

**For the Attention of Rt. Hon Harriet Harman QC MP and  
Government Equalities Office – Submitted 19 February 2010**

**EHRC position on the proposed UN Gender Agency  
Negotiations CSW– New York, 1-12 March 2010**

The Equality and Human Rights Commission (EHRC) was pleased to attend the roundtable organised by GEO and DfiD on 10<sup>th</sup> February 2010 to explore options for creating a new UN Gender Agency. The Government has called for input from stakeholders in advance of the forthcoming negotiations taking place at the Commission for the Status of Women (CSW) in March. This paper presents EHRC's views about the potential role and functions of the Agency.

The EHRC welcomes the UK government's ongoing commitment to the establishment of a new UN gender architecture. In September 2009 the UN General Assembly endorsed the creation of a composite entity consolidating: the Office of the Special Adviser on Gender Issues and the Advancement of Women; the Division for the Advancement of Women; the United Nations Development Fund for Women and the United Nations International Research and Training Institute for the Advancement of Women. We support the General Assembly's resolution, and the commitment that the agency will be led by an Under-Secretary-General who will report directly to the UN Secretary-General.

The EHRC believes that the new gender agency could be an important tool to enhance the human rights of women and girls and to promote gender equality worldwide. The negotiations at the forthcoming CSW will be critical in enabling the agency to achieve these goals.

To this end the EHRC recommends that the government play a strong role in the negotiations to address the issues of:

1. Mandate
2. Leadership
3. Budget
4. Participation of NHRIs

## 1. Mandate:

The UN General Assembly has yet to define a clear mandate for the agency, the current vagueness about what the agency is being set up to do risks diluting its potential power.

**The EHRC believes the mandate should be informed by a human rights based approach** and should complement current instruments available for the advancement of women's rights, in particular CEDAW and the Beijing Platform for Action. A strong grounding in human rights presents the most effective conceptual basis for uniting the diverse identities and needs of the world's women. It will allow the agency to uphold the rights of women regardless of age, race, sexuality, disability, religion or belief and gender identity.

EHRC is sceptical about the possibility that the new agency will be named or perceived as a 'women's agency' rather than an agency whose purpose is to promote gender justice. The designation of a 'women's agency' risks problematising and essentialising women and implicitly may suggest that men are 'the norm' and therefore exempted from the mandate of the agency. Invoking gender equality and not just women's rights allows the agency to be more ambitious in addressing the causes and consequences of inequality. For instance, it brings issues like the cultivation of democratic and peaceful forms of masculine identity, and policies which enable men to participate fully in the 'private' sphere as well as empowering women in the 'public' sphere, within the agency's remit. This is why a clear sense of purpose, which encompasses female and male identities and relationships, is essential.

The agency's mandate needs to be clear that this is not a 'development' agency but rather operates across the full spectrum of the UN's powers and activities. The mandate needs to be broad enough to allow the agency to operate coherently and effectively across a range of issues: gender equality in employment and the economic sphere, development, education, socio-economic advancement, health, political representation, violence against women, sexual and reproductive rights, humanitarian action and peace and security.

The EHRC believes that the agency should have a strong leadership role, and the ability to hold UN agencies and member state governments accountable on their progress towards gender equality. It should have the power to set targets, distribute aid and expertise to help meet these targets, and to hold states and the UN system itself accountable. The agency should also consolidate current UN work on gender and ensure better coordination and mainstreaming of gender equality and human rights across the work of all the UN's institutions and agencies.

## **2. Leadership:**

The EHRC welcomes the commitment of the General Assembly to have the agency headed by an Under Secretary-General. This is important in ensuring that the agency has sufficient clout within the UN system and is not 'ghettoised' or undervalued. However the choice of candidate for this post is as critical to the entity's success as is their seniority within the UN system. We would like to see a transparent and merit based appointments procedure and guarantees of the candidate's independence. We support the UK government's preference that the agency is headed by a strong female candidate from the global south, supported by a diverse high level management board.

## **3. Budget Concerns:**

Expectations on the new agency will be high and generous start up funding is essential if it is to get off on the right foot. The global economic downturn and the increasing demands for funding from other UN organs have created a challenging climate for the inception of a new agency. The EHRC hopes that the UK government will demonstrate its commitment to the aims and values of a UN gender agency through its funding for the agency as well as its very welcome vocal support and diplomacy.

## **4. Participation of NHRIs:**

The role of NHRIs and civil society organisations in informing and supporting the work of the agency should be clearly stated and defined. To date NHRIs have not been recognised as independent and distinct from both government and civil society by the CSW, as they are by other UN organs like the Human Rights Council, the Treaty Bodies and the UN General Assembly (which grant NHRIs designated registration, seating and speaking arrangements). We draw the government's attention to the Asia-Pacific Region's advocacy on the value of NHRI contributions to UN gender institutions and decision making (position paper forwarded to GEO). NHRIs should be granted independent accredited status and a strong advisory role to the new agency.