

Working Paper N°2

# **THE UNEQUAL PARTICIPATION OF WOMEN IN INTERNATIONAL ORGANIZATIONS. ARE STATES ACCOUNTABLE?**

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**Centro de Derechos Humanos**  
DERECHO - UBA



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## ACKNOWLEDGMENTS

In light of the research that has been under development for the GQUAL campaign ("Campaign for gender parity in international representation"), we are presenting this report to illustrate the results of the first stage of the analysis performed by the Centre for Human Rights (CDH) at the Buenos Aires University School of Law.

The team was integrated by the lawyers Sabrina Frydman, Mariana Kohan, Jimena Posleman, María De los Ángeles Ramallo, Federico Vicente Herrero y Mauro Penna, as well as the Law students Lucía Belén Araque, Ágatha Ciancaglini, Agostina Daniela González. The team has been managed by Liliana Ronconi, Coordinator of the Research Department at CDH. María Noel Leoni, Senior Lawyer, CEJIL (Centre for Justice and International Law) and Viviana Kristicevic, Executive Director of CEJIL, have all contributed by means of orientation and suggestions to the development of this report. Alexandra McAnarney, Communication Official from CEJIL, Ágatha Ciancaglini from CDH, as well as the Communication Office from UBA's School of Law contributed to the editing of this report. Jimena López and Verónica Tupa, Translators, translated this report into English, under the supervision of the Translator Gabriela Garrido, Professor of Traducción IV, Buenos Aires University, Law School.

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The CDH is willing to deepen and contribute to the "Education of Human Rights" (EdDH), in addition to debating about the challenges presented by the education of Human Rights nowadays, particularly in faculties of Law and generally in the training of legal professionals. To meet this goal, the proposal is: to build and secure a space of reference, understanding and participation that welcomes, encourages and guides the University students who are interested in pursuing a career in the field of Human Rights; to incorporate and invigorate work spaces of Human Rights, as well as to encourage research in this field; to strengthen the relationships between the Faculty, other faculties, and entities from both the State and the civil society that are dedicated to the defense of Human Rights; and to increase participation within the Faculty in relevant topics of public discussion with the purpose of gaining visibility and clarifying certain issues of relevance involving human rights.

## INTRODUCTION

In light of the research that has been under development for the GQUAL campaign ("Campaign for gender parity in international representation"), we are presenting this second report regarding the State's responsibility when nominating or appointing members to hold a position within international organizations.

The study sought to investigate the states' role when nominating candidates to occupy positions in international tribunals and bodies. In a previous report<sup>1</sup>, it was shown that the effective participation of women in those bodies is considerably lower than that of men and that, even though it has increased over the last 16 years, this increase was minor and is far from gender parity. Our hypothesis is that *the states are responsible for the small increase in women participation in international tribunals and bodies by nominating more men than women over the last 16 years.*

In order to accomplish the objective of this study, we have analyzed the nominations made by Argentina, Chile, and Uruguay for positions in international tribunals and bodies surveyed by GQUAL<sup>2</sup>. This analysis allows us to assert that the lack of effective participation of women in international bodies and tribunals has a strong link with the nominations of candidates made by the states. In this sense, the few nominations of women in comparison with those of men would be reflected later in the effective holding of positions. However, this situation could not be such when it comes to certain positions in bodies traditionally associated with gender stereotypes (maternity, caregiving tasks), such as the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child (CRC) and the Committee on the Rights of Persons with Disabilities (CRPD).

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<sup>1</sup> "THE REPRESENTATION OF WOMEN IN THE INTERNATIONAL JUSTICE SYSTEM", report made by the Human Rights Center, available at [http://www.derecho.uba.ar/institucional/centro-derechos-humanos/pdf/2017\\_en-informe1-gqual.pdf](http://www.derecho.uba.ar/institucional/centro-derechos-humanos/pdf/2017_en-informe1-gqual.pdf)

<sup>2</sup> List available here: <http://www.gqualcampaign.org/1626-2/>

**Main Objective:** To know the nominations for positions in international tribunals and bodies of the GQUAL Campaign promoted by a group of States of America over the last 16 years, identifying trends and practices as regards the gender of candidates.

**Specific Objective:** To analyze the nominations made by Argentina, Chile, and Uruguay from 2000 to 2016 for the international tribunals and bodies to which these countries can nominate candidates.<sup>3</sup>

## **I. Methodology**

We have decided to focus on the role of the states when nominating candidates instead of the role of other bodies as non-governmental organizations or international bodies, since, firstly, all of the analyzed international tribunals and bodies, except for the Special Procedures of the United Nations Human Rights Council (UN), provide a nomination mechanism through the states. This is the only case where self-nomination is allowed. Secondly, the Declaration of the GQUAL Campaign provides that “member states are responsible for nominating and electing candidates for these positions. These same states are responsible for respecting the principle of non-discrimination”<sup>4</sup>. Therefore, we have agreed to consider that even in those cases in which the others bodies may have influence over nominations, the states are not relieved of their responsibility to promote equality and non-discrimination.<sup>5</sup> Besides, since the states do not have transparent and regulated procedures for the nomination of candidates to international tribunals and bodies, the influence organizations may have is lesser.

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<sup>3</sup> Initially, as a starting point, we selected these 3 countries. The Human Rights Center places at the disposal of other universities and/or bodies interested in doing a similar research, all the resources used in the course of this study, so it will be continued in the future regarding other countries.

<sup>4</sup> GQUAL Declaration available at [http://www.gqualcampaign.org/wp-content/uploads/2015/09/TEMP.pdf]. The translation belongs to us.

<sup>5</sup> This is a general duty that stems from different human rights instruments that guarantee equality. In addition, through the GQUAL Campaign work is done concretely on the duty of the States on the election and nomination process of people to occupy positions in international bodies. More information at: [www.gqualcampaign.org](http://www.gqualcampaign.org)

As regards the selected period of time, we have taken into account the period 2000-2016, in order to know whether the participation of women in international bodies and tribunals has changed over the last 16 years.

In our analysis, we extract the following relevant data: gender of the candidate, body to which the person was nominated, and whether the person was elected or not. In the case of the UN Special Procedures, we have also taken into account who promoted the nomination (whether the person was self-nominated or not).

The search was mainly made through the websites of each body.

## **II. Missing data**

Until now we have not found data about the nominations to the Committee on Economic, Social and Cultural Rights since it is not available at the Committee's website and we could not obtain them from any other source.

Moreover, in relation to the Special Procedures of the United Nations Human Rights Council, we could not gather data prior to 2008, or data on the nomination procedure between 2008 and 2011.

## **RESULTS**

The results of this study after conducting the surveys are described below by body or tribunal monitored.

### **I. The status of nominations in the case of Regional Tribunals. Inter-American Court of Human Rights and Inter-American Commission on Human Rights**

#### **Inter-American Court of Human Rights**

The Inter-American Court of Human Rights (I/A Court) is composed of 7 judges, who are elected for a term of 6 years and may be re-elected only once. For its composition, each member state of the Organization of American States (OAS) may propose up to 3 candidates who are elected by

secret ballot at the OAS General Assembly, and by an absolute majority of the votes of the States Parties. Nominations by regional groups working in the human rights system or international bodies, non-governmental organizations, human rights bodies, or self-nominations are not allowed. The American Convention on Human Rights (ACHR) does not include a gender parity mandate at the time of nominations and subsequent elections. Article 52 of the ACHR merely states that members of the Court must be “jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the State of which they are nationals or of the State that proposes them as candidates.”

#### *I. A. Nominations of Argentina to the I/A Court*

During the period under review, there were 6 elections (2000, 2003, 2006, 2009, 2012, and 2015). Argentina nominated candidates on 2 occasions. However, Argentina was able to nominate candidates on 4 occasions since only in 2 periods (2009 and 2012) it was prevented from nominating by application of article 52, subsection 2 of the ACHR.

On both occasions in which Argentina nominated nationals, only men were nominated. Both of them were elected.

#### *B. Nominations of Chile*

Out of the 6 elections, Chile nominated candidates on 3 occasions (2000, 2006 and 2012), but on the other 3, the country was prevented from nominating.

Chile nominated a total of 3 nationals, 2 men and 1 woman. Accordingly, women's representation accounts for 33.33%. Both men and the woman were elected.

#### *C. Nominations of Uruguay*

Uruguay nominated candidates on 2 occasions, being able, however, to make nominations on 5. Only in 1 period (2012), Uruguay was prevented from nominating candidates.

On both occasions, Uruguay nominated men, one was elected and the other was not.

II. *Conclusions on the nominations of Argentina, Chile and Uruguay to the I/A Court.*

During the period under review, the 3 countries made 7 nominations in total, 6 were men and 1 was a woman. Thus, women's representation accounts for 14.28%.

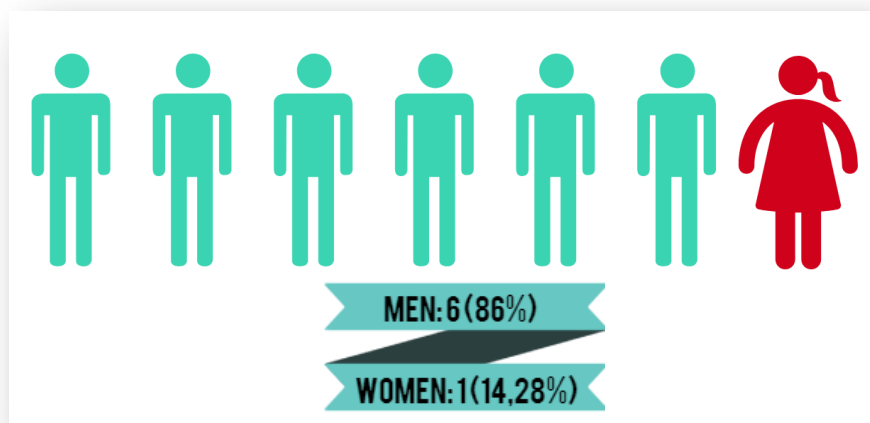


Image 1: Nominations of Argentina, Chile and Uruguay to the I/A Court

Furthermore, 6 out of 7 candidates were elected, 5 were men and 1 was a woman.

**Inter-American Commission on Human Rights**

The Inter-American Commission on Human Rights (IACHR) is composed of 7 members elected for a term of 4 years and may be re-elected only once. For that purpose, member states may propose up to 3 candidates, and the members of the Commission are elected by secret ballot at the OAS General Assembly. As in the case of the I/A Court, in the Commission there is no gender parity mandate. Article 34 of the ACHR merely states that the members of the Commission must be “persons of high moral character and recognized competence in the field of human rights.”



### *I. A. Nominations of Argentina to the IACHR*

During the period under review, there were 9 elections (2001, 2003, 2005, 2007, 2008, 2009, 2011, 2013, and 2015). Argentina nominated candidates on 3 occasions (2003, 2005, and 2009) out of 6 elections since it was prevented from making nominations in the other 3 periods (2001, 2007, and 2008).

On the 3 occasions, Argentina nominated 3 men. Only 1 candidate was elected, the other 2 were not.

### *B. Nominations of Chile*

Chile nominated candidates on 3 occasions (2001, 2007, and 2011) out of 9 elections, being able, however, to make nominations on 5 occasions, since it was prevented from doing so in the other 4 periods (2003, 2008, 2009, and 2015).

On the 3 occasions, Chile nominated 3 men. The 3 were elected.

### *C. Nominations of Uruguay*

Uruguay nominated candidates on 2 occasions (2005 and 2007) out of 9 elections.

On both occasions, Uruguay nominated 2 men; neither of them was elected.

## *II. Conclusions on the nominations of Argentina, Chile and Uruguay to the IACHR*

During the period under review, the 3 countries made 8 nominations in total, all were men and 4 were elected.



*Image 2: Nominations of Argentina, Chile and Uruguay to the IACHR*

If we consider together the data gathered from the I/A Court and the IACHR, the results show that out of a total of 15 nominations (100%) made by the 3 member states, 14 (93.3%) were men and only 1 (6.6%) was a woman.



*Image 3: Nominations of Argentina, Chile and Uruguay to the I/A Court and the IACHR*

Argentina and Uruguay did not nominate women to occupy positions in any case (0%). Chile nominated a woman only once (16.67%) out of 6 nominations (100%).

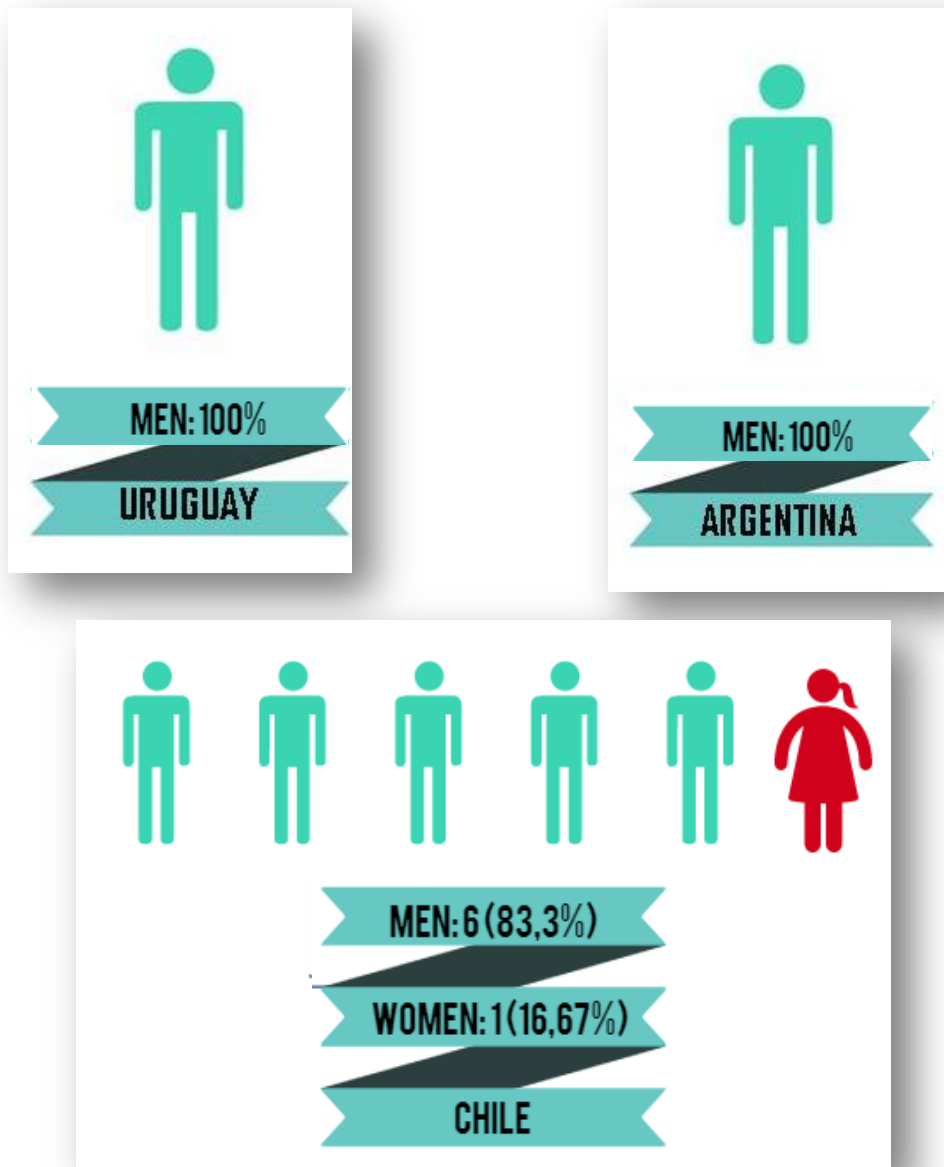


Image 4: Nominations of each country to the I/A Court and the IACHR

Out of a total of 15 nominations (100%) of the 3 member states reviewed in the research for the I/A Court and the IACHR, 10 candidates (66.67%) were elected, and among them there was only 1 woman (women's representation accounts for 10%). The remaining 5 candidates (33.33%) were not elected.

Furthermore, the 3 countries reviewed in this study failed, on several

occasions, to nominate candidates within the concerned election periods even though they were entitled to do so.

## **II. The status of nominations in three international tribunals.**

### **International Court of Justice**

The International Court of Justice (ICJ) is composed of 15 independent judges, who are elected for a term of office of 9 years, and are eligible for re-election. The members of the ICJ are elected by the General Assembly and the Security Council of the United Nations from a list of persons nominated by the "national groups" in the Permanent Court of Arbitration. National groups are composed of 4 jurists designated by each state and who can be called upon to serve as members of an arbitral tribunal. No group may nominate more than 4 persons, not more than 2 of whom may be of their own nationality. The Statute of the ICJ does not provide for the possibility of self-nomination or direct nomination by the states. For this reason, we consider that states make nominations in an "indirect" way.

On this basis, we first consider it appropriate to inquire about the composition of national groups within the 16 years reviewed in the research. Within the period 1995-2004, the national groups from Argentina and Chile were composed entirely of men. Since then, the national groups were composed of 3 men and 1 woman. In the case of Uruguay, the positions were always occupied by men.

Furthermore, as regards the election of judges, the Statute of the ICJ again fails to include a gender parity mandate. The Statute merely requires certain personal qualifications and establishes that the body of judges must reflect an equitable geographical distribution, representing the principal legal systems of the world.

#### *I. A. Nominations of Argentina to the ICJ*

During the period under review, there were 8 elections (2001, 2002, 2005, 2008, 2010, 2011, 2012, and 2014). Argentina nominated candidates on 4 occasions, running a total of 10 nationals: 9 were men and 1 was a woman. Accordingly, men's representation accounts for 90% of the total candidates.



*Image 5: Nominations of Argentina to the ICJ*

However, the nomination of the only woman was withdrawn before the election period. The other 9 men were elected.

#### *B. Nominations of Chile to the ICJ*

Chile nominated candidates on 3 times, running a total of 9 nationals, 7 were men and 2 were women. Women's representation accounts for 22% of the total candidates.



Image 6: Nominations of Chile to the ICJ

8 candidates out of 9 nominations were elected, 7 were men and 1 was a woman. The only woman nominee was not elected.

#### C. Nominations of Uruguay to the ICJ

Uruguay nominated candidates on 2 occasions, a total of 7 nationals, all of them were men.



Image 7: Nominations of Chile to the ICJ

Out of all nominees, 6 were elected.

## II. *Conclusions on the nominations of Argentina, Chile and Uruguay to the ICJ*

During the period under review, the 3 countries made a total of 26 nominations: 23 of them were men and 3 were women. Women's representation accounts for 12%.



Image 8: *Nominations of Argentina, Chile and Uruguay to the ICJ*

Furthermore, 23 out of the 26 candidates were elected, 22 were men and 1 was a woman. Accordingly, 2 of the 3 women were not elected.

### **International Criminal Court**

The International Criminal Court (ICC) is composed of 18 judges, who hold office for a term of 9 years and are not eligible for re-election. For the

election process, each State party nominates 1 candidate, whether of their own nationality or other of any other State party –by direct nomination– made by the procedure for the nomination of candidates for appointment to the highest judicial positions, or –by indirect nomination– made by the procedure established in the Statute of the ICJ for the nomination of candidates for appointment to the Court. Self-nomination is not provided for.

The Rome Statute of the ICC provides that the judges must have legal expertise in criminal and international law. The treaty further states that there must be a representation of the principal legal systems of the world, equitable geographic representation, and a fair representation of men and women. The Rome Statute also states that judges must have legal expertise on specific issues, including, among others, violence against women or children.<sup>6</sup>

The judges are elected by secret ballot at a meeting of the Assembly of States Parties. Each State party must vote for at least 9 judges from list A (competence in criminal law) and 5 judges from list B (competence in international law). Each State party must also vote for at least 3 judges from the regional groups of Western Europe, Africa, Eastern Europe, Latin America and the Caribbean, and 2 judges of Asia. And they must vote for at least 6 judges of each gender. However, if the number of candidates of one gender is 10 or less, the minimum voting requirement for that gender must be adjusted in accordance with the following formula: 10-6, 9-6, 8-5, 7-5, 6-4, 5-3, 4-2, 3-1, 2-1, 1-0. Each minimum voting requirement must be adjusted until that requirement can no longer be met, whereupon the use of that requirement must be discontinued. The minimum voting requirement regarding lists A and B must be applied until they are fulfilled even though the minimum voting requirement has been met individually, but not jointly (whereupon the other voting requirements must be discontinued) or even following 4 ballots (whereupon the other voting requirements must be

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<sup>6</sup> Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998 in Rome, Italy, Article 36, 8 b).



discontinued as well).

Hence, we have 2 issues arising from both the nomination and election processes proposed for the ICC. In addition to the criteria of legal expertise of candidates on specific issues, and equitable geographical representation within the membership of the Court together with representation of the principal legal systems of the world, the Statute further adds the criterion of balanced gender representation. That is to say, in nominating –either directly or indirectly– and selecting candidates for the position of judges of the ICC, voters should not leave aside the gender parity criterion. Thus, there is in the ICC nomination process for appointment to the positions a basic guarantee of gender parity to promote equal representation among women and men, even when the criterion is discontinued after following four ballots.

#### *I. A. Nominations of Argentina to the ICC*

During the period under review, there were 8 elections in (2003, 2006, 2007, 2009, 2011, 2013, 2014, and 2015). Argentina nominated candidates on 2 occasions, 1 man and 1 woman.

1 of the 2 candidates was elected. This candidate was a woman.

#### *B. Nominations of Chile to the ICC*

Chile nominated candidates only on one occasion, a woman. She was not elected.

#### *C. Nominations of Uruguay to the ICC*

Uruguay nominated candidates only on one occasion, a man. However, the candidate was withdrawn, and thus not elected.

### *II. Conclusions on the nominations of Argentina, Chile and Uruguay to the ICC*

During the period under review, the 3 countries made 4 nominations in total, 2 men and 2 women. Women's participation accounts for 50%.

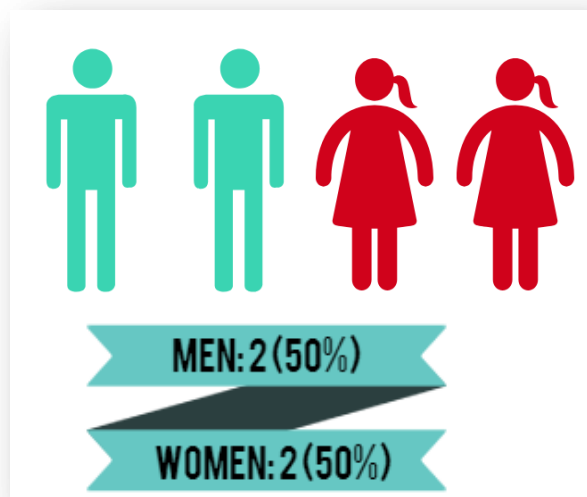


Image 9: Nominations of Argentina, Chile and Uruguay to the ICC

These percentages seem to have *prima facie* direct relation to the requirement of fair representation of gender provided for by the Statute of Rome.

During the election, only 1 out of the 4 candidates was elected. The candidate elected was the woman.

### **International Tribunal for the Law of the Sea**

The International Tribunal for the Law of the Sea (ITLOS) is composed of 21 members, who are elected for a term of office of 9 years and may be re-elected. The Statute of the ITLOS provides that each State party to the United Nations Convention on the Law of the Sea may nominate not more than 2 persons. However, self-nomination is not provided for in the Statute.

States parties to the Convention may elect the members of the Tribunal. Article 2 of the Statute states that the members of the Tribunal must be “persons enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea”. It further states that the Tribunal must assure “the representation of the principal legal systems of the world and equitable geographical distribution.” Article 3 of the Statute provides that “no two members of the Tribunal may be nationals of the same

State.” It further states that there must be “no fewer than three members from each geographical group as established by United Nations General Assembly.” As in the case of the ICJ, both the nomination and subsequent election of candidates lack gender parity criteria (there is no requirement of fair representation or parity of men and women).

#### *I. A. Nominations of Argentina to the ITLOS*

During the period under review, there were 9 elections. Argentina nominated candidates on 2 occasions: 1 man and 1 woman. Both were elected.

#### *B. Nominations of Chile to the ITLOS*

Chile nominated candidates on 1 occasion out of 9 elections: 1 woman, who was not elected.

#### *C. Nominations of Uruguay to the ITLOS*

Uruguay did not nominate candidates on any occasion.

### *II. Conclusions on the nominations of Argentina, Chile and Uruguay to the ITLOS*

During the period under review, the 3 countries made 3 nominations in total, 2 were women, and 1 was a man. Women's representation in this case accounts for 66.66%.



*Image 10: Nominations of Argentina, Chile and Uruguay to the ITLOS*

Furthermore, 2 out of the 3 candidates were elected, 1 man and 1 woman. Women's representation in relation to the total elected persons accounts for 50%.

### **III. The status of nominations in UN -Human Rights Treaty Bodies**

In the case of UN -Human Rights Treaty Bodies, all the member states of the corresponding Conventions can nominate candidates in the election periods which take place every two years. Self-nominations are not provided for. Only the Human Rights Committee and the Subcommittee on Prevention of Torture allow nomination of 2 candidates; the remaining committees only allow 1 nomination. However, the states reviewed never nominated more than 1 candidate for each election period.

Among all committees, those which have mandate to promote gender equality in their constituent instruments are:

- Subcommittee on Prevention of Torture<sup>7</sup>,

<sup>7</sup> Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, article 5.4.

- Committee on Enforced Disappearances<sup>8</sup>, and
- Committee on the Rights of Persons with Disabilities<sup>9</sup>.

However, the UN General Assembly adopted Resolution 68/268 “Strengthening and enhancing the effective functioning of the human rights treaty body system”, by which it specifically encourages states to consider balanced gender representation when nominating candidates for all the Committees. For this purpose, the Office of the High Commissioner prepares, before each meeting of states, where new members are to be elected for the Committees, a document showing the existing composition of each one in terms of geographical and gender distribution. Another relevant piece of information is that this resolution, besides, encourages states to create a local system for the nomination of candidates.

Below there is an analysis of the nominations to each Committee. It should be noted that, even though the study comprises the period 2000-2016, there are committees which started working after 2000.

### **Human Rights Committee**

#### *I. A. Nominations of Argentina*

During the period under review, Argentina nominated candidates 4 times (2002, 2008, 2012, and 2016), 4 men. 3 were elected, 1 was not elected.

#### *B. Nominations of Chile*

Chile nominated candidates 1 time (2010), 1 male national. The national nominee was not elected.

#### *C. Nominations of Uruguay*

Uruguay did not nominate any nationals.

#### *II. Nominations of Argentina, Uruguay, and Chile to the Human Rights Committee*

During the period under review, the 3 countries made 5 nominations in total, 5 were men.

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<sup>8</sup> International Convention for the Protection of All Persons from Enforced Disappearance, article 26.1.

<sup>9</sup> Convention on the Rights of Persons with Disabilities, article 34.4.

3 out of 5 male nominees were elected.

### **Committee on the Elimination of Racial Discrimination**

#### *I. A. Nominations of Argentina*

During the period under review, Argentina nominated candidates twice (2000 and 2016), 2 nationals. Both times nominees were men.

Neither of the proposed candidates was elected.

#### *B. Nominations of Chile*

Chile did not nominate any nationals in any election period.

#### *C. Nominations of Uruguay*

Uruguay did not nominate any nationals either.

### **Committee on the Protection of the Rights of All Migrant Workers and Members of their Families**

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families entered into force on July 1, 2003. The Committee held its first session in March 2004. It began with 10 experts, and since 2010 it has 14 members.

#### *I. A. Nominations of Argentina*

During the period under review, Argentina nominated candidates only once (2013), a national man, who was not elected.

#### *B. Nominations of Chile*

Chile did not make any nominations during the period under review.

#### *C. Nominations of Uruguay*

Uruguay did not make any nominations either.

### **Committee on Enforced Disappearances**

The nominations of the states to the Committee, consisting of 10 members, began in 2011.

#### *I. A. Nominations of Argentina*

During the period under review, Argentina nominated candidates

twice (2011 and 2013). It nominated the same male national in both elections. The candidate was elected both times.

*B. Nominations of Chile*

Chile nominated candidates only once (2015), a man, who was not elected.

*C. Nominations of Uruguay*

During the period under review, Uruguay nominated candidates only once (2011), a man. The candidate was elected.

*II. Nominations of Argentina, Uruguay, and Chile to the Committee on Enforced Disappearances*

During the period under review, the 3 countries made 4 nominations in total. On all occasions, men were nominated, and 3 were elected.

**Committee on the Elimination of Discrimination against Women**

*I. A. Nominations of Argentina*

During the period under review, Argentina nominated candidates twice (2002 and 2012). In both times, women were nominated. Neither of the proposed women was elected.

*B. Nominations of Chile*

Chile nominated candidates only once (2010), a woman, who was not elected.

*C. Nominations of Uruguay*

Uruguay nominated candidates only once (2000), a woman, who was not elected.

*II. Nominations of Argentina, Uruguay, and Chile to the Committee on the Elimination of Discrimination against Women*

During the period under review, the 3 countries made 4 nominations in total. On all occasions, women were nominated. None of them were elected.

### **Committee on the Rights of the Child**

#### I. A. Nominations of Argentina

During the period under review, Argentina nominated candidates only once (2002), a man, who was elected.

#### B. *Nominations of Chile*

Chile nominated candidates twice (2006 and 2008), two women. One of them was elected.

#### C. *Nominations of Uruguay*

Uruguay nominated candidates twice (2002 and 2016), once, a man, and, once, a woman. Only the man was elected

#### II. *Nominations of Argentina, Uruguay, and Chile to the Committee on the Rights of the Child*

The 3 countries made 5 nominations in total: 2 men and 3 women. This represents a 40% of nominations of men, and a 60% of women.

2 out of these 5 nominations were elected: a man and a woman.

### **Committee on the Rights of Persons with Disabilities**

The Convention on the Rights of Persons with Disabilities was adopted on December 13, 2006. It was opened for signatures on March 30, 2007, and came into force on May 3, 2008.

#### I. A. Nominations of Argentina

During the period under review, Argentina nominated candidates twice (2008 and 2010). Both times, it nominated men, and none of them were elected.

#### B. *Nominations of Chile*

Chile nominated candidates twice (2008 and 2012). In this case, both were women and were elected.

#### C. *Nominations of Uruguay*

Uruguay did not nominate candidates on any occasion.



### **Committee against Torture**

#### I. A. Nominations of Argentina

During the period under review, Argentina nominated candidates only once (2015), a woman, who was not elected.

#### B. *Nominations of Chile*

Chile nominated candidates three times (2003, 2007 and 2011). On all occasions, it nominated men and all were elected.

#### C. *Nominations of Uruguay*

Uruguay did not nominate candidates in any time.

### **Subcommittee on Prevention of Torture**

Nominations began in 2006 since it began functioning in 2007.

#### I. A. Nominations of Argentina

During the period under review, Argentina nominated candidates 4 times (2006, 2008, 2012, and 2014). It nominated 4 nationals in total, 3 men and 1 woman. 25% out of the total of candidates were women.

4 of the proposed candidates were elected.

#### B. *Nominations of Chile*

During the period under review, Chile did not make any nomination.

#### C. *Nominations of Uruguay*

Uruguay nominated candidates three times (2006, 2010 and 2014), 3 national men. The 3 were elected.

### **Results for the Committees**

Taking in the aggregate all the Committees, the 3 countries under review made 36 nominations in total; 25 men and 11 women. Women's representation accounts for 30.55%.



Image 11: Nominations of Argentina, Uruguay, and Chile to the UN Committees

On the other hand, 21 out of 36 candidates were elected; 17 men and 4 women. Women's representation in relation to the total elected persons accounts for 19.04%. If we take into account the total of 25 male nominees (100%), 17 were elected (68%). While in the case of women, only 4 out of 11 nominees (100%) were elected (36.33%).

If we aggregate the nominations made by each of the countries, Chile nominated 10 candidates, 5 women and 5 men, Uruguay nominated 7 candidates, 2 women and 5 men, and, Argentina nominated 19 candidates, 4 women and 15 men.

These figures show that, even though the mandate to promote gender equality exists in many Committees, the highest number of women nominated occurs in some Committees which were traditionally related to caregiving tasks and gender stereotypes. In this respect, out of 11 female nominees, 3 were nominated to the Committee on the Rights of the Child, 2 to the Committee on the Rights of Persons with Disabilities, and 4 to the Committee on the Elimination of Discrimination against Women.

#### **IV. The status of nominations in the system of “Special Procedures of the United Nations Human Rights Council”<sup>10</sup>**

The mandate-holders of the Special Procedures are elected by the President of the Human Rights Council (HRC) based on a recommendation made by a “Consultative Group” (CG). When selecting, among the issues to be considered, the following are highlighted: gender balance<sup>11</sup>, equitable geographic representation, and appropriate representation of different legal systems of the world.

The following entities may nominate candidates as Special Procedures mandate-holders: (a) Governments; (b) Regional Groups operating within the United Nations Human Rights System; (c) international organizations; (d) non-governmental organizations; (e) human rights bodies; (f) self-nominations.

#### *The Consultative Group*

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<sup>10</sup> The procedures cover: SR freedom of religion, IE on human rights and international solidarity, SR on the promotion of truth, justice, reparation and guarantees of non-recurrence, WG of Experts on People of African Descent, SR on the human rights to safe drinking water and sanitation, IE on the enjoyment of human rights by persons with albinism, SR on the right to food, SR on minority issues, SR on the situation of human rights defenders, SR on the rights to freedom of peaceful assembly and of association, SR in the field of cultural rights, WG on Enforced or Involuntary Disappearances, SR on the right to development, SR on the human rights of internally displaced persons, WG on Arbitrary Detention, IE on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, SR on the rights of persons with disabilities, SR on the right to education, SR on extrajudicial, summary or arbitrary executions, WG on the issue of human rights and transnational corporations and other business enterprises, SR on contemporary forms of slavery, including its causes and consequences, SR on the independence of judges and lawyers, SR on the promotion and protection of the right to freedom of opinion and expression, SR on the negative impact of unilateral coercive measures on the enjoyment of human rights, SR on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, WG on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, SR on the human rights of migrants, WG on the issue of discrimination against women in law and in practice, IE on the promotion of a democratic and equitable international order, IE on the enjoyment of all human rights by older persons, SR on extreme poverty and human rights, SR on the right to privacy, SR on the rights of indigenous peoples, SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, SR on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, IE on protection against violence and discrimination based on sexual orientation and gender identity, SR on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, SR on the promotion and protection of human rights while countering terrorism, SR on torture and other cruel, inhuman or degrading treatment or punishment, SR on trafficking in persons, especially women and children, SR on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, SR on violence against women, its causes and consequences, SR on adequate housing as a component of the right to an adequate standard of living.

<sup>11</sup> According to HRC resolution 5/1,

Taking into account the function of the CG in these procedures, we believe it is important to analyze, on the one hand, its composition and the manner in which the members of the groups are elected, and, on the other hand, the criteria used while selecting candidates for the consideration of the President of the HRC.

Regarding the first point, after several searches, we conclude that the information about the manner in which the election of the members of the CG is made, is not available. We could not gather data about how the CG made the selection.

However, we had access to the historical composition of the CG from 2007 to the present. With this information, we decided to make an analysis based on the criteria on geographic distribution and gender balance (criteria that should be taken into account for the composition of the Special Procedures). Our main conclusions were the following:

- The criterion about geographic distribution in all the years was respected. The election is made among the geographical regions of Africa, Asia, Latin America and the Caribbean, Eastern Europe and Western Europe.
- The criterion about gender balance was not fulfilled after all the years. Only in 5 Groups (2010/2011, 2011/2012, 2013, 2014, and 2015) there is a female member, and in the Group 2016/2017 there are two women. So, we conclude that in 5 out of 10 groups, there is 1 woman, and only in 1 out of 10, there are 2 women working in a CG.
- Female members are from Eastern Europe, Western Europe and Latin America and the Caribbean. The elected woman in 2015 was Chilean.

Now, we will describe the nominations of Argentine, Chilean and Uruguayan nationals to the Special Procedures during the period 2008 (7th session)-2016 (33rd session). As mentioned in section "Methodology", we could not gather data prior to 2008. On the other hand, we note that all the nominations of nationals from these 3 countries in the period 2011-2016 were

self-nominations. The manner in which these nominations were made in the periods before 2011 could not be obtained either.

I. A. *Nominations of Argentine nationals*

During the period under review (2008-2016), a total of 59 Argentine nationals were nominated: 30 men and 29 women. This implies that the 49.15% out of the total nominees were women.



Image 12: Nominations of Argentine nationals to the Special Procedures

B. *Nominations of Chilean nationals*

In relation to the Chilean nationals, they were nominated in 28 occasions: 19 men and 9 women. 32.15% out of the total of nominees were women.

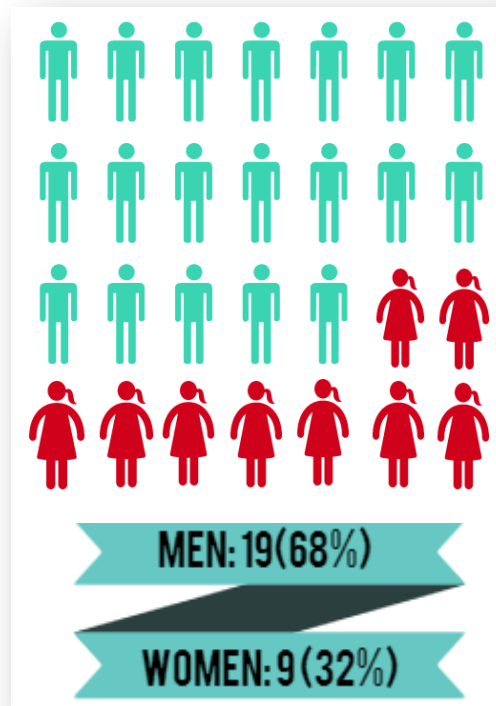


Image 13: Nominations of Chilean nationals to the Special Procedures

### C. Nominations of Uruguayan nationals

During the period under review, 5 Uruguayan nationals were nominated. All of them were men.

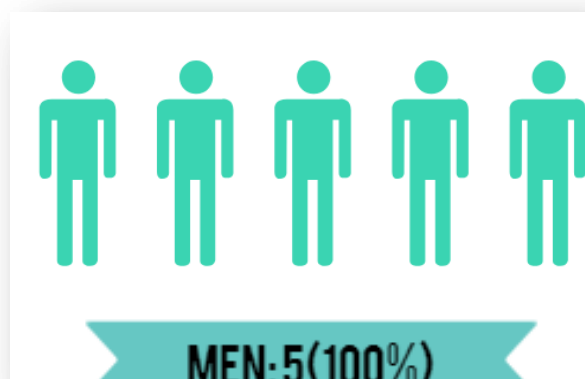


Image 14: Nominations of Uruguayan nationals to the Special Procedures

## II. Nominations of Argentine, Chilean, and Uruguayan nationals to the Special Procedures

During the period under review, 92 Argentine, Chilean, and Uruguayan nationals were nominated. 54 (58.69%) out of these nominees were men and 38 (41.30%) were women.



*Image 15: Nominations of Argentine, Chilean, and Uruguayan nationals to the Special Procedures*

As regards the election of Argentine, Chilean, and Uruguayan national nominees to the Special Procedures, we could not find full and sufficient data to make a relevant analysis.

Finally, regarding the relationship between female nominees and thematic areas to which they were nominated, we conclude:

- Argentine women's nationals were nominated to these Special Procedures: "WG on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination"; "Member of the WG on the issue of discrimination



against women in law and in practice”; “SR on the situation of human rights defenders”; “WG on Arbitrary Detention”; “SR on the independence of judges and lawyers.” There does not seem to exist a prevailing trend to relate women specialists with gender or caregiving thematic areas.

- Chilean women’s nationals were nominated to these Special Procedures: “WG on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”; “IE on the enjoyment of all human rights by older persons”; “SR on the rights of persons with disabilities”; “IE on protection against violence and discrimination based on sexual orientation and gender identity”; “SR on extreme poverty and human rights.”
- Uruguayan women were not nominated.
- The 4 elected women effectively held positions in the following “Special Procedures”: “SR on the independence of judges and lawyers”; “WG on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination”; “IE on the enjoyment of all human rights by older persons”; “SR on extreme poverty and human rights.” There does not seem to exist a prevailing trend to relate women specialists with gender or caregiving thematic areas, at the time of election.

## **FINAL CONCLUSIONS**

The nominations during the years 2000 and 2016, or the corresponding shorter period as the case may be, deliver relevant results that tend to show that the main cause for the lack of women in international bodies and tribunals is the lack of nominations made by the states, especially regarding Uruguay, Argentina, and Chile, which were the states under review in this research.

The general figures show that the states made a total of 84 (100%) nominations (direct or indirect by means of the national groups), 65 were



men (77.3%) and 19 were women (22.61%)<sup>12</sup>.



Image 16: Table of total nominations

This percentage of women results significantly expanded by the number of women who are nominated to occupy positions in bodies traditionally related to caregiving tasks and maternity, where the states, in general, do not nominate persons or nominate only women (the only exception is Argentina, which also nominates men). 9 out of 19 women nominated by the states to occupy a position in international bodies and tribunals were nominated to occupy a position in the CEDAW Committee, the Committee on the Rights of the Child and/or the Committee on the Rights of Persons with Disabilities. This shows that the states, even in international bodies, reproduce the gender stereotypes.

Thus, if we take away from the total number of nominations (84) the

<sup>12</sup> These figures do not take into account the UN Special Procedures, since the information obtained in this case is partial, and, besides, the information we gathered show that they were self-nominated.

ones made to these committees (9), there are 75 (100%) nominations, and only 10 were nominations of women (13.3%).



Image 17: Table of total nominations, excluding the CEDAW Committee, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities

If we take country data into account, the results are similar.

### Argentina

During the period under review, Argentina made 38 nominations (100%) in total, 31 men (81.57%) and 7 women (18.42%). As regards the Committees which are more associated with gender issues, Argentina made only 2 nominations, 1 man and 1 woman.



Image 18: Table of total nominations of Argentina

### Chile

During the period under review, Chile made 27 nominations (100%) in total, 17 men (62.96%) and 10 women (37.03%). As regards the Committees which are more associated with gender issues, Chile made 6 nominations, all were women. In this sense, women's representation in the aggregate number of nominations is significantly expanded as a result of women being nominated to these Committees.

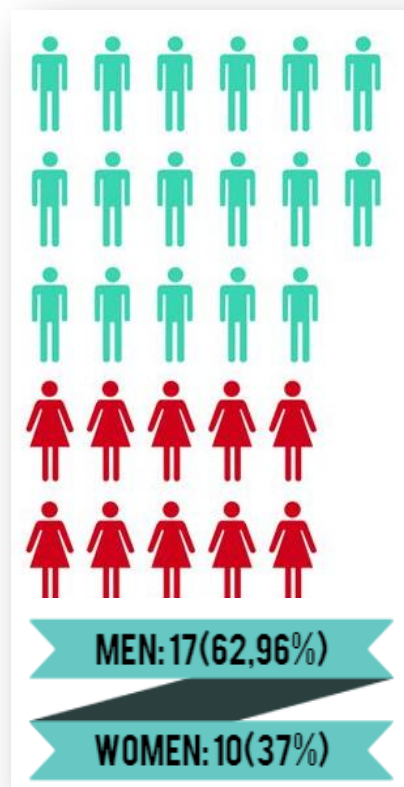


Image 19: Table of total nominations of Chile

### Uruguay

During the period under review, Uruguay made 19 nominations (100%) in total, 17 men (89.47%) and 2 women (10.52%). As regards the Committees which are more associated with gender issues, Uruguay made only 3 nominations, 1 man and 2 women.



Image 20: Table of total nominations of Uruguay

As regards nominees who were effectively elected, 57 out of the total number of nominations (84) were elected to occupy a position in the international bodies and tribunals under review. Out of these 57 elected (100%), 49 were men (85.96%) and only 8 were women (14.04%).

If we take country data into account, the figures are similar.

#### Argentina

25 out of the total number of Argentine nominees (38) were elected to occupy positions in the international bodies and tribunals under review. Out of these 25 elected (100%), 22 were men (88%) and only 3 were women (12%).

#### Chile

20 out of the total number of Chilean nominees (27) were elected to occupy positions in the international bodies and tribunals under review. Out

of these 20 (100%), 15 were men (75%) and only 5 were women (25%).

### *Uruguay*

12 out of the total number of Uruguayan nominees (19) were elected to occupy positions in the international bodies and tribunals under review. Out of these 12 (100%), all were men.

Taking into account the figures shown in this study, we conclude that ***states are effectively responsible for the small increase in women participation in international tribunals and bodies.*** In nominating more men than women, states contribute to the increase in their participation in international bodies and tribunals being minor and far from gender parity.

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