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Mandate of the Working Group on the issue of discrimination against women in law and in practice

Gender, Economic Policy and Women's Human Rights: Tackling Discrimination to Strengthen Social Protection, Increase Access to Services and Transform Systems.

Date: March 18

Time and Location: 10:00 – 11:15, Ex-Press Bar Room, GA Building, 3rd floor, UNHQ, NY

Mission sponsor: New Zealand

Convener: UN Working Group on discrimination against women in law and in practice (WGDAW)

Organizational co-sponsors: International Labour Organization (ILO), Center for Women's Global Leadership (CWGL), The Carter Center, International Association for Feminist Economists (IAFFE)

Panelists:

Melissa Upreti: Expert, UN Working Group on Discrimination against Women in Law and Practice

Radhika Balakrishnan: Faculty Director, CWGL and President-elect, International Association for Feminist Economists (IAFFE)

Bindu Armstrong, Senior Policy Analyst, New Zealand Ministry for Women

Shauna Olney: Chief, Gender Equality and Diversity and ILOAIDS Branch, Conditions of Work and Equality Department, ILO

Karin Ryan: Senior Policy Adviser on Human Rights and Special Representative on Women and Girls, The Carter Center

Background

The United Nations Working Group on discrimination against women in law and in practice (WGDAW) has noted that discriminatory legislation in a number of States continues to obstruct women's enjoyment of equal rights and access to economic opportunity and resources. The roles and responsibilities assigned to women and men on the basis of stereotypes relegate women to a subordinate status and limit their economic opportunities. A significant number of countries have adopted anti-discrimination measures, but these have not resulted in equality of opportunity in women's economic and social lives. Women are disproportionately concentrated in informal and precarious employment; they are exposed to multiple forms of discrimination; the wage gap persists; maternity protections have not been fully and effectively implemented; and, in many countries, women do not have equal rights and access to resources. Care functions are disproportionately allocated to women and create a major barrier to women's full participation in economic market activity. Austerity measures taken by some States in response to economic crisis have had a disparate impact on women, increasing the precarity of their



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employment and their burden of unpaid care work. Violence against women remains a serious obstacle to women's equal opportunity.

Women's right to equality in economic and social rights is substantive, immediate and enforceable. It concerns the division of existing resources, not merely the incremental use of additional resources, therefore, the principle of progressive realization cannot be used to delay the elimination of discrimination in women's economic and social life and fulfilment of their human rights. In fact, the State has an obligation of due diligence to prevent discrimination against women in economic and social life by private persons or entities. Furthermore, temporary special measures may be required to accelerate the achievement of *de facto* equality. In a significant number of countries, discriminatory legislation, often through application of personal law systems, continues to create an almost impassable barrier to women's equal economic and social opportunity. These include laws that limit women's access to education, legal capacity, freedom of movement, ownership or enjoyment of property. Discrimination is also found with regard to access to credit, equal retirement age and social security rights.

Women are not a homogenous group, and their experience varies greatly between regions, countries, socioeconomic classes within countries and their identities as members of minorities, migrants, girl children, older women, or on account of single parenthood, disabilities or sexual identity, among others. However, a crosscutting issue in women's life cycles is their vulnerability to poverty. According to the ILO, only 45 per cent of the global population is effectively covered by at least one social benefit, while the remaining 55 per cent – 4 billion people – are left unprotected. The lack of social protection leaves people vulnerable to ill-health, poverty, inequality and social exclusion throughout their lifecycle. The situation of women in this overall picture is even more bleak as they are less likely to participate in the labor market than men and are more likely to be unemployed in most parts of the world. For every ten men in a job, only six women are in employment. Further, women are overrepresented in informal employment in developing countries which contribute to gender gaps in wages and social protection. As recommended by the ILO and the Report of the Social Protection Floor Advisory Group, social protection floors are vital tools to reduce women's poverty and improve women's level of economic empowerment.

Women's relative disadvantage in our economic and social systems is not accidental but a consequence of man-made laws, policies, practices and institutional arrangements across the



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private and public spheres. As noted by UN Women, to support substantive equality, economic and social policies need to work in tandem. Typically, the role of economic policies is seen primarily in terms of promoting economic growth, while social policies are supposed to address its 'casualties' by redressing poverty and disadvantage and reducing inequality. But macroeconomic policies can pursue a broader set of goals, including gender equality and social justice. Conversely, well-designed social policies can enhance macroeconomic growth and post-crisis recovery through redistributive measures that increase employment, productivity and aggregate demand.

Erasing women's systemic disadvantage will require more serious political commitment than currently seen and a range of measures to eliminate gender-based violence, which is one of the most extreme and pervasive manifestations of discrimination. Women's rights organizations have been campaigning for decades to end violence against women and they continue to organize globally through the 16 Days of Activism Against Gender-based Violence Campaign, which since its initiation in the 90's, by CWGL in partnership with feminists from around the world, has evolved from being an awareness campaign to a global civil society initiative that is now more strongly than ever pushing for accountability.

The leap to transformation will be made when economic and social policies are combined with the power of the law to hold states accountable to their binding legal obligation to eliminate discriminatory laws, policies, and practices in all spheres of women's lives.

Objectives of the panel

The main objective of the panel is to generate a discussion about the importance of tackling discrimination against women in order to strengthen social protection and access to health and education services, which will require closer examination of the crucial links between gender, macroeconomic policy and women's human rights, and consideration of the critical role of international human rights mechanisms and UN agencies, such as the ILO, in facilitating transformation with support from civil society. In line with this goal, the panelists will:

- Discuss how women's issues relating to social protection and gaps in access to services have been framed as discrimination by the UN WGDW in its thematic and country reports.
- Explain the role of macroeconomic policy in advancing women's human rights and its use as a tool to eliminate discrimination in law and practice.



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- Highlight new approaches being implemented by states to tackle inequalities and disparities.
- Introduce the ILO's draft standards on violence and harassment in the world of work.
- Examine the crucial role of international mechanisms, through broad engagement with civil society, in ensuring compliance with human rights standards and catalyzing transformation.