**INTRODUCTION**

The advocacy strategy proposed will target and influence the policy makers and regulators (rather than practitioners and public opinion) in order to inspire, in the long run, more conducive legislation, regulations and policies to further the recognition, promotion and protection of girls and women’s health and human rights globally and at country level.

It focuses on the international human rights mechanisms available today in the United Nations human rights system, in particular some selected Treaty Bodies and Special Procedures, as well as the Universal Periodic Review (UPR) of the Human Rights Council. These three mechanisms complement each other and represent instruments of participation and influence, aimed at stimulating the adoption and implementation of decisions at national level. Such instruments can be effectively reinforced by the intellectual capital of a global player as the FIGO Committee for women’s health and human rights.

In order to develop such an advocacy strategy, a preliminary survey over the current human rights protection (with special reference to women’s health) in the countries where FIGO members are based is required.

This document offers an overview of the relevant human rights mechanisms and identifying the relevant documents to be considered, as well as the geographical scope of the survey. It also provides indications on procedure and methodology.

**HUMAN RIGHTS MECHANISMS: MAPPING THE TREATY BODIES, SPECIAL PROCEDURES AND UPR AT COUNTRY LEVEL**

**Treaty Bodies**

The Treaty Bodies are independent monitoring bodies established by fundamental human rights treaties to assess the implementation of specific human rights by individual countries.

The Treaty Bodies perform a number of functions in accordance with the provisions of the treaties that established them; in particular they consider State parties’ periodic reports and in certain cases individual complaints, conduct country inquiries and adopt [general comments](http://www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx) interpreting treaty provisions.

The relevant Treaty Bodies for the survey are:

* the Human Rights Committee (CCPR) monitoring the implementation of the International Covenant on Civil and Political Rights (1966) and its optional protocols;
* the Committee on Economic, Social and Cultural Rights (CESCR) monitoring implementation of the International Covenant on Economic, Social and Cultural Rights (1966);
* the Committee on the Elimination of Racial Discrimination (CERD) monitoring implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965);
* the Committee on the Elimination of Discrimination against Women (CEDAW) monitoring implementation of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (1999);
* the Committee against Torture (CAT) monitoring implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984);
* the Committee on the Rights of the Child (CRC) monitoring implementation of the Convention on the Rights of the Child (1989) and its optional protocols (2000);
* the Committee on Migrant Workers (CMW) monitoring implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
* the Committee on the Rights of Persons with Disabilities (CRPD) monitoring implementation of the International Convention on the Rights of Persons with Disabilities (2006).

*Documents to be considered for the survey are:*

1. *concluding observations;*
2. *views adopted with reference to individual complaints (where applicable) [[1]](#footnote-1).*

**Special Procedures**

The Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

To our aim, special attention deserves the activity of:

* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
* the Special Rapporteur on violence against women, its causes and consequences;
* the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

*Documents to be considered for the survey are reports and recommendations adopted at country level for countries visited and thematic reports.*

*See (in particular to identify key words and main issues): the Report by the Special Rapporteur Paul Hunt ‘on sexual and reproductive health’ of 16 February 2004 (E/CN.4/2004/49) and the Report by the Special Rapporteur A. Grover on ‘the interaction between criminal laws and other legal restrictions relating to sexual and reproductive health’ of 3 august 2011 (A/66/254).*

**Universal Periodic Review**

The UPR is a universal periodic peer review on the country human rights situation (SuR- State under Review) by all other Recommending States. It is thus a State-driven process, under the auspices of the Human Rights Council. It periodically examines the human rights performance of all 193 UN Member States. It addresses all countries and all human rights.

Country reviews are based on three documents:

* the *national report* prepared by the State under review;
* the *compilation* of UN information (including Special Procedures reports, human rights treaty body reports, and other relevant UN documentation) prepared by OHCHR;
* the *summary* of information received from stakeholders (including NHRIs, NGOs, and other civil society actors) also prepared by the OHCHR.

While the first UN-UPR operated on a four-year cycle, the second and current cycle has been extended to four and a half years. Forty-two States are reviewed each year during three sessions of the HRC’s Working Group on the UPR, with 14 States reviewed at each session.

*The relevant documents for the survey are: compilations and summaries for the second UPR cycle.*

**GEOGRAPHICAL SCOPE**

The International Federation of Gynecology and Obstetrics brings together 130 professional societies on a global basis.

One of them - the *Kosovo Obstetrics Gynaecology Association KOGA* (*Shoqata e Obstetërve dhe Gjinekologëve te Kosovës*) is based on a territory which maintain a controversial status under international law. As such, Kosovo is not included in the UPR, nor in the TBs’ procedures.

At the same time, two FIGO members refer to more than one State: in particular, the *Societe de Gynecologie et d’Obstetrique du Benin et du Togo CUGO-CNHU* collects professionals form both Benin and Togo, while the *Association Gynecologists Obstetricians Serbia, Montenegro Republic Srpska UGOSCGRS* gathers obstetricians and gynecologists from Serbia, Montenegro and Bosnia (even if only from Republica Serbska).

As a result, the mapping of Treaty Bodies (TBs), Special Procedures and UPR reporting status will be focused on the following 132 States, within the five continents:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Africa** | **America** | **Asia** | **Europe** | **Oceania** |
| AlgeriaBenin Burkina FasoCameroonCote d’IvoireEgyptEritreaEthiopiaGabonGhanaGuineaKenyaLibyaMalawiMaliMoroccoMozambiqueNigerNigeriaRwandaSenegalSierra LeoneSouth AfricaSudanTanzaniaTogoTunisiaUgandaZambiaZimbabwe | ArgentinaBoliviaBrazilCanadaChileColombiaCosta RicaCubaDominican RepublicEcuadorEl SalvadorGuatemalaHaitiHondurasJamaicaMexicoNicaraguaPanamaParaguayPeruUruguayUSAVenezuela | AfghanistanArmeniaAzerbaijanBangladeshCambodiaChinaHong KongIndiaIndonesiaIranIraqIsraelJapanJordanKuwaitKyrgyzstanLebanonMacau MalesiaMongoliaMyanmarNepalPakistanPhilippineSaudi ArabiaSingaporeSouth KoreaSri LankaSyriaState of PalestineTaiwanThailandUnitedArab EmiratesUzbekistanVietnam | AlbaniaAustriaBelgiumBosnia(Rep. Serbska)BulgariaCroatiaCyprusCzech RepublicDenmarkEstoniaFinlandFranceFYROMGeorgiaGermanyGreeceHungaryIrelandIslandItalyLithuaniaLuxemburgMaltaMoldovaMontenegroNetherlandsNorwayPolandPortugalRomaniaRussiaSerbia SlovakiaSloveniaSpainSwedenSwitzerlandTurkeyUkraineUnited Kingdom | FijiNew ZealandPapua Nuova Guinea |

**PROCEDURE & METHODOLOGY**

The survey activity will be developed in two phases.

***Phase I - Screening of the relevant documents***

Documents:

1. UPR compilations
2. UPR summaries
3. TBs concluding observations
4. TBs views on individual complaints (where applicable)
5. Special Procedures recommendations to countries visited

Aims:

1. Identifying 5/6 main issues under the general subject of ‘women’s health and human rights’
2. Provide a quantitative assessments (at a country level and /or at a regional level)
3. Propose a priority rank for these issues for a possible advocacy activity according to Edward McMahon scale

Tools & Procedure:

The survey will proceed starting from the analysis of the second cycle UPR Compilations and Summaries. Results achieved will be then confirmed and integrated through the analysis of the TBs’ concluding observations and special procedures. As an additional step individual complaints might be screened.

***UPR -*** Website: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

1. Select the relevant country
2. Download second Cycle Compilations and Summaries (2 documents each State)
3. Use keywords to screen the document[[2]](#footnote-2)
4. Register and catalogue the document according to the framework provided.

***TBs’ concluding observations -*** Website: (universal human rights index): <http://uhri.ohchr.org/>

1. Access to the option ‘annotation search’ or ‘document search’
2. Use keywords - State - treaty body to find the relevant documents/annotation
3. Use keywords to screen the document
4. Register and catalogue the document according to the framework provided.

***Special Procedures*[[3]](#footnote-3) *-*** Website: (universal human rights index): <http://uhri.ohchr.org/>

1. Access to the option ‘annotation search’ or ‘document search’
2. Use keywords – State or region – special procedures to find the relevant documents/annotation
3. Use keywords to screen the document
4. Register and catalogue the document according to the framework provided.

***TBs individual complaints -*** Website: (OHCHR jurisprudence database): <http://juris.ohchr.org/>

1. Use keywords, region, treaty body and type of decision (only adoption of views) to find the relevant documents/annotation
2. Use keywords to screen the document
3. Register and catalogue the document according to the framework provided.

***Phase II - Data assessment***

Aims:

1. Assess the different weight of recommendations coming from TBs, Special Representatives, UN agencies, and stakeholders
2. Identify for each country up to three priorities (i.e. critical issues) among the issues for advocacy

Tools & Procedure:

Apply the Mc Mahon scale[[4]](#footnote-4) to each recommendation underlined.

The scale goes from category 1 (including recommendations requiring the least cost and effort to the State, easiest to be accepted) to category 4 (including recommendations representing the greatest potential cost, when specific and tangible actions are being requested).

|  |  |  |
| --- | --- | --- |
| **Category** | **Recommendation’s contents** | **Examples** |
| Category 1 | Recommendations emphasizing continuity in actions and/or policies (other verbs in this category include continue, persevere, maintain) | *- Continue its efforts to develop the work of its national institution for human rights, as an effective human rights watchdog (Egypt to Bangladesh, Session 4).* *- Continue the efforts to combat trafficking in persons with a special emphasis on women and children (Canada to Japan, Session 2).*  |
| Category 2 | Recommendations to consider change (consider, reflect upon, review, envision) | *- Consider subsequent measures towards the complete abolition of the death penalty (Switzerland to Cuba, Session 1).* *- Consider becoming party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Azerbaijan to Mauritius, Session 4).*  |
| Category 3 | Recommendations of action that contains a general element (take measures or steps towards, encourage, promote, intensify, accelerate, engage with, respect, enhance) | *- Further improve the professionalism of the police force (Netherlands to Barbados, Session 3).* *- Take the necessary steps to reduce discriminatory practices and violence against women (France to Mali, Session 2).*  |
| Category 4 | Recommendations of specific action (undertake, adopt, ratify, establish, implement, recognize –in international legal sense).  | *- Abolish the death penalty (Chile to Burkina Faso, Session 3).* *- Adopt legislative measures to outlaw domestic violence if it has not done so already (South* *Africa to Russian Federation, Session 4).* |

1. Among the relevant TBs, the following can receive petitions form individuals: CCPR, CERD, CAT, CEDAW and CRPD. [↑](#footnote-ref-1)
2. **Key words need to be defined and updated during the process. A first tentative list includes: WOMEN, GIRLS, ADOLESCENT, HEALTH, REPRODUCT\* (stays for reproductive, reproduction…), ABORTION, CONTRACEPTION, HIV, (MARITAL) RAPE, VIOLENCE, STERILIZATION, FEMALE GENITAL MUTILATION/CUTTING, SYMPHYSIOTOMY, CHILDBIRTH, MATERNAL HEALTH/MORBIDITY/MORTALITY.** [↑](#footnote-ref-2)
3. Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on violence against women, its causes and consequences; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. [↑](#footnote-ref-3)
4. Mc Mahon elaborated the scale in 2010 in his contribution ‘*Herding Cats and Sheep: Assessing State and Regional Behavior in the Universal Periodic Review Mechanism of the United Nations Human Rights Council*’. The scale has been modified according to the specific aims of the present survey. [↑](#footnote-ref-4)