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# Women's Rights in the Office of the High Commissioner for Human Rights (OHCHR)

## INTRODUCTION

More than fifteen years after the entry of the concept of gender in the international community lexicon with the Beijing Conference in 1995, the international assessments in other conferences and seminars show an overall decline in the status of women, and illustrate that the inequalities between men and women are still persistent and reproduced (Bisilliat: 2003; Falquet: 2008). In the words of Joan Bisilliat, "we [...] are dealing with a 'lobotomized' concept." She explains that the concept of gender "this fundamental epistemological 'discovery'" has suffered "from incessant assaults to make it 'normal,' so that it can be easily used after having got rid of its revolutionary meaning" (Bisilliat: 2003 154, personal translation).

The word is trendy; its meaning becomes protean, it changes and transforms. Most often, it is simply used in place of the words "woman" or "sex," which gives it an advantage in terms of conservative morality of the politicians; dual dodge: it replaces the words "woman" and "sex," which are not considered very serious, with the word "gender," which in turn loses its deeper meaning related to power and equality. The term is "laundered" like dirty money "cleared of all suspicions" as if we were talking of an defendant and can now [...] enter victoriously in official texts (Bisilliat: 2003 156, personal translation).

This paradox between the use of the trendy notion of gender and the inertia which helps to stabilize the situation of women and their subordination to men is the initial motivation in this research.<sup>1</sup> Despite the subversive potential of the concept, carrying hopes for its ability to denaturalize inequalities between men and women and despite its appearance in the lexicon of the international community, we are still waiting for change. Thus, the subject of this paper is the study of gender in the discourse of a UN agency, the High Commissioner for Human Rights.

To justify our interest in discourse analysis, it is assumed that discourse is a powerful instrument for exercising power. Through discourse, the hierarchical gender system<sup>2</sup> makes natural the inequalities between men and women. Our working method is rather influenced by Foucault's method of

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<sup>1</sup>This research is based on the following Master's thesis in Gender Studies completed in 2012: Faten KHAZAEI (2012). "Faire le genre, vivre le genre aux Haut-Commissariat aux droits de l'homme," Master's thesis, University of Geneva, unpublished.

discourse analysis, that is to say, we are not interested in the speaker or in the political ideology behind the discourse. The latter has been extensively studied by feminist critics in the areas of development and globalization; they do not spare the UN as a promoter of neoliberalism whose policies oppress women (Falquet: 2008). However, it is considered that discourse is a strategy which helps to maintain the existing order of things, including the gender system. It is therefore relevant to analyse discourses, considering them as instruments of power. As Foucault says, "discourse is not simply what translates struggles or systems of domination, but for what and by which we struggle and seek power" (Foucault: 1971 12, personal translation). Therefore, it seems quite significant to focus on the words and formulations exploited in the texts of the OHCHR, since whatever goals or ideologies they serve they do have an effect on the social world.

The research began with this question: How is gender perceived by the OHCHR, and how does it appear in its discourse of promoting women's rights? As International human rights are the basis of the work of the OHCHR, in order to formulate our research hypothesis we shall lean on feminist criticisms of general international law. Many feminists have criticized several aspects of the system of international human rights (Schläppi: 2008; Lacey: 2004; Charlesworth & Chinkin: 2000). First, the feminists point out that the abstract character of international law concerns rather state actors and remains far from women's experiences. They are made by men, according to their priorities and life experiences and significantly neglect women's experiences. Second, they problematize the protection of the private sphere of life. According to Schläppi, this protection of privacy protects simultaneously the power of men over women in the private sphere. They protect the family as 'the natural and fundamental unit of society' and although women are subject to special protection, it is centred on their reproductive role (Schläppi: 2008 14). Several feminist theorists criticize the absence of women as subjects of international human rights. They complain that the appearance of women in international law is limited to a few stereotypical images. They appear primarily as victims, or more particularly as mothers or future mothers in need of protection (Charlesworth & Chinkin: 2000; Gardam: 1996).

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<sup>2</sup> In this paper we consider "sex" as a simple sign by which humans are classified in two distinct categories. For gender, we use the definition given by Parini: "[gender] is a social process of construction of representations of a biological difference aiming to determine distinct social territories and to dominate the other" (2006 31), in other words, "a hierarchical division of mankind into two unequal halves" (Bereni *et al.*: 2008 21).

Catharine A. MacKinnon, key author of the *Critical Legal Studies*, denouncing the contribution of law to maintain patriarchal societies, points out the subversive potential of law against the social order (MacKinnon 1989). While being a discourse, law has its special status. Carol Smart, another feminist theorist of law is concerned to show how law, as a discourse, has the power to weaken women and feminist paradigms (Smart: 1989). She goes further in her criticism by showing that even if some laws have apparently the objective of protecting women and promoting them, they actually carry gendered images of women and thus contribute to strengthening the existing gendered relations (Smart: 1992). In turn, Erika Schläppi speaks of a need to "identify presupposition underlying the discourse of law" (Schläppi: 2008 13, personal translation).

The problem is not only to struggle against obvious androcentric or sexist ideas, but to show that the ways in which the claims are reformulated also play a decisive role regarding the possibility of carrying out the struggle against inequalities based on biological sex difference. As Scott explains through the use of certain models and formulas, language can influence the success or failure of this struggle (1988). Words are not insignificant. First, if we testify that law is the discourse through which power is exercised on the population (Foucault: 1971), and therefore, it also participates in the regulation of gender relations; secondly, if law is the result of a universal patriarchal system (MacKinnon: 1989); and thirdly, if it is still a necessary tool for an ambitious program of social change and transformation of the gender system (*Ibid.*), we are obliged to study and deconstruct its language. To understand how the OHCHR discourse contributes to the strengthening of the gender system and the production of male and female identities, this study was undertaken to see whether this discourse occurs as an "instrument of domination", or conversely, as a "tool of resistance" (Revillard *et al.*: 2009 9, personal translation). Accordingly, the following hypothesis is formulated: *There is a strong chance to discover that the discourse of the OHCHR, despite the inclusion of the concept of gender in its discourse, maintains an androcentric perspective, presents stereotypical images of women and men, and therefore, naturalizes differences between women and men.*

The researcher focuses on the analysis of a text corpus (20 books) selected from publications in the field of education and training in human rights, and her observations made during a six-month internship in the Methodology, Education and Training Section (METS). This paper endeavours to elucidate how gender issues are addressed and included in this corpus, studied

from the standpoint of gender studies, to detect whether gender inequalities stem from "natural" origins or "social" ones.

### PRESENTATION OF TEXT CORPUS

Our text corpus consists mainly of Human Rights Education Series<sup>3</sup>, covering various manuals addressed to professionals who may have an influence on the human rights situation in their country. They aim to familiarize them with international human rights standards. These tools have been developed to be used in trainings offered by the OHCHR; they are also used by many NGOs which offer the same type of courses. These publications are the product of cooperation of many sections of the OHCHR.

This series seemed adequate for several reasons. First, to understand how gender is addressed by the OHCHR, we need a text corpus that can provide a fairly complete picture of the content of their work. These books dealing with different areas such as security (police, prison, torture, etc.), education, social work or political institutions (parliament, legislation, election, etc.) can provide us with a representative picture of documents produced by the OHCHR in general. More importantly, these texts enable us to analyse the OHCHR official discourse in a gender perspective on a wide range of areas and activities addressed to both internal and external agents. In addition, these manuals are the result of collaboration between the OHCHR and other UN departments and they are used by external organizations. They allow us to know the principles on which these departments have agreed regarding the content of the trainings and they also let us analyse the image of the OHCHR within its own discourse.

Concretely, all paragraphs that could reflect the understanding of gender issues, even despite of explicit use of the term 'gender' are analysed in these manuals. We identified the passages, 260 paragraphs in all, where gender issues or some images of women and men or their relationship were mentioned. Once the relevant paragraphs identified, we classified them in the second step in a table based on the themes they concern. This classification allowed us to move to the third stage, the identification and extraction of the dominant characteristics of the treatment of women, men and gender in these manuals. A systematic analysis, from a gender perspective, of the dominant characteristics concerning gender-relevant issues is applied to the corpus text.

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<sup>3</sup> For a complete list of the manuals, see in the bibliography, the corpus text.

## GENDER AS SOCIAL SEX

At first an explicit definition of gender in our text corpus is offered. In general, an evolution is observable concerning the use of the concept of sex and gender in the text corpus. There is a big difference between the first manuals drafted in 1990s where we don't see neither definition nor specific section on gender issues, and the last manual published in 2011 which gives a definition of gender and many examples of gender-based inequalities in different chapters. However, an explicit definition of gender occupies a very small place in the text corpus as a whole. The number of paragraphs giving directly or indirectly a definition of gender is limited to five.

It must be emphasized that in general, the discourse of the OHCHR treats sex as a biological difference and gender as social sex: "sex or gender? Explain the difference between sex (biologically determined factors) and gender (culturally determined factors)" (OHCHR, ABC: 2004 75). Both natural (sex) and social (gender) aspects are mentioned in the discourse of the OHCHR showing some awareness of the social construction of differentiation between women and men. However, sex is taken in a deterministic and naturalistic approach. The social construction of sex is not taken into account, in this definition (Butler: 1990). "Biologically determined factors" refers to the biological differences between women and men, which are accepted as such. In addition, the hierarchical aspect of gender, producing two groups, one being subordinate to the other, is not considered as a part of their definition of gender. It is reduced to the social reflection of sex.

The most recent definition given by the OHCHR in the latest manual for the human rights educators gives us some additional elements to identify their understanding of gender:

Gender can be defined as the culturally specific set of characteristics that identify the social behaviour, roles and status of women and men and the relationship between them. Gender, therefore, refers not simply to women or men but to the relationship between them and to the way it is socially constructed. Because it is a relational term, gender must include women and men. Like the concepts of class, race and ethnicity, gender is an analytical tool for understanding social processes. In this way, gender differs from sex, because the latter refers to the biological differences between women and men. (OHCHR, No.18: 2011 144)

Therefore, the share of social influence, the socially constructed character of gender is present in the discourse of the OHCHR and its difference with sex as a biological aspect is reaffirmed. Later in this paper, by analysing

the most common types of featuring women and men in the text corpus, we will try to understand whether this definition of gender as social sex is really the basis of the measures proposed by the OHCHR or naturalistic presuppositions continue to provide the basis for their discourse and action.

### **WOMEN AS A SPECIAL CATEGORY**

In the manuals, women often appear under the title of "special groups." Just checking the table of contents of our manuals from the oldest published in the 1990s to more recent, we can see the women issues are treated separately under this categorization. This terminology is interesting as it gives some information about the way they understand gender perspective in the OHCHR. Addressing the issues of women's rights as special categories implicitly refers to the universality and centrality of the men issues to which women's concerns are subordinated. The human rights of women are constructed as subordinate and concerning particularities. To devote a separate section to talk about women in particular can be even helpful. However, putting it in these words, it reinforces the idea of their subordination to a general and dominant male model (Mathieu: 1991).

### **WOMEN AS A VULNERABLE GROUP**

Another dominant categorization present in these manuals concerns the treatment of women as a vulnerable group. Women are categorized as vulnerable next to children, persons with disabilities, minorities, elderly persons, etc. This categorization helps us to highlight another gendered presupposition which is implied, that is, to consider women as passive victims. Feminist critics challenge such categorization. Classifying women and children in a same category as vulnerable groups give them the same status, reducing women to a minor position, attributing them no more autonomy than under age minors.

Women are not only associated with children, but also with disabled people, the elderly, etc. Strictly speaking, we can admit that all these people had certain common experiences based on their marginal position compared to the reference group: men. However, assigning all these people together under the same heading of "vulnerable" denies the diversity between them and, in particular, the diversity of origin of their subordination. In the same way grouping women and children reduces women to the status of a minor,

considering them in the same terms as disabled people, whose capacity of action is limited by their disability, suggesting that femininity itself could be a handicap. While disabled people are deprived of certain material and symbolic resources because of their disability, or the elderly because of their age, women are deprived of these resources because of the simple fact of being women.

Therefore, this categorization considers women in a position of weakness which is insurmountable, even natural, and it is the same for the disabled or the elderly. In each of these cases, it attributes the weakness or the limits to these individuals themselves, instead of attributing it to their environment. That is why one can consider that the disability of a person is attributable to his or her lack of a leg or being blind, without realizing that this person is actually disabled because of an environment which is adapted for so-called normal people who have two legs and healthy eyes. Similarly, this idea assigns limits and weaknesses to women's nature, while they live in an environment that favours men and masculinity, and is built around male standards. We argue that the amalgam of these different categories of people discharge the social dimension of their weaknesses, considering this weakness as natural.

In addition, elderly or disabled people used to be considered normal before becoming disabled or elderly. In contrast, women are considered by the OHCHR as part of this "vulnerable group" because of their "essence" of being women (Parini: 2006). Therefore, they are vulnerable by nature and for ever, contrary to the elderly or the disabled. Finally, it should be noted that men are never mentioned as a part of vulnerable groups. This categorization ignores the various situations when men can also be vulnerable, such as during armed conflicts or in extreme poverty. In this context, as we said above, vulnerability, according to the discourse of the OHCHR, does not come from the context or the situation, but the nature of individuals or groups.

### **WOMEN AS VICTIMS OF VIOLENCE**

The most common theme is that of women as victims of violence. This is another example of a "victimist" discourse in which women are considered as victims of violence and their agency is ignored. Before developing this point, it must be acknowledged that the mandate of the OHCHR is to promote the human rights of all individuals. In this respect, it is quite legitimate to care about violence against women and gender-based violence in general.



In a collective contribution of the *Fédération Nationale Solidarité Femmes* (FNSF) published in "*Nouvelles questions féministes*," the authors explain:

This political struggle for juridical recognition of gendered violence is often denounced and caricatured as a so-called "victimist" approach by men and women claiming gender equality. It is considered a victimization that deprives women from their adult status and citizenship. These people ignore the severity and the extent of the facts. They ignore that, far from being a victimization, juridical recognition of violence as a crime is an essential step towards the restoration of rights and the reconstruction of the integrity and autonomy of women. (Agraz *et al.*: 2009 128, personal translation).

For this group of researchers, a struggle in the name of gendered violence instead of victimization of women is a necessary step towards the establishment of *de facto* equality between men and women. These rather symbolic discussions show the complexity of the subject. However, the point is not criticizing the consideration of women as victims of violence, but criticizing the repetition of this item in the discourse of the OHCHR. Examining the text corpus shows that the most common occurrence of women in this discourse is related to gender-based violence (30% of all studied paragraphs).

The definition of [...] gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. (OHCHR, No.11: 2005 151).

Yet, women are not the only the victims of such violence. Men can also be the victims of sexual and gendered violence, for example when they are humiliated because of any deficiency in the performance of their gender, for example in the case of violence against homosexuals when they are assaulted or even raped because they do not comply with the requirements of masculinity. This makes them also victims of gendered violence. However, in the text corpus a systematic mention of women is found when it comes to gendered violence victims. This reveals the gendered presupposition that it is only women who are weak and need to be protected (Charlesworth & Chinkin: 2000; Gardam: 1996).

In addition, the remedies proposed by the OHCHR, show that violence is not treated as a structural violence being part of a gender system oppressing women (González Moreno: 2009). There is no questioning of the social order which makes such violence possible. Measures such as the "creation of

shelters for women victims of violence" (OHCHR, No.10: 2002) or the need for "a warmly environment in the police station" (OHCHR, No.5, Add. 2: 2003) for questioning of victims, although necessary, does not solve the broader social context favourable to gender-based violence.

That being said we should underline that the review of the text corpus shows that several feminist international claims are considered in these texts. Recognition of violence in private spheres as a crime is one of the basic demands of the feminists, which is reflected in the discourse of the OHCHR: "Violence against women is a crime and must be treated as such, also when it occurs within the family" (OHCHR, No.5, Add. 2: 2003 143).

Finally, this item, "women as victims of violence", provides another interesting point for the analysis of the OHCHR discourse on men and masculinity (Viveros, 2009). In fact, to show how this discourse is involved in the creation of gendered representations, it is interesting to analyse the masculine figure which is presented as the actor of such violence, contrary to a feminine passive victim. It was shown above that featuring women as the exclusive victims of gender-based violence is based on the tendency to characterize women as passive victims, while simultaneously men are absent as victims, but present as the exclusive actors of violence. This figure of man as actor of violence is found, for example, in the requirement to separate female prisoners from male guards (OHCHR, No.11: 2005). In fact, the subject of violence in prison is related only to male staff. The violence of women against women, for example in the case of female guards is ignored.

In the same caricatured way of considering women as ideal natural victims, men are considered to be natural actors of violence. There is no mention of specific training for male guards, but we found a simple prohibition of access to blocks of female inmates, just because they are men; as if being a man were a sufficient condition to commit sexual violence and as if the only way to prevent a prison guard from committing sexual abuse on female inmates is to prevent any direct contact with them. "No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer" (OHCHR, No.11: 2005 154). This idea suggests that male guards are potentially violent by nature, and that cannot be changed by any training.

## THE CASE OF DISCRIMINATION

Another topic prevailing in the discourse of the OHCHR about women is the issue of discrimination. We explained earlier that international human

rights are the basis for the work of the OHCHR. The concept of discrimination, which is traditionally problematized in the legal systems, is one of the key principles of international human rights.

We can find the trace of a universalist approach in how to deal with the issue of discrimination, *i.e.*, men and women as human beings enjoy the exercise of all human rights. Any social or biological difference between them cannot and should not justify any discrimination. Obviously this neutral wording which concerns formal equality, forbids "to exclude women from a world dominated by men" (Schlappi: 2008 15, personal translation) but a purely universalistic approach does not take into account certain realities of women's lives. Social and cultural constraints prevent them from achieving their life projects freely and these neutral formulations cannot guarantee it (*Ibid.*). Based on the typology of Delphy, this approach is consistent with the category she calls "equity," which settles for equal opportunities to be given to women and men alike, but it does not question the roots of inequalities. Ignoring the social context, "equity" approach assumes that if we give the same formal access to both men and women, then it is sufficient to guarantee equality (Delphy: 2001 275).

Besides, the issue of discrimination is often treated based on the rights of men. In other words, the status of men is taken as a benchmark, as a goal from which women and their situations are deflected or deviant. Therefore, it is deduced from the discourse of the OHCHR that giving women the "same protections" as men will solve all the problems of discrimination. The position of man's rights is considered universal and neutral while the inequalities against women cannot always be resolved by a male-basis protection. Rights based on the interests of dominant groups tend to meet the needs of a privileged minority (the dominant group), leaving unnoticed the real needs of marginalized groups, for which the same rights of dominant groups cannot be sufficient. Until the time when men and women have the same roles and occupy the same places in the political, economic, social and cultural environments, a protection uttered in neutral and universal terms risks discriminating women by not taking into account the specific discriminations of which they are actually the victims.

### THE PLACE OF WOMEN AND MEN IN THE FAMILY

In a patriarchal discourse women are associated with nature. It is believed that their primary and "natural" role is defined in the private sphere. Motherhood and women's reproductive capacity is taken as supporting evid-

ence of this gender-based division of roles between men and women (Firestone: 1972).

When it comes to family in the corpus, we almost always find the mention of the role of women within the family, while men are missing again. Women often appear in connection with the family under the topic of the "protection of family, mother and children." In the case of the protection of women in prison, or the internally displaced persons,<sup>4</sup> no matter the context, women are depicted first as mothers. Let's take the regulation of the conditions of women prisoners as an example. Among many problems that incarcerated women can face during their deprivation of liberty, their specific problems related to motherhood is the element that comes up most often. The protections offered by these manuals for incarcerated women are almost always related to mothers or pregnant women: "Special attention should be given to the health needs of women prisoners, particularly in respect of antenatal and post-natal care and for nursing mothers and their babies" (OHCHR, No.11: 2005 68).

We do not question the need for such regulations or considerations, however, reducing the needs of all women and their interests to the needs of mothers reinforces the centrality of the reproductive role of women. With a paternalistic approach, instead of taking into consideration their needs and demands, it is decided what is necessary and good for them as mothers. This stereotyped discourse is an example which demonstrates how the official discourse of the OHCHR is based on gendered assumptions.

### DIFFERENCES BETWEEN MEN AND WOMEN IN A SEX-BASED APPROACH

Another dominant theme in the discourse of the OHCHR regarding the treatment of women and men is a so-called "sex-based" perspective. We are interested here in the way the differences between men and women are treated. Generally, the OHCHR adopts a universalist approach and presents itself as the guarantor of all human rights for everyone everywhere. Women and men should be equal before the law. To illustrate that point, we can rely on the definition of discrimination against women:

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<sup>4</sup> "Persons or groups of persons who have been forced or obliged to flee or to leave their s or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border."

(OHCHR website : <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Issues.aspx#1>)

The term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. (OHCHR, No.11: 2005 151).

In this approach, the question of difference or similarity has little significance while we should notice that women and men are equal, and it is unlawful to restrict women's rights based on sex. This "egalitarian" approach according to Delphy (Delphy: 2001 276) allows perceiving inequalities as unnatural and, therefore, believes in the possibility of eradicating them. However, adopting this universalistic approach does not preclude the presence of the discourse on "different needs" of men and women. They even talk of "women's values and aims" (OHCHR, No.1: 1994 36). It is important to note that women's experiences, living conditions and points of view may be differentiated from that of men (Dorlin: 2008 17) because of their social differences and not because of a natural difference between their needs, values or objectives as mentioned here.

Another image of this naturalistic perception of differences can be found in the case of feelings and emotions. Indeed, the presence of women as sensitive and emotional beings multiplies in the analysed texts. When it is explained that teachers must consider the "physical and emotional security of girls" (OHCHR, No.5: 2002) and when the same protection is not required for boys in schools, it refers to an image of women as weak and emotional beings to be protected. Always with the aim of identifying the assumptions behind this discourse and deconstructing its language, we must be attentive to the words used. For example, when it is recommended that men ask their female colleagues to share their *feelings* instead of their criticisms or comments: "Ask female colleagues for their feelings and perceptions on any policies, practices, behaviour or attitudes that are gender-specific, initiate improvements yourself, and support them in their efforts to do so" (OHCHR, No.5: 2002 144), we can say that women are again returned to their emotions. Indeed, the recognition of the special contribution of women, because of their special position, as explained by the theory of *standpoint* (Harding: 2004), is an important issue. However, it seems that in this case the OHCHR recommends consultation with women because they are more emotional and sensitive so they could bring some new elements to rational men. It is not the specific experience of women that is valued but their alleged emotional nature.

The notion of "sex-specific" (OHCHR, No.12: 2005) is another topic that allows us to highlight the essentialist character of this discourse on the difference between men and women. "The specificity of each sex" (OHCHR, No. 5: 2002) refers to a different essence of women and men. This idea reinforces an essentialist view of gender differences and neglects the part of the social construction of these differences. This sex-specific approach problematizes the differential effect of the policies and practices of UN programs on men and women, but it is not contextualized or linked with other dimensions of discrimination that cross gender relations.

### THE ECHO OF FEMINIST CLAIMS IN THE OFFICIAL DISCOURSE OF THE OHCHR

It is necessary now to point out some feminist claims that find echo in the official discourse of the OHCHR. We can find some cases where the presence of women is not merely limited to their traditional role in society. For example, the image of women as workers, even if it does not appear as often as the cases studied previously, allows challenging the traditional image of women in the private sphere because they are seen as actors outside the household.

Another example is the case of positive discrimination. The principles of equality and non-discrimination as essential human rights are complemented by temporary positive measures (like quotas) in favour of women (and other marginalized people). This promotes the equality in practice, considering that the same individual opportunity will not be sufficient to challenge the structural inequalities in women's everyday lives. Moreover, we found a few mentions of "reproductive rights" (OHCHR, No.10: 2002) instead of talking about "special needs" of women. We believe that considering reproductive rights as a part of citizen rights of women gives them the opportunity to regard their function in reproduction, but it does not conceal them from the public and power sphere.

We can also mention the concept of *empowerment* (Biewener and Bacque: 2011) which emphasizes the learning process as an important component to strengthen women to gain power both individually and collectively. To illustrate, we can mention the obligation of providing training opportunities for women prisoners (OHCHR, No.11: 2005). This could be described as a "learning dimension" necessary to strengthen the capacity of action introduced by the concept of empowerment. Recommendations made to trainers to encourage women to participate in discussions during classes (OHCHR, No.6: 2000), is another example. The denunciation of a lack of the number of

women in decision-making (OHCHR, No.1: 1994; OHCHR, No.7: 2001) can also reflect the consideration of international feminist social movements' claims in the OHCHR discourse.

## CONCLUSION

This analysis allows us to draw an accurate picture of the prevailing conception of gender in the discourse of the OHCHR. As we have seen, gender is formally defined as social sex, it means, sex is not the only factor that identifies the roles of men and women in society. These roles are socially defined. Gender is thus the social continuation of the biological sex. If the relational aspect of gender is mentioned, it is only to clarify that gender concerns both men and women. The hierarchizing dimension of gender is not present.

It remains to check if this definition is practically taken as reference in the analysed discourse. Something was common in almost all the topics that we have analysed: if we read between the lines of the corpus text, we always find traces of feminine and masculine essences. Indeed, in the case of women, we have seen that they are very often presented as victims of violence, members of vulnerable groups, mothers, etc. All these situations are references to gendered stereotypes and prejudices by reinforcing the association of women with these characteristics commonly attributed to them. Moreover, men aren't presented as victims, members of vulnerable groups or in relation to their family role. This shows that for the OHCHR, these features or roles are essentially and exclusively feminine.

The absence of men from certain types of roles involves in the same way to associate them to the characteristics which are frequently considered masculine, such as being violent. However, it is mainly by the absence of men in roles that could disrupt these masculine stereotypes, as victims, as members of vulnerable groups or as a family member, that men are associated with exclusively masculine characteristics.

These male and female essences appear even more with the explicit use of the notion of "sex-based policy" which refers to the different needs of men and women, thus reinforcing the idea of masculine and feminine essences and ignores the social construction of these needs. This analysis illustrates that despite the fact that gender is formally defined in the discourse of the OHCHR as "social sex," the differences between men and women are still naturalized in their discourse and this, paradoxically, evacuates social dimension of their own definition of gender. *Thus, from "social sex" only "sex"*

*remains. In fact, in the development of women's rights by OHCHR, gender, defined theoretically as social sex, becomes practically synonymous with sex.*

However, it should be noted that if the differences are presented as natural in this discourse, the OHCHR does not justify inequalities between men and women. This is confirmed by its formal equality approach and emphasis on the prohibition of discrimination of all kinds, including those based on sex. This conviction leads the OHCHR to pay particular attention to women's rights. Although the problem of discrimination against women as a consequence of gender system is lacking, the human rights approach is satisfactory in some cases. To illustrate it, we can mention the recognition of reproductive rights, the need for positive discrimination and the importance of women's empowerment. However, in the case of empowerment the emphasis is laid on learning at individual level, while sharing knowledge to gain power at collective level is missing. In this regard, only the individual dimension of empowerment fits perfectly in the OHCHR's approach of formal equality believing that a simple improvement of individual capacities suffices to defy gender-based inequalities.

To sum up, the study of the OHCHR's discourse reveals that its natural presuppositions of male and female, far from challenging the gender system, contributes to its maintenance and reproduction, resulting in the inefficiency of this form of struggle against gender-based discriminations and inequalities. Further research should be carried out to understand what kinds of obstacles in the work of the OHCHR as a UN agency can explain this approach.

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