

	<i>L'intersectionnalité des violations des droits humains et les discriminations multiples</i>
	P r o g r a m m e d e r e c h e r c h e / R e s e a r c h p r o g r a m
	<i>The intersectionality of human rights violations and multiple forms of discrimination</i>
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Introduction

The codification of human rights as universal and inalienable in the 1945 United Nations Charter and the 1948 Universal Declaration of Human Rights sets the foundation of the entire UN system of protection of human rights, comprising its human rights treaties and their monitoring mechanisms as well as the mechanisms set up under the UN Charter. To tackle the wide spectrum of violations, many international instruments were developed, most of them with a specialized entry point. At the end of the Second World Human Rights Conference, the adoption of the 1993 Vienna Declaration and Programme of Action reiterated the indivisible, interdependent and interrelated nature of all human rights that had been slightly put to the margin of human rights' interpretation.

Without claiming that such proclamations engendered unanimous understanding and practice among human rights experts, scholars, civil society and international organizations, they have, nonetheless, unquestionably contributed to the clarification of the nature and scope of particular human rights and their correlative system of obligations. In addition, these principles, and in particular the principle of interdependence of human rights, have also served to create new avenues to protect particular human rights. Scholars referred to organic interdependence to depict situations where one right is part of another right, and of related interdependence to illustrate situations where separate rights mutually strengthen each other.

As the techniques for interpreting human rights developed, interdependence and indivisibility of human rights continued to challenge monitoring mechanisms, as in particular situations, multiple human rights were violated and multiple grounds prohibiting discrimination, combined. Although these are the worst situations, existing research has dedicated fewer efforts to understanding the relationship of multiple human rights violations and multiple grounds of discrimination. This project employs theories of intersectionality to uncover the intricate constructions of multiplicity of human rights violations and discrimination in the practice of human rights mechanisms, and to analyse the extent to which such an understanding renders the principles of interdependence and indivisibility of human rights more operational.

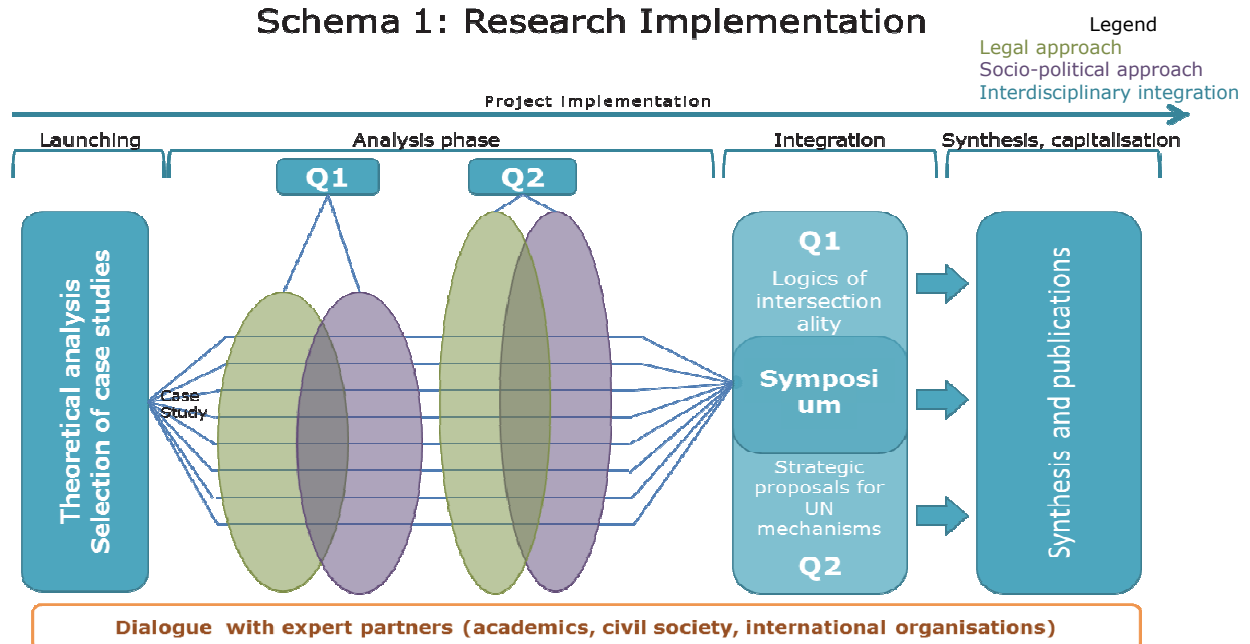
This working paper presents the findings of a two-year long research project funded by the Swiss Network for International Studies. The research was structured to answer two main questions: (1) What forms do multiple human rights violations and multiple discrimination take? (2) How could the United Nations' human rights protection mechanisms better respond to situations of multiple human rights violations and multiple forms of discrimination?

In answering these questions, the analysis has relied on two main hypotheses, namely: (1) the dominant approach of human rights mechanisms to address human rights violations as singular and discrete phenomena undermines the protection of all human rights; and (2) an intersectional analysis can support an understanding of complex situations which may involve multiple human rights violations, including discrimination based on multiple grounds.

Methodology and research implementation

This research benefitted from an interdisciplinary approach which employed both legal and socio-political approaches combining theoretical research and eight case-studies (cf. Schema 1 below). Considering the complexity of the theme, a large circle of partners with complementary competences and expertise was solicited to support the research team in the elaboration and analysis of the case studies, critically review intermediate results, broaden the interdisciplinary perspective and ensure scientific and pragmatic coherence.

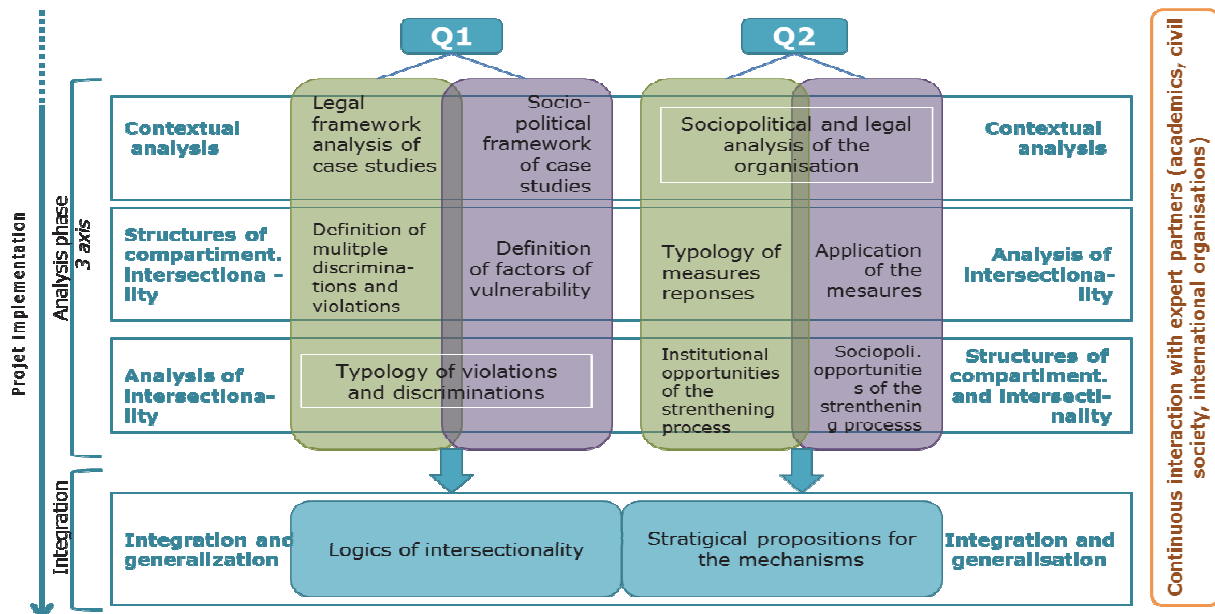
Schema 1: Research Implementation



The case-studies deal with questions related to the following topics: the right to education in rural areas of Burkina Faso, aboriginal children forcibly removed from their families in Australia, forced eviction of travelling persons in France, female slavery in domestic contexts in Mauritania, journalists in situations of conflict in Sri Lanka, rape as a weapon of war in the Democratic Republic of the Congo, impact of austerity measures on youth unemployment in Greece, and forced sterilization of Roma women in the Czech Republic.

In the first phase of the research, focus was put on the forms and impacts of situations of interdependent human rights violations and multiple discrimination, as experienced by people in specific case studies and as analysed by the treaty monitoring bodies (see schema 2 below). During this phase, a number of workshops were organized with experts to discuss preliminary results (see *Intersection 0* for more details about this process).

Schema 2: Analysis phase



In the second phase, the results of the analysis of each research question, the inputs from the associated partners and the insights from each case study was integrated to identify theoretical and practical recommendations. An important moment for this was the interdisciplinary symposium, organized in April 2015.

Answers to the two main questions of this research were given in a series of research documents, called *Intersections*. As these documents are all available on the website of the research², the present working paper only summarizes their lines of development and main conclusions and invites all readers to refer back to the complete analysis for more information on any of them.

The research documents look into relevant terminology in French and English and conceptual developments across many of the contributing disciplines, to propose working definitions of the research to this work (*Intersection 1*). They also consider the different forms of discrimination, establishing three types of prohibited grounds, namely grounds expressly prohibited by treaty law, grounds included under the category "other status" and grounds not explicitly mentioned, but occasionally considered by these mechanisms in individual cases *Intersection 2* discusses these and raise theoretical questions on this basis.

In *Intersection 3*, the research team reviewed the work of UN experts mechanisms to establish the state of existing concepts relating to human rights violations, discrimination and their interdependence and intersectionality. *Intersection 3.1.*, concentrating on the treaty monitoring bodies, looks not only into General comments and observations but also the jurisprudence of the Committees. The results presented in this document have been pivotal for the development of *Intersection 1* and 2, and to put into perspective the difficulties encountered by the system towards situations on intersectional violations of human rights and multiple discriminations and build relevant recommendations for UN human rights mechanisms to better respond to these situations. In *Intersection 3.2*, the research team looked into the Special procedures system to identify the concluding experiences and methods of work that could inspire the recommendations for the treaty body system. Both *Intersections 3* are not summarized here.

² See the website of the research under: www.unifr.ch/iiedh/fr/recherche/ethique-politique-dh/snis.

Intersection 4 presents a selection of relevant resources from scientific literature that have been used during the research and raises the questions of interdisciplinary integration of these resources on the work of the Treaty body system. *Intersection 5* presents the methodology followed to build and analyse the eight case studies. These are presented on the website of the research, with complementary resources. The case studies have been particularly important to build examples and demonstrations for the training material that will be used further after the project. Finally, aspects regarding the practical application of these results as well as questions which merit further exploration are highlighted mainly in *Intersection 6*, with several substantive and policy recommendations.

Intersection 1: glossary of terminology

The glossary developed throughout the research takes into account the range of different terminology currently employed across various disciplinary fields and within specific institutions. It takes the multiple dimensions of human rights into account by incorporating definitions from political philosophy and the social sciences as well as those derived from different legal disciplines. This interdisciplinarity is essential for a complete analysis of intersectionality, which requires the merging of different forms of knowledge within a framework of respect for the principle of the interdependence of all human rights. In order to adequately capture the approach used in this project, some new terminology has been developed.

The first section looks into *the political and legal nature of human rights*. Human rights are ethical, political and legal norms. They protect the equal, or universal, dignity of everyone. They are universal, indivisible and interdependent.³ Frequently, their legal recognition, and particularly their justiciability, have yet to be fully realised within all legal cultures. Even in the absence of legal recognition or enforceability, human rights maintain their political and moral legitimacy. A human right is fully realized when all right holders can effectively enjoy the right in practice. The realization of the right also provides access to enjoyment of other human rights and offers potential for the full development of all right holders.

It then discussed the definitions of human rights violations, as simple violations, violations through discriminations, direct and indirect discriminations as well as the principle of accountability. Every human rights violation— by virtue of the universality and the dignity of all human beings – gives rise to responsibility of the State and its institutions either directly or indirectly. The continued responsibility of the State in no way relieves non-State actors of their own, separate responsibilities to respect, protect against and remedy human rights violations.⁴ In order to ensure the realization of all human rights it is important to establish links between the ‘right holders’ and the ‘duty bearers’. This broad definition of responsibilities, which include observation, prevention and monitoring, is particularly important in the fight against widely

³ *The Universal Declaration of Human Rights (1948) provides in Article 1* « All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. » *Article 5 of the Vienna Declaration and Programme of Action (1993) states* « All human rights are universal, indivisible and interdependent and interrelated ». According to the Vienna Declaration, the Universal Declaration of Human Rights is the « basis » of the international human rights system. For a broader definition that englobes all of the different actors responsible for the promotion and protection of human rights, see the UNDP Human Development Report (2000) « Human rights are the rights possessed by all persons, by virtue of their common humanity, to live a life of freedom and dignity. They give all people moral claims on the behaviour of individuals and on the design of social arrangements—and are universal, inalienable and indivisible. Human rights express our deepest commitments to ensuring that all persons are secure in their enjoyment of the goods and freedoms that are necessary for dignified living.» UNDP, Human Development Report, New York/ Paris/ Bruxelles, United Nations/ De Boeck, 2000, 16.

⁴ Recent work in the United Nations human rights system, particularly in connection with the human rights obligations of businesses is moving towards the creation of binding obligations for non-state actors.

held 'ingrained prejudices', stereotyping and discrimination. Distinction is proposed between a "simple" violation, perpetrated for reasons that are 'external' to the person to take away a freedom or remove access to a right, and a discriminatory violation, perpetrated *based on criteria inherent to a person – or supposedly inherent –* or on a prohibited ground and which breaches the principle of equal dignity. This may occur through the purportedly neutral application of policies, programmes and legislation that fail to take pre-existing inequalities into consideration and may imply violation of one or several human rights. Definitions of multiple and intersectional violations and discriminations are also discussed to clarify the distinction between them. The definition of intersectionality proposed by the team is of a dynamic process, generally giving rise to interdependent, mutually aggravating human rights violations intertwined and often reinforced through discrimination on multiple grounds. It can be understood as a weakness or harm, and is then a negative intersectionality. But it could also be understood in a positive manner, as increased sensitivity to others and an avenue opened to resources of development.

The following sections of the document develop definitions of the types of responses to violations, taking into consideration the three-tier legal relationship among the victim, the perpetrator, and society at large, and the effects of unrepaired violations, creating chain reactions that can spread and aggravate the situation. Three criteria are considered to evaluate the level of gravity: the degree of impact on the rights of the individual and the extent to which this damage is remediable; the interdependent effect of several intersecting violations; and the number of victims who are directly or indirectly affected, also throughout time. These can be aggravated by discriminations. The section on prevention and remedies recognizes the crucial role that cultural rights play in the process of deconstructing the grounds of discrimination and identifies the need for more connections and coordination between the disciplines, the stakeholders and the mechanisms to fully respond to intersectionalities.

Intersection 2: Grounds of discrimination

This document provides an overview of the grounds of discrimination that have been recognized by the international human rights conventional mechanisms. It includes grounds that are explicitly listed in international human rights treaties, those that have been interpreted as falling within the category of 'other status' as well as the grounds that are mentioned in General Comments and other interpretive jurisprudence. Some of these grounds of discrimination form the object of repeated and regular claims, while others, while being theoretically available, are infrequently raised and have, as a result, not been the subject of sustained analysis by international human rights mechanisms.

The analysis developed is based on the hypothesis that each ground of discrimination is first a differentiation made between persons, which implies an appreciation (or depreciation) of certain attributes of the person or groups affected. Grounds of discrimination are therefore cultural constructs, based on generalized assumptions (stereotypes, i.e. every person belonging to x group is necessarily y) of the impact this characteristic is deemed to have on the person's dignity. Discrimination happens from the moment someone acts (distinguishes, excludes or prefers, according to the terms of the Treaties) arbitrarily on the basis of these cultural constructions, in violation of the right of the individual or groups concerned to equality of treatment⁵.

This first part lists all of the grounds of discrimination that have been recognized by the 10 main international human rights instruments and the work of their respective mechanisms. It

⁵ According to General Comment 18, §14 of the Human Rights Committee (1989), "not all differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant".

makes the distinction between the grounds explicitly mentioned in the core international instruments, the grounds listed under the category "other status" and the grounds not explicitly mentioned, but still sometimes considered by the mechanisms in the examination of specific cases. 7 out of the 10 core international human rights instruments emphasize that the list of prohibited grounds for discrimination is non-exhaustive, by adding the words 'any other situation' or by starting the list with the words "such as", or by combining both⁶. The grounds covered by the umbrella term "other status" can be found in the preambular paragraphs of each instrument, as well as in the interpretive guidance provided by the monitoring bodies in their General comments. Beyond these grounds, the analysis of the practice of treaty bodies (jurisprudence) shows that further grounds of discrimination have been considered. All of these grounds are presented in a chart to identify the visibility of particular intersecting or compounded forms of discrimination within the work of the international human rights monitoring mechanisms. The documents also look into the modes of discrimination, recalling the definitions of direct and indirect, formal and informal, institutional, systemic, multiple and intersectional discriminations.

Although all grounds of discrimination are based on cultural constructs, the next section of the document attempts organizing them into three clusters according to certain specific characteristics. Further examination is necessary to identify whether these characteristics have an impact on the form and the consequences or severity of the discrimination experienced. The first cluster contains grounds *considered to be mainly "natural"*: skin colour, sex, age, disability. Physical appearance, health status and sexual orientation could also be added to this cluster. These grounds have in common that they exist regardless of choices made by the people concerned and may be viewed as innate, essential and unchangeable characteristics. "Race" is considered separately, as the concept of different human races has been comprehensively debunked and has no foundation in reality⁷. This does not negate the existence of discrimination based on this ground but it should be noted that 'race' is no longer viewed as a valid analytical category. A second cluster is made up of the grounds based on *components of social status*: birth, national and ethnic origin, property and fortune, place of residence, to which we can add appearance in terms of clothing and personal hygiene (smell). These grounds have in common that they are transmitted by the environment of birth or place of residence of a person, and they arise largely by more or less voluntary association with other persons. Unlike the first cluster, these grounds are more widely recognized as constructs and elements that can be changed by the persons concerned. They still imply various types of amalgams. The third cluster concerns those grounds of discrimination that are related to the traditions and historical relationships between people as well as personal *characteristics* that are *considered essentially voluntary*: language, political opinion, religious or spiritual conviction, belonging to an association or group. These grounds are based on at least partially chosen affiliations and can result from personal freedoms, exercised alone or with other. Exercising this freedom to affiliate (and conversely, to leave a group) may have heightened or lesser consequences depending on the situation of each person, but it still remains a fundamental right and freedom, inalienable.

These are two forms of essentialism (or objectification): natural, cultural and social characteristics have in common that they deny freedoms, either because they are stifled by determinisms or because "bad choices" annihilate them. According to the situation and environment, certain grounds of discrimination can fall more squarely into one cluster or another. Castes, for example, are characteristics of social status but tend to be essentialized as a "natural" or unchangeable state. The same can be said about "laziness", "wickedness" or

⁶ The CAT notes « discrimination of any kind » in article 1).

⁷ The CERD, in its introduction paragraphs, stipulates that « any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere »

“lack of internal will”, sometimes considered inherent to the “nature” or /and culture of a person or group. In the same way, a deterioration of a person’s physical appearance could be the consequence of health problems or of a change in a person’s situation due to the loss of income. Discrimination based on these grounds is, therefore, the consequences of prior situations that have not been sufficiently or adequately repaired. We come to the conclusion that the most enduring and perverse grounds negate to persons concerned the possibility of exercising their freedoms.

The documents concludes by stressing how all prohibited ground appears to result from the construction of an amalgam of variable geometry, to undermine the principle of equality towards persons or groups perceived as worrying, hostile, inferior or simply strange. It is tempting to “differentiate” this other, to negate his or her legitimate use of freedom, because his or her “natural” or “cultural” inferiority leads to a perverse use of freedom. This undermines the capacity to link one’s personal identity with the environment. This attempt of a classification brings out two complex, and non-resolved, dialectics: between nature and culture and between determination, conditioning and freedom. When human rights are effective, the subject draws his or her resources of freedom from the living forces in action at the natural and cultural levels he or she is able to interpret. In the process of discrimination, we see a triple depreciation: of nature essentialized and perceived as fixed; of culture, essentialized and of will, dominated by natural and cultural determinism. To dissipate the mediated power of each ground, we not only need repressive policies or call for tolerance but a cultural deconstruction, the nature and form of which needs to be detailed in each case.

Intersection 5: case studies methodology

The objective of the case studies was to illustrate lived situations of intersectionalities. They examined intersectional forms of discrimination as well as violations of multiple human rights. In some situations, the United Nations human rights mechanisms have been informed of the case. Where possible, information about the remedial measures recommended by the UN system were provided along with an evaluation of the impact of these on the current situation of the affected people.

The case studies were not meant to be exhaustive, but merely illustrative of particular aspects of intersectional human rights violations. The situations have been chosen in order to highlight certain groups of rights and their interconnectedness and/or the way in which particular people may be subjected to compound and intersecting forms of inequality. The hypothesis was that while each case of intersectionality features a specific combination of human rights violations, an analysis of several cases would give rise to findings about the limits and opportunities that the current system presents and, eventually, to evidence-based proposals for legislative and policy reform.

The cases were chosen taking into consideration their relevance, in that they raised specific issues of intersectional forms of discrimination and violations of several different human rights, their diversity in terms of the combination of rights and grounds of discrimination involved, and their level of specificity. Ideally, the research team wanted to have a direct relationship with the people concerned in order to have their unmediated perspective about their situation and its impact on their lives. The cases chosen (or similar cases) had also been presented and reviewed by at least one international human rights mechanism. At the end of the research period, the list of case studies includes the right to education in rural areas of Burkina Faso, Aboriginal children forcibly removed from their families in Australia, forced eviction of travelling persons in France, female slavery in domestic contexts in Mauritania, journalists in situations of conflict in Sri Lanka, rape as a weapon of war in the Democratic Republic of the Congo, impact of austerity measures on youth unemployment in Greece, and forced sterilization of Roma women in the Czech Republic.

The analysis of each case study included four parts: a presentation of the country's context, an analysis of the intersectional forms of discrimination and human rights violations raised in the case, an examination of the measures and responses provided by national and international bodies and of their real impact in redressing the harm caused to the person or people affected and some conclusions identifying the lessons learned about intersectionality on the basis of this case study. In the first part, consideration was given to the geopolitical context of the case, the demographic and social structures concerned by the situation of intersectionality, the economic context, where relevant, the applicable legal and institutional framework and the stakeholders involved. In the second part, the persons whose situation was considered were presented, including their family, professional and social situations, a description of the "original" event and the combination of the human rights violations and grounds of discrimination involved and their effects on the lived reality of the person(s) and observed impacts on the individuals and wider communities, or what we have called in the research, horizontal and intergenerational "contaminations". These contaminations were particularly important in cases where adequate remedies had not been taken to stop the spreading of the negative impact.

The third part concentrated in identifying and analyzing the measures taken to resolve the situation and on their impact on the situation of intersectionality. The objective was to analyze these measures and recommendations from the point of view of the situation (bottoms-up) and from the point of view of the UN human rights mechanisms (top down). Starting from the situation, it identified individual, family and community measures taken, existing and applied institutional measures (public policies, programs and measures, institutionalized traditional mechanisms, etc.) and legal procedures (judicial and quasi-judicial proceedings including through national human rights bodies such as Ombuds mechanisms, internal appeals, complaints to regional human rights bodies, etc.). Starting from the international human rights system, it identified The mechanisms concerned by the rights violated (Treaty bodies, but also Special procedures and, to a smaller extent, the UPR and the UN Human Rights Council), The manner in which these mechanisms have considered the situation /elements of the situation in their work (General comments, final observations, individual complaints, thematic reports, country visit reports, letters of allegation, further statements, etc.), the measures proposed to the State to resolve the situation and the recommendations accepted and measures implemented by competent authorities. Analysis of the impact of these measures on the situation was mainly conducted from the point of view of the person(s), considering which of the measures the person was aware of and which ones had not reached him or her, how the measures had helped to resolve the situation and were considered the most appropriate, and which measures would have been, according to them, the most adequate. Additional comments about the lessons learned for the theory and practice of intersectionality through the study of this case were integrated in the last part of the document.

Training material

On the basis of the observations and analysis from all the case studies, a training material was developed, with a presentation support. It reiterates the most important principles discussed in *Intersection 1* and *2*, and recalls the three-tier relationship between victims, authors and wider society, all suffering from the impacts of unremedied violations.

From the analysis of the case study, the chain of aggravation is made clearer and developed in the training material into 4 steps:

- the original nexus of violations and discrimination (intersectionality), which is always singular in its composition and need to be addressed as such;
- the process of contamination, that spreads the impacts of the violations horizontally, to other persons belonging to the same or to a neighboring group, and intergenerationally. This contamination impacts all social relationships;

- the insufficient or partial measures, that do not solve the situation, either because those who should act are not capable of doing so, do not understand fully the situation or lack the will. These responses can even be perceived as further insults or ill-treatments which continue to undermine the dignity of the persons concerned;
- and finally the lead blanket. At this last stage, the magnitude of compromise is so important that it cannot be seen or explained with words anymore; conscience is anaesthetized and the elephant in the room cannot be named anymore.

To this chain of aggravation corresponds a chain of analysis, with entry points at each stage. In terms of measures to be taken, the analysis stresses that higher levels of responsibilities should not contribute to more partial measures, but should have a broader view, and so the possibility to embrace more complex violations and broader impacts. This is particularly true when the time to get to these levels of responses is longer, and the impacts have had more time to spread their damage. The strategies elucidated through the analysis of the case studies as particularly efficient are also included in the training material. (see schema below).

5 moments of analysis: entering into the chain of aggravation



Intersection 6: measures and recommendations

This last document presents an initial list of informed proposals based on the research and particularly on the discussions during the two day interdisciplinary symposium on Intersectionality: the interdependence of human rights violations and multiple forms of discrimination held from April 15 to 17 2015. The proposals have been grouped into 4 categories:

- 1)** doctrinal clarifications
- 2)** structural strengthening
- 3)** optimization of institutions and procedures
- 4)** methods of work

For each of these categories, the main difficulties encountered by the UN treaty body system were identified and listed. Analysis of the specific experiences of the mechanisms, both treaty bodies and Special procedures, were used to inform these difficulties and identify elements that had contributed to more efficient responses in certain cases. These “concluding experiences” form the stepping stone from which the proposals and recommendations have

been developed, some being more ambitious than others. The most important difficulties and proposals for each of these categories are presented below.

The proposals could also have been grouped on the basis of other elements such as the type of Committee (generalist or specialized); according to the nature of stakeholders (Experts, OHCHR, other UN organs, civil society); with reference to the time frame for implementation (immediate, short/middle, long term). These considerations, all relevant, may be integrated later. The ulterior process of follow up, selection, correction and a more organic presentation of these proposals will be operated, depending on the actors and opportunities.

Proposals and recommendations concerning doctrinal clarification

Difficulties	Proposals
Little consideration given to the indivisibility and interdependence of human rights by the mechanisms	Have the Chairs of TB take a stand on the attention to be dedicated to these principles in their respective work Substantive declaration from the Committees on the complementarity of the 2 Covenants (particularly since the entry into force of the OP-ICESCR)
Certain common concepts commons are developed differently by the mechanisms (for example, the concept of discrimination)	Joint general observation or substantive declaration on a more consistent use of these fundamental principles in the work of TB. Apart from each Committee's respective jurisprudence, develop cross referencing to other TB, and even Special procedures' relevant normative developments. Regular work on terminology, to ensure consistency in the meanings of words: define "victim", "reparation", "violation"; translating concepts (not only words).
The contents and range of the principle of equality have still not been developed by most mechanisms	Shared work between TB on the notion and implementation of the principle of de facto equality, potentially through the development of guiding principles
Limits of the principle of non-discrimination: lists of prohibited grounds are not all shared, some grounds excluding others.	Joint General Observation or substantive declaration (or any other type of clarifying document) from all TB on the principle of inclusion (opening up to all grounds of discrimination, including those not made explicit); Joint General Observation or substantive declaration on systemic discriminations, including a wide array of measures aiming at deconstructing the grounds of marginalization ;
"Adding" grounds of discrimination is not sufficient to develop adequate responses to intersectional discriminations and violations	Clarify the way to address situations of intersectional discrimination in the mandate of each treaty body and the various ways to ensure the most adequate measure to redress.
Overlap of certain themes: risk of inconsistency in the responses provided	Instead of identifying and working strictly on the element at the intersection of two mandates of TB ⁸ , define together approach (day of general discussion) and deploy it in the work of each TB, in parallel and complementarity. Encourage mutual knowledge at the level of the secretariat.
Take into account the cultural diversity of practices, resources and modes of resolving interdependent violations	Training for all treaty body members / secretariat on the analysis of cultural diversity as « positive », including in particular training on cultural rights and the cultural dimension of other human rights ⁹ ; Formulate recommendations / final observations that give appropriate importance to local cultural mechanisms, practices

⁸ Example of the work between the CRC and the CEDAW on harmful traditional practices: to work together, it has been decided to consider the element that was at the crossroad of the two mandates, that is little girls. This meant excluding adult women as well as boy children, who both can be concerned by various harmful traditional practices.

⁹ Example of the recent development of the cultural dimension of the mandate of Special procedure on the promotion of truth, justice, reparation and guarantees of non-recurrence to include memorialization processes, cf. A/HRC/RES/27/3, last preamble paragraph.

<p>and discrimination on multiple grounds.</p>	<p>and resources in the measures to restore and repair the situation; Involve civil society in the elaboration of final observations / recommendations; Identify and put more to the front the degrading and expanding impacts over time of violations not appropriately redressed; Integrate more recommendations on the added value of the cultural diversity of each country (also through historical perspectives) as factors enabling peace and stability.</p>
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2) Proposals and recommendations concerning structural strengthening

Difficulties	Proposals
Not enough time and space to discuss between TB	<p>Plan times of training / discussions on substantive questions would represent gain of time;</p> <p>Develop the thematic coordinating function of Chairs, or nominate thematic coordinators in each committee.</p> <p>Forster knowledge of the work of other Committees through crossing and sharing knowledge between members of the secretariat;</p> <p>Apart from each Committee's respective jurisprudence, develop cross referencing to other TB, and even Special procedures' relevant normative developments.</p>
Different levels of financial support depending on the TB	<p>Encourage and develop support to the system of mechanisms and the secretariat, instead of support oriented towards only one mandate;</p> <p>Have a part of the financial support be put in a common pool for the whole system;</p> <p>Turning teams, pairing between mechanisms at the level of the secretariat, temporary, targeted deployment to another mechanism (thematic expertise for example).</p>
Collaboration with other mechanisms	<p>Joint time to meet and consult on shared strategies between similar and neighbour mandates;</p> <p>Participation of certain SP in TB sessions, or in the analysis of certain complaints ;</p> <p>Measures of redress for violations are more effective when they are connected to other ones, coordinate in order to cover all aspects of the situation in complementary manner</p>
Visibility / compliance to recommendations	<p>Develop strategies of public pressure on a longer calendar, between the mechanisms</p> <p>Gather and publish regularly the follow-up actions of all TB.</p>
Follow-up on recommendations	<p>Committees should allow themselves to define the follow-up (give the intervals) ;</p> <p>Interpret more systematically the duty to follow-up on recommendations by other mechanisms (SP, URP reports, TB, FOTCD) ;</p> <p>Make use of the accompanying of institutions; coordinate to use the skills and competences available in the UN system and on the ground (network).</p>

3) Proposals and recommendations concerning the optimization of institutions and procedures

Difficulties	Proposals
Many complex situations have to be channelled to one or the other TB (selection creating blinds spots of the intersections).	Develop transversal procedure, by a smaller, mixt body, for complaints concerning interdependent violations of human rights from many instruments and ensure the possibility to respond to situation on intersectional discriminations; Duty to consult other TB concerned to better analyse intersectional individual complaints.
Implementation of international law at domestic level often weak. To make use of all available national remedies, victims sometimes have to reduce their claim to only one human rights violation and /or one single ground of discrimination.	Coordination and consultation system in UN member countries to ensure that national implementation mechanisms are in conformity with the principle of indivisibility, interdependence and de facto equality.
Coordination with other mechanisms (avoid contradictions and lack of consistency).	Demand States to revise their procedures to avoid closed cycles for the victims Recommend more mediation mechanisms to support victims Ensure consideration of the TB's recommendations by other mechanisms (with the support of the OHCHR) and vice versa
NGO contributions often limited to violations of a single right / ground of discrimination or article(s) from a single instrument	Revise the indications on individual complaints to allow more elements to be provided about structural discrimination/ historical context (clear guidelines, shared by all committees); Reinforce the capacities of investigation of TB, in collaboration with other actors (NGO and IGO, depending on context and opportunities).
Aiming at consensus for all decisions of the committees.	Identify and present elements on non-consensus in the consideration of individual complaints / periodic reports as areas of further exploration for the committees (days of thematic inter-committee discussions, informal thematic meetings, collaboration with other actors...) ; consider positively non-consensus and use it as opportunity to go further. Encourage, also in recommendations/ observations to States, spaces of interpretation of laws, rules, norms
Strict procedures.	Develop a progressive approach to include concluding developments in procedures more systematically; Clarify the conditions under which the exhaustion of all domestic remedies are not applicable /necessary to submit to TB; Consider insufficient remedies (addressing only part of the interdependent violations) as legitimate reason to submit to TB

4) Proposals and recommendations concerning the methods of work

Difficulties	Proposals
Analysis of complex situations requiring to consider a large array of interdependent violations.	<p>Ensure interdisciplinary analysis by having pairs / troikas of rapporteurs, instead of a single one;</p> <p>Review and widen interdisciplinary analysis in the work of contextualization done by the secretariat;</p> <p>See under which conditions it can be possible to take into consideration elements of context dating before 1945 but continuing to have an impact on actual marginalization /social pathologies;</p> <p>Integrate in a more systematic manner recommendations on adequate information /education to reduce prejudices and include positive examples and use of diversity.</p> <p>Be aware not to reduce campaigns against discrimination to an indifference towards the specificities and values of persons.</p>
Unbalance representation of experts (gender, legal systems, expertise, disciplines).	<p>Apart from regional balance, ensure interdisciplinary balance in the membership of committees /secretariat teams</p> <p>Selection criteria for experts: take into consideration progressive approach, receptiveness to the interdisciplinarity necessary to have a HR approach as global political norm (not only rule of law).</p>
Insufficient contributions from NGOs to inform intersectional violations	Cooperation with national NGOs to work on the context: interdisciplinary, social, scientific, cultural aspects...
Follow-up on recommendations	Plan systematically to use the presence of a country delegation for the UPR for a follow-up discussion on the recommendations of other mechanisms, and vice-versa (delegations for periodic reports to the TB as a time to meet and follow-up on SP and UPR).