that suggested remedies for violations integrate a race and gender perspective.

The Special Rapporteur on violence against women, its cause and consequences, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance should co-operate actively through joint missions and increased information-

sharing so that the gender dimensions of racial discrimination do not escape detection. Both Rapporteurs should produce specific reports on the intersection of gender and race.

To raise awareness of intersectional discrimination and to support the efforts of the treaty bodies, the United Nations should consider the appointment of a United Nations Special Rapporteur on Race and Gender to collect comprehensive data and information on intersectional discrimination against women.

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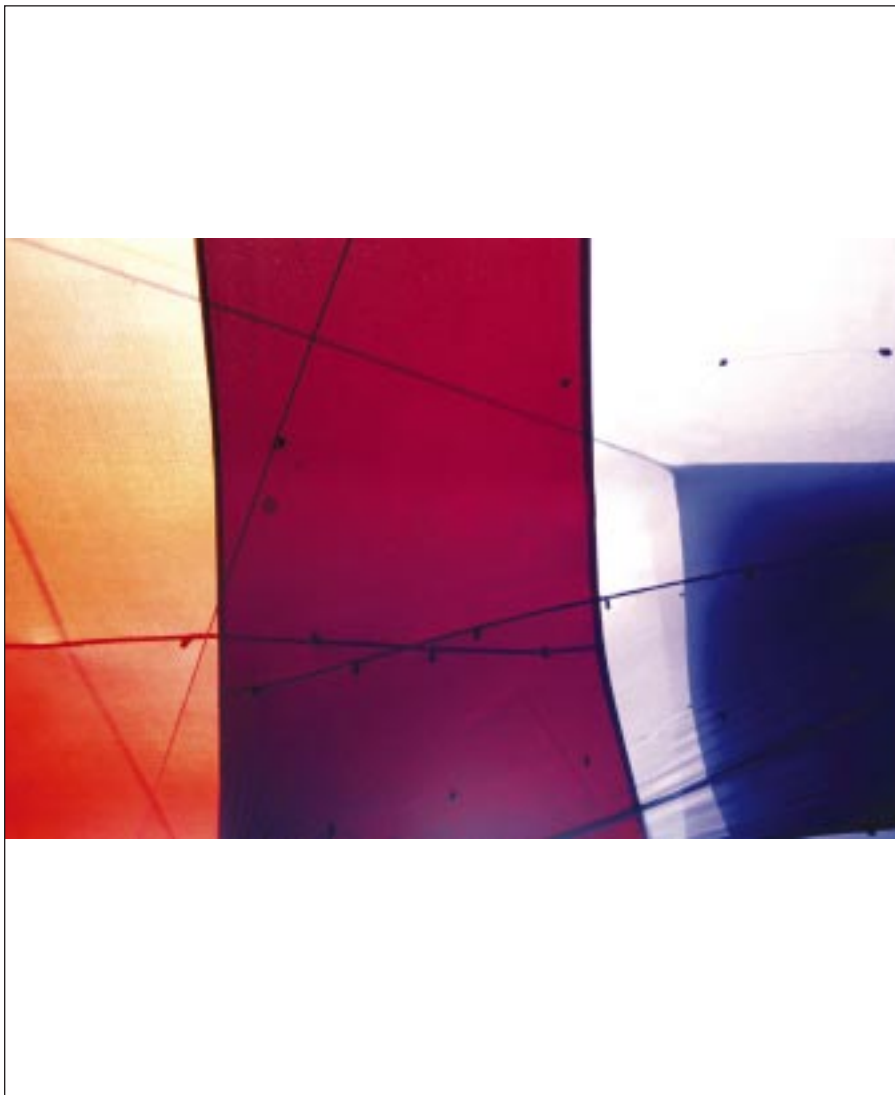
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