

## ANNEX<sup>1</sup>

### **Selected United Nations Human Rights Instruments on Women's Rights and International Development Policy**

In this annex selected basic instruments dealing with states' obligations concerning women's rights in the context of international development cooperation and development policy are analysed in detail. They comprise binding human rights conventions and agreements as well as UN declarations, outcome-documents of conferences, comments and recommendations delivered by specific committees which are considered as "soft law", but nevertheless are consensually acknowledged by the international community.

Messages concerning CEDAW are not included, as they are already dealt with comprehensively in the publication itself.

The emphasis of these documents lies on the achievement of economic, social and cultural rights, but the importance of civil and political rights must by no means be neglected.<sup>2</sup>

#### **1. Universal Declaration on Human Rights (1948)<sup>3</sup>**

This declaration, adopted by the United Nations General Assembly in 1948, forms the basis for all human rights conventions adopted in later years. The principle of **non-discrimination of human beings** and the commitment to the **equality of women and men** are already emphasized in the **preamble**.

In Article 1 it is stated:

*"All human beings are born **free and equal** in dignity and rights."*

Article 2 adds:

*"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, **sex**, language, religion, political or other opinion, national or social origin, birth or other status. (...)"*

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<sup>1</sup> Annex to: WIDE (2014): Women's Rights and International Development Policy. Proposal for the elaboration of General Recommendation for the Women's Convention (CEDAW)

<sup>2</sup> Mark ups in bold lettering within quotations were added by the editor.

<sup>3</sup> <http://www.un.org/en/documents/udhr/>

In the Universal Declaration on Human Rights the conviction is also expressed, that individual human rights can only be implemented if they are embedded into a **framework** of international regulations which are conducive to their realization.

Thus, it is stated in article 28:

*“Everyone is entitled to a **social and international order** in which the rights and freedoms set forth in this Declaration can be fully realized.”*

## 2. International Covenant on Economic, Social and Cultural Rights<sup>4</sup>

This covenant formulates basic economic, social and cultural rights which are indispensable for the fulfilment of human beings’ basic needs and for a life in dignity.

The principle of **non-discrimination** is ascribed central importance also in this covenant.

Concerning **women’s rights and gender equality**, it is stated in article 3:

*“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of social, economic and cultural rights set forth in the present Covenant.”*

Within the ICESCR the issue of **international cooperation** is also addressed. In Article 2.1. it is noted:

*“Each State Party to the present Covenant undertakes to ensure to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”*

This is completed by the demand in article 3, that **“international action”** be undertaken

*“(....) for the achievement of the rights recognized in the present Covenant including such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Government concerned.”*

In the **General Comment No. 20** to the ICESCR (2009), devoted to the issue of non-discrimination<sup>5</sup>, the close connection between discrimination and **stagnation** in the area of economic, social and cultural development is pointed out:

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<sup>4</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

<sup>5</sup> Committee on Economic, Social and Cultural rights: General Comment No. 20: Non-discrimination in economic, social and cultural rights (article 2, para 2, of the International Covenant on Economic, Social and Cultural Rights), <http://www.refworld.org/docid/4a60961f2.html>

*„Discrimination undermines the fulfilment of economic, social and cultural rights for a significant proportion of the world’s population. Economic growth has not, in itself, led to sustainable development, and individuals and groups of individuals continue to face **socio economic inequality**, often because of entrenched historical and contemporary forms of discrimination.”<sup>6</sup>*

In this context the Comment states that **non-discrimination and equality** are of fundamental importance in international law and that each state must implement the Covenant **without any distinction**:

*„Non-discrimination and equality are **fundamental components** of international human rights law and essential to the exercise and enjoyment of economic, social and cultural rights. Article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (the Covenant) obliges each State party ‘to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, **sex**, language, religion, political or other opinion, national or social origin, property, birth or other status’.”<sup>7</sup>*

Subsequently it is explained what can be understood by „**other status**“, categories which were not mentioned in the Covenant itself, for instance disablement, age, nationality, marital status, sexual orientation and sexual identity etc.

Under item 17 the effects of **cumulative discrimination**, for example on women, are emphasized.

*„Some individuals or groups of individuals face discrimination on more than one of the prohibited grounds, for example women belonging to an ethnic or religious minority. Such cumulative discrimination has a unique and specific impact on individuals and merits particular consideration and remedying.”<sup>8</sup>*

### **3. Declaration on the Right to Development (1986)<sup>9</sup>**

This right is defined in article 1.1. as an “**inalienable human right**”.

In article 3.1. it is clarified that states have the

*“(…) primary responsibility for the **creation of national and international conditions favourable to the realization of the right to development.**”*

In article 3.3. it is emphasized that states

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<sup>6</sup> Committee on Economic, Social and Cultural Rights (2009): General Comment No. 20, <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.GC.20.doc>, para.1, p.1

<sup>7</sup> Committee on Economic, Social and Cultural Rights (2009): General Comment No. 20, <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.GC.20.doc>, para.2, p.1

<sup>8</sup> Committee on Economic, Social and Cultural Rights (2009): General Comment No. 20, <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.GC.20.doc>, para 17, p.6

<sup>9</sup> <http://www.un.org/documents/ga/res/41/a41r128.htm>

*“(...) have the duty to **co-operate with each other** in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the **observance and realization of human rights.**”*

This conviction is re-iterated in article 4.1. :

*“States have the duty to take steps, individually and collectively, to formulate **international development policies** with a view to facilitating the full realization of the right to development.”*

In article 4.2. it is stated:

*“As a complement to the efforts of developing countries, **effective international co-operation** is needed in providing these countries with appropriate means and facilities to foster their .” comprehensive development.”*

In article 8 the necessity to fulfil basic material needs and the role of women are addressed. States are urged to ensure

*“(...) the equality of **opportunity for all** in the access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that **women** have an active role in the development process (...).”*

In 2005 the United Nations General Assembly adopted **Resolution A 60/157** in which the **right to development** was confirmed.<sup>10</sup>

In paragraph 10 *“(...) the primary responsibility of States to create **national and international conditions** favourable to the realization of the right to development as well as their commitment to co-operate with each other to that end.”* is reaffirmed.

Paragraph 11 also reaffirms *“the need for an **international environment** that is conducive to the realization of the right to development.”*

In paragraph 12 it is requested that the states should perform *“measures required for the implementation of the right to development as a **fundamental human right.**”*

In paragraph 14 it is stated that it is necessary to undertake *“measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable.”*

In paragraph 17 the “developed countries” are urged *“to make concrete efforts towards meeting the target of **0,7 per cent** of their gross national product for official development assistance to developing countries and **0,15%** of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved(...).*

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<sup>10</sup> [http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy\\_and\\_research/un/60/A\\_RES\\_60\\_157\\_en.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/un/60/A_RES_60_157_en.pdf)

In paragraph 20 “*the important **link** between the international economic, commercial and financial spheres and the realization of the right to development (...)*” is recognized and “*the need to enhance the **participation** of developing countries and countries in transition in international decision-making and norm-setting*” is stressed.

In paragraph 22 the “*important **role of women** and the application of a **gender perspective** as a cross-cutting issue in the process of realizing the right to development*” is emphasized and “*the **positive relationship***” between women’s education, their participation in the activities of their community and the promotion of their right to development is noted.

In paragraph 24 **additional measures** are demanded to combat HIV/AIDS and other communicable diseases.

In paragraph 25 it is acknowledged that **strong partnerships** between governments on one hand and civil society and the private sector on the other are necessary to combat poverty and achieve development. In this context enterprises are summoned to correspond with the principle of **corporate social responsibility**.

#### **4. Convention on Biological Diversity (1992)<sup>11</sup>**

This convention is the result of the **Conference on Environment and Development** which took place in 1992 in Rio de Janeiro and is also called the “**Earth Summit**”. This conference was of outstanding importance and was characterized by the particularly strong and intensive participation and **women and women’s groups** from all over the world.

References to women’s contribution to the protection of biological diversity are already included in the preamble of the convention:

*“Recognizing the **vital role that women play** in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation of biological diversity conservation.”*

In article 3 – Principle – the obligation of states to respect environmental interests and requirements in countries and areas beyond their own borders:

*“States (...) have the responsibility to ensure that activities within their jurisdiction or control **do not cause damage** to the environment of other states as of areas beyond the limits of national jurisdiction.”*

By that statement the interaction between **national interests** and **global requirements** is accentuated.

#### **5. Vienna Declaration and Programme of Action (1993)<sup>12</sup>**

The 2<sup>nd</sup> UN Conference on Human Rights took place in Vienna and was an event of imminent importance, as it established a consistent guideline for states’ policies in the field of human

<sup>11</sup> <http://www.cbd.int/doc/legal/cbd-en.pdf>

<sup>12</sup> <http://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>

rights, reaffirmed the **right to development**, emphasized the equality of **all forms** of human rights and set the course for the recognition of **women's rights**.

In part **I**, paragraph 10, the **right to development**, “*as established in the Declaration on the Right to Development*”, is reaffirmed. It is further added, that “*development facilitates human rights*”, but that, on the other hand, the “*lack of development may not be invoked to justify the abridgement of internationally recognized human rights.*” Subsequently an “*effective international cooperation for the realization of the right to development*” is demanded and the importance of “*effective development policies at the national level is stressed*”

Further down in the document, under paragraph 25, it is confirmed that “***extreme poverty and social exclusion constitute a violation of human dignity***” and “urgent steps” in this respect are demanded.

The statements on the **human rights of women** were formulated with very active and intensive participation of NGOs and women's groups and are of historical importance, i. a., because women's rights are for the first time officially recognized as “real” human rights and the United Nations, governments, NGOs and enterprises are summoned to strengthen them. Moreover the issue of **violence against women** was explicitly addressed and governments were requested to contribute to the elimination of discrimination against women by legal measures and international development policies:

Thus it is emphasized in paragraph 18:

*“The human rights of women and of the girl-child are an **inalienable, integral and indivisible part** of universal human rights. The full and equal **participation** of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the **eradication of all forms of discrimination** on grounds of sex are **priority objectives** of the international community.*

***Gender-based violence** and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are **incompatible** with the dignity and worth of the human person, and must be **eliminated**. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support.*

*The human rights of women should form an **integral part of the United Nations human rights activities**, including the promotion of all human rights instruments related to women.*

*The World Conference on human rights urges governments, institutions, intergovernmental and non-governmental organizations to **intensify their efforts** for the protection and promotion of human rights of women and the girl-child”.*

In part **II**, chapter B (“Equality, dignity and tolerance”) an entire section (36 to 44) is addressed to “**The equal status and human rights of women**”.

In paragraph 36 the following is stated:

*“(...)The World Conference on Human Rights also underlines the importance of the integration and full participation of **women as both agents and beneficiaries** in the development process and reiterates the objectives established on global action for women towards sustainable and equitable development set forth in the Rio Declaration on Environment and Development and chapter 24 of Agenda 21, adopted by the United Nations Conference on Environment and Development(Rio de Janeiro, Brazil, 3-14 June 1992).”*

In paragraph 37 to 44 further detailed proposals are formulated to better **integrate policies** and measures to realize the human rights of women and girls into the overall strategies and activities of the **United Nations**.

Of particular importance is paragraph 40 which calls for examining the possibility of introducing the right of petition through the preparation of an **Optional Protocol to CEDAW**. Behind this important demand stands the strong commitment of NGOs, women’s groups and human rights experts, who also supported further policies in the following years which finally led to the adoption of this protocol by the UN General Assembly on 6 October 1999<sup>13</sup> and the entering into force on 22 December 2000. This must be seen as a **landmark decision** because on the basis of this Optional Protocol, the CEDAW Committee is allowed to receive and consider complaints from individual women or women’s groups, concerning violations of their rights.<sup>14</sup>

20 years after the Vienna Human Rights Conference, Non Governmental Organisations from all over the world met in Vienna in June 2013 for an **action week**<sup>15</sup> and finally adopted a Declaration, entitled **“Reclaiming the Primacy of Human Rights”**<sup>16</sup>. By that they demanded the full realization of **women’s rights** as well as the accountability and binding regulation of transnational corporations and intergovernmental organizations. NGOs also reminded States of their human rights obligations in the context of **international cooperation and assistance**. They emphasized that

*“(...) without the acceptance and implementation of extraterritorial obligations, human rights cannot be universally realized, nor can they play a substantial role in the regulation of globalization.”*

## **6. Conference on Population and Development (1994)**<sup>17</sup>

This conference which was performed in 1994 Cairo resulted in the adoption of a very ambitious and comprehensive programme of action combining recommendations for policies and measures to strengthen the **reproductive rights of women** – this notion was coined on the occasion of this event - , to realize the **eradication of poverty** and to implement **sustainable development**.

The issue of **gender equality** is dealt with in the entire programme, but this emphasis is particularly evident in the following paragraphs: It is explicitly mentioned as the forth among its guiding **principles**:

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<sup>13</sup> A/Res/54/4

<sup>14</sup> <http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm>

<sup>15</sup> Vienna+20 Action-Week. Strengthening the Human Rights Movement Globally. Vienna 24-28 June 2013, <http://viennaplus20.wordpress.com/>

<sup>16</sup> *ibid.*

<sup>17</sup> <http://www.un.org/popin/icpd/conference/offeng/poa.html>

*“Advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility, are cornerstones of population and development- related programmes.*

*The human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in civil, cultural, economic, political and social life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority objectives of the international community.”*

In chapter III, Section B, paragraph 16 the necessity of support for poor women who despite their vulnerability play also an important role in society is mentioned:

*“Particular attention is to be given to the socio- economic improvement of poor women in developed and developing countries. As women are generally the **poorest of the poor** and at the same time **key actors** in the development process, eliminating social, cultural, political and economic discrimination against women is a prerequisite of eradicating poverty, promoting sustained economic growth in the context of sustainable development, ensuring quality family planning and reproductive health services, and achieving balance between population and available resources and sustainable patterns of consumption and production. “*

The entire chapter IV is dedicated to the issue of „**Gender Equality, Equity and Empowerment of Women**”. Beginning with the statement that the empowerment of women is “a highly important aim in itself”, measures are recommended

*“To ensure the enhancement of women's contributions to sustainable development through their **full involvement in policy-and decision-making processes** at all stages and participation in all aspects of production, employment, income-generating activities, education, health, science and technology, sports, culture and population-related activities and other areas, as active decision makers, participants and beneficiaries”.*

Chapter XIV is dedicated exclusively to the issue of „**Development Cooperation**“. In Section A - Responsibilities of Partners in Development - the objective formulated as a starting point is the following

*“To ensure that international cooperation in the area of population and development is consistent with national population and development priorities centred on the well-being of intended beneficiaries and serves to promote national capacity-building and self-reliance.”*

Subsequently the **obligations of states** to fulfil the 0,7 per cent target and the 0,15 percent target for support of least developed countries are emphatically recalled.

Efforts to strengthen **cooperation** between governments, international institutions and organisations, the private sector and civil society are claimed in Chapter XV.

This programme of action was originally planned for a 20-year-period, but on 22 December 2010 the General Assembly adopted a resolution<sup>18</sup> on “**Follow up to the ICPD Beyond 2014**” by which the ICPD Programme of action should be extended for an **unlimited period**

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<sup>18</sup> A/RES/65/234, [http://icpdbeyond2014.org/uploads/browser/files/ungass\\_res\\_65\\_243.pdf](http://icpdbeyond2014.org/uploads/browser/files/ungass_res_65_243.pdf)

of time, to “ensure its follow-up in order to fully meet its goals and objectives.”<sup>19</sup> In this resolution it also decided to convene a **United Nations General Assembly Special Session (UNGASS)** to debate this issue.

## 7. Declaration and Programme of Action of Beijing (1995)<sup>20</sup>

The outcome document of the **4<sup>th</sup> Women’s Conference** presents a further **turning point** in the struggle for women’s rights and gender justice by its courageous and profound recommendations. Of crucial importance are the recognition of the **universality** of the human rights of women, the re-affirmation of their **sexual and reproductive rights**, explicit statements on **violence against women** – also in the context of armed conflicts - and proposals for changes within **inheritance law**.<sup>21</sup>

The commitment to **gender-mainstreaming** of all policies in all sectors of life was addressed for the first time at this conference.

*In addressing the issue of mechanisms for promoting the advancement of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in **all policies and programmes** so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.(paragraph 202)*

**Economic, social and cultural rights of women** and the issue of **international development cooperation** are thoroughly and comprehensively dealt throughout the Platform for Action. Numerous reference-points for the re-orientation of development cooperation and development policy from the gender-perspective can be found in Chapter IV, “**Areas of Concern**”, under A (Women and Poverty), F (Women and the Economy), H (Mechanisms for the Advancement of Women) and K (Women and the Environment).

In Chapter V, “**Institutional Arrangements**”, recommendations for the implementation of the Platform for Action at the national regional and international level, also in the context of international economic and environmental policies, are offered. The **international financial institutions (IFIs)** are explicitly addressed; while the requests directed to the **World Bank** and to the **International Monetary Fund** are very precise, the paragraphs on the **World Trade Organisation** are rather vague.

In Chapter VI “**Financial Regulations**” all actors at all levels are summoned to provide the necessary financial means for the creation of gender justice in all member states.

At this conference **NGOs** were particularly active, their intensive lobbying greatly contributed to the fact that the outcome document was adopted by **consensus**.

A **direct connection** can be drawn between the Platform for Action and CEDAW, the Convention providing the legal framework and the Platform for Action being its concrete

<sup>19</sup> UNFPA Newsletter, issue 94, 22 December 2010,

<http://www.unfpa.org/public/cache/bypass/home/parliamentarians/pid/3615;jsessionid=32ED5C77169066F12C04D3F11D510BB0?newsLIId=13394>

<sup>20</sup> A/CONF.177/20 (1995), <http://www.un.org/documents/ga/conf177/aconf177-20en.htm>

<sup>21</sup> Neuhold, Brita: „Keep on moving Forward!“. Hintergründe, Verlauf und Perspektiven der 4. UN-Weltfrauenkonferenz in Beijing. Vienna 1996, ÖFSE

political reflection.<sup>22</sup> The CEDAW Committee emphasizes exactly this factor and explicitly demands member states to orient their periodic reports along the assessment of the situation of women within the 12 areas of concern.<sup>23</sup>

A central request of the Beijing Platform for Action was the elaboration of **National Plans of Action** on the implementation of the targets of the conference document, a demand which has not been realized by many states.

## 8. Millennium Development Goals (2000)<sup>24</sup>

These goals are based on the Millenniums Declaration, which was adopted after a very solemn ceremony at the turn of the millennium. This Declaration constitutes an important signal, as it affirms insights of the ground-breaking conferences of the 1990ies. The Millennium Development Goals, however, which were composed without any involvement of the NGOs, show several inconsistencies and gaps and have often been criticized because of their narrow definition of poverty, their solutions focusing on financial flows and their neo-liberal orientation.<sup>25</sup> Critical voices have also been raised from a gender perspective.<sup>26</sup> They focus on the fact that the issue of “**gender justice**” is not a cross-cutting issue, but is essentially limited to **Goal III** “To promote gender equality and empower women”. The policies recommended in this goal comprise the improvement of the access of women to education, the increase of their chances for paid employment outside the agricultural sector and a higher share of women as deputies in national parliaments. Crucial issues like **reproductive rights** and **violence against women** are not touched upon. Besides that, **Goal V** “To improve maternal health” and **Goal VI** “To combat HIV/AIDS, malaria and other diseases” marginally - and predominantly from a negative perspective - deal with the situation of women. As far as **international development cooperation** is concerned, the gender perspective has been left out completely from **GOAL VIII** “To develop a global partnership”.

For the time being a “**Post-2015 Development Agenda**” is elaborated within the United Nations which combines the targets of environmental sustainability (Rio+20) and of the eradication of poverty (MDGs). NGOs are demanding comprehensive reorientations, like the focus on global interdependencies and the consideration of human rights throughout the whole agenda, with an explicit commitment to **women’s rights**.<sup>27</sup> These activities could have the effect that **treaty bodies** - like CEDAW - gain an **additional focus** on development issues within their review procedures.

<sup>22</sup> See: Tertinegg, Karin: Die UN Frauenkonvention und ihre Umsetzung in Österreich. Graz 2000, University of Graz, p. 33

<sup>23</sup> Report of the Committee on the Elimination of Discrimination against Women (Fifteenth Session), A/51/38(1996), para 335

<sup>24</sup> <http://www.un.org/millennium/declaration/ares552e.htm>

<sup>25</sup> Amin, Samir: The Millennium Development Goals. A critique from the South, in: Monthly Review 2006, Vol. 57, issue 10 (March), <http://monthlyreview.org>

<sup>26</sup> Kabeer, Naila: Gender equality and women’s empowerment. A critical analysis of the Millennium Development Goals, in: Gender and Development, Vol. 13, No. 1, March 2005, [http://www.visionaryvalues.com/wiki/images/gender\\_equality\\_and\\_empowerment\\_MDG\\_kabeer.pdf](http://www.visionaryvalues.com/wiki/images/gender_equality_and_empowerment_MDG_kabeer.pdf); McDermott, Mary: Gender and the Millennium Development Goals, in: Global Citizenship, Autumn 2003, <http://www.developmenteducationreview.com/issue3-reviews1>; Neuhold, Brita: Focus on Human Rights and Gender Justice. Linking the Millennium Development Goals with the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action, Wien 2005, WIDE Austria, [http://www.oneworld.at/wide/dokumente/Neuhold\\_MDG05.pdf](http://www.oneworld.at/wide/dokumente/Neuhold_MDG05.pdf)

<sup>27</sup> See e.g. <http://www.post2015women.com/>

## 9. Convention on the Rights of Persons with Disabilities (2006)<sup>28</sup>

This UN Convention which entered into force in 2008 deals explicitly as well with women-specific aspects as with obligations concerning international development cooperation:

Article 6 “**Women with disabilities**” contains the statement:

*“ 1. States Parties recognize that women and girls with disabilities are subject to **multiple discrimination**, and in this regard shall take measures to ensure the full and equal enjoyment by the of **all human rights and fundamental freedoms**.*

*2. States Parties shall take all appropriate measures to ensure the full **development, advancement and empowerment of women** for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.”*

In article 16 “**Freedom from exploitation, violence and abuse**” the issue of gender-specific violence is addressed in paragraph 1:

*“States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both inside and outside the home, from all forms of exploitation, violence and abuse, including their **gender-based aspects**.”*

Article 32 which is devoted to **international cooperation** does not refer to gender-specific tasks. Nevertheless this article is very comprehensive and includes the following recommendations;:

*“1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in **partnership** with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:*

- a. Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;*
- b. Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;*
- c. Facilitating cooperation in research and access to scientific and technical knowledge;*
- d. Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies”.*

## 10. Doha-Declaration on Financing for Development (2008)<sup>29</sup>

This Declaration contains committed paragraphs on “Gender Equality”, which are, however, embedded into a strictly neo-liberal economic concept.

<sup>28</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>29</sup> [http://www.un.org/esa/ffd/doha/documents/Doha\\_Declaration\\_FFD.pdf](http://www.un.org/esa/ffd/doha/documents/Doha_Declaration_FFD.pdf)

In paragraph 2 the commitment of participating states to **gender equality** is declared as part of their overall convictions. In paragraph 4 the issue is defined as a “*basic human right*”.

In paragraph 19 the importance of the **implementation of gender equality** in the area of economic policies is stressed:

*„Gender equality and women’s empowerment are **essential** to achieve equitable and effective **development** and to foster a **vibrant economy**. We reaffirm our commitment to eliminate gender-based discrimination in all its forms, including the labour and financial markets, as well as inter alia in the ownership of assets and property rights. We will promote women’s rights, including their economic empowerment, and effectively mainstream gender in law reforms, business support services and economic programmes. We will further promote and reinforce capacity-building of State and other stakeholders on gender-responsive public management, including, but not limited to gender-budgeting.”*

These statements are, however, embedded into a strictly neo-liberal economic concept: As far as the **financing** of the measures recommended is concerned, the **private sector** is urgently called for in an entire chapter on this issue. **International trade**, which is also treated comprehensively, is seen as an engine for development. Within the chapter “**Increasing international financial and technical cooperation for development**” the importance of Official Development assistance provided by the States Parties is emphasized under paragraph 41, particularly in the context of the following targets:

*“(…) improving health and education; **fostering gender equality**; preserving the environment and eradication of poverty”*

## **11. Rio+20 - Conference of the United Nations on Sustainable Development (2012)<sup>30</sup>**

The outcome document of this conference includes quite a few supportive messages on the **vital role of women** in sustainable development. The claim for gender equality and the empowerment of women is raised several times, but never explicitly in the context of **development cooperation**. The importance of a gender-just **international economic and trade policy** is not emphasized. Recommendations to support the **neo-liberal economic system** prevail. Moreover, the concept of a “**Green Economy**” which was proclaimed at this conference is never profoundly analysed and always focused on the notion of market-oriented economic growth. On the whole, the commitment to gender justice and development cooperation is visible, but also inconsistent and sometimes controversial.

**Gender equality** is highlighted as an important issue in Chapter II - Renewing political commitment - in paragraph 45:

*“We underscore that women have a **vital role** to play in achieving sustainable development. We recognize the leadership role of women and we resolve to **promote gender equality** and*

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<sup>30</sup> <http://www.uncsd2012.org/content/documents/814UNCSD%20REPORT%20final%20revs.pdf>

*the empowerment of women and to ensure their **full and effective participation** in sustainable development policies, programmes and decision-making at all levels.”*

In chapter V – Framework for action and follow- up – the importance of **indicators** “in measuring and accelerating progress” is highlighted, also concerning gender-sensitivity (104)

In the framework of **poverty eradication**, the first of the thematic areas and cross-sectoral issues treated here, it is stated that the implementation of the Millennium Development Goals lags behind, also in respect to the support of women and children and that these efforts should be enhanced (105 and 106). In the context of **food security** the role of women as “critical agents” in this area is emphasized in paragraph 109. Concerning **education**, it is explicitly stressed that the realisation of gender-specific equality and women’s empowerment is indispensable for the achievement of sustainable development and poverty eradication (229). Unfortunately many areas which are very important for women in the Global South and where their role is crucial - like **water and sanitation** or **energy** - gender issues are not dealt with at all. In the area of **health**, only the issue of reproductive rights is touched upon.

A longer section is dedicated to the theme “**gender equality and women’s empowerment**” (236 - 245). This text is very ambitious and challenging and promises in paragraph 238 to “ (...)to unlock the potential of women as **drivers of Sustainable Development** (...)” by a variety of measures.

The topic of **International Development Cooperation** is noted at the beginning of the document in paragraph 11, women however are not referred to as one of the addressed groups.

In paragraph 58 f the “supply of **financial means** and the access to **capacity building** and transfer of **technology** for developing countries” is requested and in 58 g it is demanded to “effectively **avoid** unwarranted **conditionalities** on official development assistance (ODA) and finance”.

In the area **water and sanitation** (see above) international cooperation in this field is required, without any reference to women, however.

In chapter VI - implementation - the donation of at least **0,7%** of developed countries’ GNP for development assistance is requested (258).

In the field of **trade** the role of “ a universal, rule-based, open, non-discriminatory and equitable multilateral trading system, as well as meaningful trade liberalization, can play in stimulating economic growth and development worldwide” (281) is emphasized. The WTO is demanded to finally adopt the “**Doha Development Agenda**”.

These paragraphs on development assistance and economic development are completely “**gender-blind**” and do not contain any reference to women and gender relations.