Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: UA AUT 1/2023 (Please use this reference in your reply)

7 February 2023

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 49/10, 51/8, 44/5, 49/13, 51/21, 43/14, 51/13, 43/8, 43/36, 43/22, 44/4, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arbitrary detention and inadequate detention conditions, including restricted access to food, water and medical care, of Ms. Maria Golser, an Austrian citizen, and her two young children, and currently detained in Al Roj camp in the Northeast region of the Syrian Arab Republic.

According to the information received:

Ms. Maria Golser is an Austrian national, born on 17 December 1996. She left the region of Salzbourg, Austria for Syria in 2014, as a seventeen-year-old teenager after having been groomed online. After her first husband died, she remarried and had two children, Golser, born on 1 November 2015 and Golser, born on 1 December 2017. Both children hold Austrian citizenship, as was confirmed by DNA tests undertaken in North-East Syria in 2019. Since approximately 1 February 2019, Ms. Golser has been detained by the Kurdish-led authorities, first at Al Hol camp, and she was later moved to Al Roj camp. Ms. Golser's son suffers from chronic bronchitis, a condition worsened by the use of kerosene to heat the tent. The family stays mostly in the camp to avoid violence

Ms. Golser never took part in combat operations. There is currently an international arrest warrant against Ms. Golser, as well as preliminary criminal proceedings in Austria for participating in a terrorist organization on the grounds of leaving her home country for Syria, as well as marrying and providing "mental support" to two ISIL members for which an arrest warrant was issued (7 St 42/15b Staatsanwaltschaft Salzburg). The public prosecutor has not filed any charges.

Her family, together with her legal representative have been in contact with the Austrian Foreign Ministry, the Austrian Ombudsman Board and the public prosecutor's office. Both the Austrian Ombudsman Board and her legal representative have been in contact with the Austrian Foreign Ministry highlighting the dire and life-threatening conditions in which Ms. Golser and her two children are held which may amount to cruel, inhuman or degrading treatment or punishment, absent any legal process, and requested their repatriation, to no avail. On 14 September an administrative procedure against the Ministry of Foreign Affairs and a formal application for consular protection through repatriation were instituted by Ms. Golser's legal representative. To date, no decision has been rendered.

While we do not wish to pre-judge the accuracy of these allegations, we express our concern regarding the rights to life, to security, to health and not to be subjected to arbitrary detention of Ms. Golser and her two children. We are also concerned about the dire conditions of detention that they are subjected to, including lack of access to adequate food, housing, and safe drinking water, which fall short of the requirements of the right of everyone to an adequate standard of living (ICESCR, Art.11), and may run afoul of the obligation to prohibit and prevent cruel, inhuman or degrading treatment or punishment. The lack of education and medical care is also of very serious concern given the very young age of the children, namely seven and five. The profound disquiet for the extremity and uniqueness of the material situation in the camps have been recently addressed by the European Court of Human Rights in the case of H.F. and Others v France as constituting "a real and immediate threat to [women and children's] lives and physical well-being, on account both of the living conditions and safety concerns in the camps, which were regarded as incompatible with respect for human dignity, and of the health of those family members and the extreme vulnerability of the children, in particular, in view of their age."

We also express our serious concern that Ms. Golser may have been trafficked into Syria, given that she was a minor at the time of her departure, and that instead of being treated as a victim of serious violations of human rights and humanitarian law, she continues to bear the consequences of alleged association with a designated terrorist group and faces criminal charges in Austria, which could lead to double victimization. This is contrary to the principle of non-punishment of victims of trafficking, as recognized in the Council of Europe Convention on Action against Trafficking in Human Beings, ratified by Your Excellency's Government on 12 October 2006, article 26, and reiterated by the European Court of Human Rights in V.C.L. and A.N. v. the United Kingdom. In this decision the ECtHR recognized that the lack of application of the non-punishment principle may conflict with the State's duty to take operational measures to protect a victim, or potential victim, of trafficking, "where [State authorities] are aware, or ought to be aware, of circumstances giving rise to a credible suspicion that an individual has been trafficked." The Court further held that the failure to apply the principle would be injurious to a victim's "physical, psychological and social recovery and could potentially leave them vulnerable to being re-trafficked in future.

We are concerned that the charges that Ms. Golser faces include "mental support to terrorism", an offence which is both ill-defined and suffers from a lack of legal clarity and is wholly at odds with the irrelevance of consent where the victim or presumed victim of trafficking in persons is a child, or where any of the means listed in the definition are used (as per the definition of trafficking in persons in the United Nations Protocol to Prevent, Supress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 3) and compounded by the difficulties of leaving the conflict zone controlled by a UN designated terrorist group.

Alleged Arbitrary Detention for Association with Designated Terrorist Groups

We are extremely concerned at the continued arbitrary detention in inhumane conditions of Ms. Golser and her two sons, and in Al Roj camp, without legal basis, judicial authorisation for and review of the legality of their detention which lack in predictability and due process of law, as well as complete lack of control or oversight of these detention facilities. The UN Independent International Commission of Inquiry on the Syrian Arab Republic has found that "[d]epriving individuals, including children, with alleged links to Da'esh ... of liberty without criminal charge or any individual assessment by an impartial and independent body as to whether their internment is justified on grounds of imperative reasons of security is unlawful" and concluded that their "blanket internment" amounts to an "unlawful deprivation of liberty" (A/HRC/49/77, paras 112 and 113). We recall that the UN Human Rights Committee has emphasised that detention based on alleged criminality of family members is an "egregious" example of arbitrary detention. We also note that there is no permissible human rights basis for States to sub-contract directly or indirectly administrative or security detention to non-State actors on the territory of third States. There is deep concern at the allegations of facilitation of mass arbitrary detention by States both directly and indirectly in these detention facilities in North-

Human Rights Committee, General Comment No. 35: Article 9 (Liberty and security of person), 16 December 2014, CCRP/C/GC/35, para. 16

east Syria.

In relation to and detention specifically, we note that they were born in Syria. They are detained in a camp absent of any legal basis; no 'best interest of the child' test was adequately applied to decide on their detention; no legal process was undertaken to determine the appropriate care, responsibility rights or needs of these children; physical and psychological violence to young boys has no remedy in this situation; and health and educations are profoundly compromised by sub-human standards of indefinite detention, in violation of articles 3, 9, 16, 19, 20, 24, 34, 37 and 40 of the Convention on the Rights of the Child. We recall that, according to article 2(2) of the Convention on the Rights of the Child, it is a violation of the principle of non-discrimination to punish a child based on the "status, activities, expressed opinions, or beliefs" of their parents. Detention on such discriminatory grounds constitutes collective punishment,2 which the Special Rapporteur on the promotion and protection of human rights while countering terrorism has qualified a clear breach of international law.³ Children who are detained for association with armed groups should be first and foremost recognised as victims of grave abuses of human rights and humanitarian law, and their best interest should be taken into consideration in all decisions that concern them.

Considering all the above, in particular the conditions of detention, we would like to refer to article 25 of the Universal Declaration of Human Rights that recognizes the right of everyone "to a standard of living adequate for the health and well-being of himself and of his family, including food." Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by your Excellency's Government on 10 September 1978, recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions." In interpreting this provision, the Committee on Economic Social and Cultural Rights (CESCR) stressed in its General Comment No. 12 that a violation of the right to food occurs when the state fails to provide the "minimum essential level required to be free from hunger". In addition, we would like to bring to the attention of your Excellency's Government articles 12 and 2.2 of the ICESCR, which enshrine the right of everyone, including people prisoners and detainees, to the enjoyment of the highest attainable standard of physical and mental health. The CESCR interprets the right to health as "an inclusive with extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition" among others (CESCR, General Comment No. 14, para. 11). In this regard, the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/38/36) indicated that "[i]n contexts of confinement and deprivation of liberty, violations of the right to health interfere with fair trial guarantees, the prohibition of arbitrary detention and of torture and other forms of cruel, inhuman or degrading treatment, and the enjoyment of the right to life" and that [v]iolations of the right to health emerge as both causes

² UN Office of Counter-Terrorism, "Children Affected by the Foreign-Fighter Phenomenon: Ensuring A Child Rights Based Approach", para. 52.

See Position of the Special Rapporteur on the promotion and protection of human rights while countering terrorism on the human rights of adolescents/juveniles being detained in North-east Syria, May 2021.

and consequences of confinement and deprivation of liberty".

The Working Group on discrimination against women and girls emphasizes in its report on Women Deprived of Liberty (A/HRC/41/33) that women's deprivation of liberty is a significant concern around the world and severely infringes their human rights. In the context of addressing conflict, crisis, terrorism and national security, the Working Group recommended States to include women's rights focus and do not instrumentalise women's deprivation of liberty for the purposes of pursuing government aims. As highlighted in its thematic report on Health and Safety (A/HRC/32/44), the Working Group stresses that women's safety should be addressed as an integral aspect of women's health. Women's exposure to gender-based violence in both the public and private spheres, including conflict situations, is a major component of women's physical and mental ill health and the destruction of their well-being, and constitutes a violation of their human rights.

Trafficking

Given the specific facts of the case, including Ms. Golser's age when she departed for Syria, the online grooming, her young age when in Syria combined with her successive marriages and the well-documented difficulties in escaping the region, we are particularly concerned that Ms. Golser may have been trafficked and coerced to remain in Syria by a designated terrorist group. Your Excellency's Government must be mindful that women's and children's association with terrorist groups is highly complex, and that there is great potential for coercion, co-option, trafficking, enslavement, sexual exploitation, threat and harm on joining or being associated with non-state armed groups, sexual or household services or labour for the organization.

The links between trafficking and sexual violence in armed conflict with terrorism and other transnational criminal activities have on several occasions been highlighted by the UN Security Council (S/PRST/2015/25, resolutions 2331 (2016) and 2388 (2017)), while Security Council resolution 2242 (2015) highlights that acts of sexual and gender-based violence can be part of the strategic objectives and ideology of certain terrorist groups. As noted by the UN High Commissioner for Human Rights, "women, boys and girls have suffered sexual violence and/or have been trafficked or otherwise forced into marriage, sexual slavery and exploitation by UN-listed terrorist groups"4. The United Nations Protocol to Prevent, Supress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) highlights that trafficking can occur through an exploitative process or when an exploitative situation results or is maintained without a preceding exploitative process. The report of the Special Rapporteur on sale and sexual exploitation of children (A/77/140) highlights children on the move and those affected by conflict are at high risk of sale and sexual exploitation. Unaccompanied minors are additionally rendered vulnerable owing to the risks being exacerbated by limited access to safe migration pathways, services and justice. Designated terrorist groups can exploit and coerce individuals into entering Syria and thereafter create conditions tantamount to an involuntary stay.⁵ For children, defined under international law as individuals

OHCHR, "Bachelet urges States to help their nationals stranded in Syrian camps", 22 June 2020.

Jane Huckerby, "When terrorists traffic their recruits", Just Security, 15 March 2021.

below the age of 18, trafficking does not require that any "means" exist, as per the definition in the Palermo Protocol, article 3. In this context the Special Rapporteur on trafficking in persons, especially women and children reminded in her report to the General Assembly in 2021, A/76/263 (para. 27 that "where a victim is a child, it is not required to show "means" such as deception, use of force or coercion or "grooming". Applicable to this particular context, the Special Rapporteur on trafficking in persons, in the same report acknowledged that "recruitment online through grooming processes may lead to travel abroad to join proscribed groups, for exploitation in criminal activities or for the purposes of labour and sexual exploitation. Multiple and intersecting forms of exploitation are common. While some children are recruited for more "traditional" forms of exploitation, like sexual exploitation and forced labour, terrorist groups also force children to be involved in criminal activities as perpetrators or accomplices in support roles (para. 29).

The irrelevance of consent in these cases concerning trafficking of children is also further enshrined in the EU Directive on preventing and combating trafficking in human beings and protecting its victims, of 2011 in article 2. Finally concerning the positive obligations of States as recognized under international human rights law to identify and ensure the protection of victims of trafficking, the Special Rapporteur recommended that States should take immediate action to: (a) Repatriate victims of trafficking and children of victims, ensuring the best interests of the child as a priority and a protective environment for children (A/76/263, para. 68).

It is imperative that State responses do not perpetuate or contribute further harm to those who have already experienced profound violence and trauma.⁶ States have an obligation to ensure a protective environment for children. The particular rights applicable to children, protected under, inter alia, the UN Convention on the Rights of the Child (CRC) and its Optional Protocols (in particular, art. 6, 7, 24(2) and 27) state that children must always be treated primarily as victims and the best interest of the child must always be a primary consideration. Generally, regarding the positive obligations to identify, assist and protect victims of trafficking or persons at risk of trafficking, these derived also from the European Convention on Human Rights (article 4), as developed through its jurisprudence (see for example, Rantsev v. Cyprus and Russia, L.E. v. Greece, Chowdury and Others v. Greece, S.M. v. Croatia, and V.C.L. and A.N. v. United Kingdom⁷). Similarly it is important to recalled obligations under the Convention on the Elimination of All Forms of Discrimination against Women, in particular article 6 on the prohibition of trafficking in persons, and to CEDAW General Recommendation No.38 on trafficking in women and girls in the context of global migration, specifically, paragraphs 31, 38-42, 85, 89, 94, 98 and 100 -101, as well as article 8 of International Covenant on Civil and Political Rights and articles 1, 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). The OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking reminds States, including your

The UN Global Compact/CTITF Working Group on promoting and protecting human rights and the rule of law while countering terrorism, "Guidance to States on Human Rights-Compliant Responses to the Threat Posed by Foreign Fighters" (2018)

Rantsev v. Cyprus and Russia, App. No. 25965/04 (ECtHR, 7 January 2010), L.E. v. Greece, App. No. 71545/12 (ECtHR, 21 January 2016); Chowdury and Others v. Greece, App. No. 21884/15 (ECtHR, 30 March 2017); S.M. v. Croatia, App. No. 60561/14 (ECtHR [GC], 25 June 2020); and V.C.L. and A.N. v. United Kingdom, Apps. No. 74603/12 and No. 77587/12 (ECtHR, 16 February 2021

Excellency's Government, that they have an international obligation not only to identify traffickers but also to identify and take positive action to protect victims of trafficking. This includes the obligation to conduct individual, case-by-case assessments of every suspected victim of trafficking to promptly identify them and taking meaningful steps to offer any assistance or protection to their nationals who have been trafficked into North-east Syria, including by referring them to the appropriate services for early support and long-term assistance. Failure to protect a trafficked person correctly is likely to result in a further abuse of that person's rights.

We further note that Recommended principle 7, concerning protection and assistance to victims of trafficking, provides that "trafficked persons shall not be detained, charged or prosecuted." The reports of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/47/34) highlight the principle of non-punishment, which must be applied without discrimination to all trafficked persons. We are concerned that there is an international arrest warrant against Ms. Golser and that the charges that Ms. Golser faces in Austria include "mental support to terrorism", which cannot be reconciled with the possibility that she has been trafficked, nor with her maternal responsibilities which should on their own never qualify as 'material support' to terrorism. We also note, in this regard, the well-documented difficulties in leaving the conflict zone controlled by a designated terrorist group, clearly enhanced for very young women, in extremely vulnerable situations, married several times in quick succession and with young children.

<u>Positive Obligation to Repatriate their Nationals</u>

We reiterate that under international law, your Excellency's government has an obligation to facilitate the return of Ms. Golser and her children and terminate their indefinite and allegedly arbitrary detention,8 as both a legal and humanitarian imperative. We therefore urge for the repatriation of Ms. Golser and her two children to Austria and for them to be provided with all the safeguards and protections so abjectly absent for them in Al Roj detention camp. It is our view that States, including your Excellency's Government have positive obligations to take necessary and reasonable steps to intervene in favour of their nationals abroad, in particular where there are reasonable grounds to believe that they face treatment in serious violation of fundamental international human rights law and amounting to jus cogens or nonderogable customary law norms. This duty to act with due diligence to ensure that the lives of your nationals are protected from irreparable harm to their life or to their physical integrity also applies where acts of violence and ill-treatment are committed by state actors or armed groups, and in our view apply in this extreme context. We would like to recall your Excellency's Government's obligation under article 5(b) of the International Convention on Elimination of Racial Discrimination (ICERD) to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. We note that the European Court of Human Rights has requested Council of Europe Member States to ensure robust procedural safeguards are in place to avoid

⁸ https://www.ohchr.org/Documents/Issues/Terrorism/PositionSRreturnsFFsOct2019.pdf

arbitrariness when it comes to examining repatriation requests and that where minors are involved, the Court insists that "due account" must be given to the children's best interests, together with their particular vulnerability and specific needs. We have expressly affirmed the obligations of States regarding their nationals in North-east Syria including to urgently repatriate them. Your Excellency's Government has already received a communication on this issue (AUT 1/2021) on 26 January 2021. We thank Your Excellency's Government for its response dated 26 April 2021. We also note that, since, your Excellency's government has successfully repatriated two minor nationals from North-east Syria.

We stress that preventing family separation and preserving family unity are key components of the child protection system. Separation from parents should not happen unless such separation is considered to be in the best interest of the child, subject to judicial review and in accordance with applicable law and procedures (Convention on the rights of the child, article 9(1)). According to the Committee on the Rights of the Child, separation from parents in general and from mothers in particular have potentially serious implications on children, including on their right to development. It is especially so for young children, who are especially vulnerable to adverse consequences because of their physical dependence on and attachment to these individuals. Their limited ability to comprehend the circumstances of any separation also increases their vulnerability. Given the gravity of the impact on the child of separation from their parents, such separation should only occur as a last resort, when there are no less intrusive measures to protect the child (General Comments No. 7 (2005) para. 36 and No. 14 (2013), paras 60 and 61). It is clear to us that given the situation in the camps, the repatriation of seven-year-old together with their mother can only be considered in their best year-old interest. Any separation from their mother would cause these young children irreparable trauma.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Golser and her two small children, and in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

- 1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
- 2. Please provide information on the measures taken by your Excellency's Government to protect the physical and mental integrity and health of Ms. Golser and her two children and to safeguard their rights including for the reparation on the harms incurred as victims and survivors, through measures such as for recovery, rehabilitation and reintegration.

- 3. Please describe the measures envisaged to ensure that the child victims have full access to comprehensive information about their rights and is delivered in a manner that takes into consideration their age, language and cultural background. Please provide information on measures to ensure the availability of support services such as health and psychological services.
- 4. Please outline the measures on family reunification procedures, the extent of reasonable time for the completion of length in reunification and the points of consideration to take account of the best interests of the child during the entire process
- 5. Please provide any information on the steps your Excellency's Government has taken to maintain contact with Ms. Golser in view of the protection of her and her children's rights, safety and well-being. Please outline the measures envisaged for the child victims to receive family and community-based long-term care, including full access to health care, psychosocial support, social services, life skills education.
- 6. Please provide details on the domestic mechanism(s) in place in Austria to review requests for repatriation.
- 7. Please provide information on the measures taken by your Excellency's Government to repatriate Ms. Golser and her children to Austria.
- 8. Please provide details on the domestic mechanism and procedure that has been set up to identify and protect the rights of individuals who have been trafficked into North-east Syria and on whether this mechanism has been used in the case of Ms. Golser.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting <u>website</u> within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Fionnuala Ní Aoláin

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Mumba Malila Vice-Chair of the Working Group on Arbitrary Detention

Morris Tidball-Binz Special Rapporteur on extrajudicial, summary or arbitrary executions

> Michael Fakhri Special Rapporteur on the right to food

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Balakrishnan Rajagopal

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Ravindran Daniel Justin

Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Fernand de Varennes Special Rapporteur on minority issues

K.P. Ashwini

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Mama Fatima Singhateh

Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

Siobhán Mullally

Special Rapporteur on trafficking in persons, especially women and children

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck

Chair-Rapporteur of the Working Group on discrimination against women and girls