

[DRAFT, 18.3.2014]

Women’s Rights and International Development Policy

Proposal for the elaboration of a General Recommendation for the Women’s Convention (CEDAW)

Contents

| | |
|--|-----------|
| Introduction | 2 |
| Point of departure | 2 |
| Overview | 4 |
| 1. On the situation of women in countries of the global South | 5 |
| 1.1. Reasons for the feminisation of poverty | 5 |
| 1.2. The contribution of development cooperation and development policy | 6 |
| 1.3. Difficult framework conditions | 6 |
| 2. Political coherence for human rights in the context of international development | 7 |
| 2.1. Development policy | 8 |
| 2.2. Financial market and budgetary policy | 9 |
| 2.3. Economic and trade policy | 10 |
| 2.4. Agricultural and environmental policy | 11 |
| 2.5. Migration policy | 12 |
| 3. Human rights instruments on women’s rights and international Development | 13 |
| 3.1. International legal aspects | 13 |
| 3.2. Messages in the framework of CEDAW | 14 |
| 3.3. Statements in other conventions and declarations | 16 |
| 4. Conclusions | 18 |
| Summary/Abstract | 20 |
| Annex | |

Vienna, March 2014

INTRODUCTION

Point of departure

The submitted text shall serve as an **argumentative guideline** for the elaboration of a “General Recommendation” by the CEDAW Committee on possibilities to strengthen women’s human rights in the context of international development cooperation and development policy. The provision of detailed information on necessary measures and strategies in this area will contribute to the quality of CEDAW member states’ periodic reports on their efforts to implement the **UN Convention on the Elimination of All Forms of Discrimination against Women**.

For WIDE Austria the decisive **impulse** for this step was triggered by the perception that the issues gender equality and the strengthening of women’s human rights in the framework of development cooperation and development policy are to a large extent affirmed and supported by plans and declarations announced by states of the “Global North”, but are not sufficiently transferred into **practical reality**.

WIDE has been criticising Austrian development policies in that context throughout the years – this attitude is also reflected in two shadow reports on the implementation of CEDAW by Austria. Moreover it has been informed through its cooperation with other networks and by studying periodical reports by various CEDAW member countries, that a coherent gender perspective within development cooperation and development policy is lacking in many other Northern countries as well.

Currently **conditions within development cooperation** are affected by a decline of financial flows from Northern countries for development programmes and projects in countries in the global South. International recommendations to improve the efficiency of development cooperation are not convincingly oriented towards the realization of women’s equal rights and the overcoming of their discrimination. Moreover states’ obligations and activities are often transferred to private enterprises. Though NGOs have been struggling since years for the establishment of mechanisms for human-rights-oriented international control over transnational corporations, up to now this concern has not been dealt with seriously.

The evident negative effects of **reduced financial means** for development cooperation on the living conditions of already disadvantaged women in “receiving countries” are still aggravated by measures and strategies in other areas, above all in the context of international economic, trade-related, agricultural, environmental and migration policies. They can endanger or even annihilate positive results of development cooperation and development policy.

For WIDE all these trends urgently necessitate the elaboration of a “General Recommendation” by the **CEDAW Committee** which can serve as a **manual** for a women’s rights oriented assessment of deficiencies and gaps in the field development policy and for subsequent efforts for improvement and positive changes.

Another important **reason** for requesting a CEDAW General Recommendation in the above mentioned context consists in the fact that the Convention, per se, does not contain any **explicit reference** to development cooperation and international development policy. Interpretations in this direction can only be derived from CEDAW article 3 and 14 and from

the General Recommendations Nr. 28 and 30. In principle, however, the **entire Convention** is oriented towards the struggle against women's poverty and towards the fulfilment of their basic needs.

The CEDAW Committee has frequently confirmed these objectives in its concluding comments or observations on the occasion of member states' reports and often added critical remarks if having come across **problems** in this respect.

Thus, in February 2007 the CEDAW Committee stated in its concluding comments on the periodic report presented by **Austria**:

*“The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for an integration of a gender perspective and an explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in the next periodic report.”*¹

Comparable requests are also included in the concluding observations formulated by the Committee in view of the reports submitted by **Canada** and **Belgium** in 2008² and by **Australia** in 2010.³ All these statements are combined with the appeal to use the **Declaration and the Programme of Action of Beijing** as basis for the implementation of the Convention.

These statements by the Committee imply that it highly estimates the importance of **equality-oriented development policies and strategies**. The adoption of a General Regulation concerning this issue would increase the attention of member states for the topic and would finally enhance effects of the **implementation** of the Convention.

Concluding these considerations, WIDE emphatically **recommends** that development cooperation and development policy be examined thoroughly with regard to the promotion of women's rights and gender equality within this framework. This assessment must also include an analysis of public practices and strategies in the field of international financial, budgetary, economic, trade-related, agricultural, environmental and migration policies, which normally are not defined as development policies, but nevertheless have far-reaching consequences for the living conditions of women in countries of the global South. A General Recommendation on “Women's Rights and International Development Policy” could serve as a **basis** for this purpose.

¹ CEDAW: Concluding comments of the Committee on the Elimination of Discrimination against Women: Austria (CEDAW/C/AUT/CO/6), 2 2 2007

² CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada (CEDAW/C/CAN/CO/7) 11 2008, http://bayefsky.com/pdf/Canada_14_cedaw_42.pdf; CEDAW: : Concluding observations of the Committee on the Elimination of Discrimination against Women: Belgium (CEDAW(BEL/CO/6), 7 11 2008, http://bayefsky.com/pdf/Belgium_14_cedaw_42.pdf;

³ CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia (CEDAW/C/AUL/CO/7) 10 7 2010, http://bayefsky.com/pdf/Australia_14_cedaw_46.pdf

Overview

At the beginning of the publication a survey of the situation of women in countries of the global South in the context of the predominant neo-liberal international policies in the area of **finance, economy, trade, agriculture, environment and migration** is sketched..

Subsequently follow reflections concerning a comprehensive and effective international development and economic policy from the perspective of gender justice and the empowerment of disadvantaged women in countries and regions of the global South.

Thereafter a condensed analysis of the **messages** of CEDAW and of other human rights instruments of the United Nations on the issues of “gender equality” and “international development” delivered. Behind this section lies the intention to make visible the official support of these issues and to unveil at the same time inconsistencies and gaps in this respect.

In a separate **annex** a detailed content analysis of selected human rights instruments and their messages on women’s rights in the context of international development is conducted. with the exception of CEDAW, which has already been dealt with thoroughly within the publication itself. Instruments analysed from the perspective mentioned above are predominantly concerned with the protection and realization of economic, social and cultural rights, but this is, of course, not to diminish the importance of civil and political rights.

1. On the situation of women in countries of the global South

Within the last decades international economic development – negatively characterized by various “Crises” - has produced increasing inequality all over the world and has led to the deterioration of the living and working conditions of already disadvantaged women in countries of the global South.

According to estimates women constitute 70% of the world’s poorest,⁴ a fact that is as well a consequence of genderspecific discrimination as the cause for further disadvantages.

„Women bear a disproportionate burden of the world’s poverty. Statistics indicate that women are more likely to be poor and at risk of hunger because of the systematic discrimination they face in education, health care, employment and control of assets. Poverty implications are wide-spread for women, leaving many without basic rights such as access to clean drinking water, sanitation, medical care and decent employment. Being poor, can also mean they have little protection from violence and have no role in decision making.⁵

1.1. Reasons for the feminisation of poverty

The roots of poverty and marginalisation of women are **manifold**. Important factors in this context are discrimination by heritage law; difficult access to productive resources as land and territory, to education, health care and just remuneration; their frequent confrontation with physical, sexual and psychological violence and a general lack of self-determination.

A crucial barrier to the equal participation of women in social life consists in the ascription of **gender specific roles** derogatory to them and in the unjust distribution of paid and unpaid work between the sexes, resulting there from.⁶

Particularly problematic for women in countries of the global South is their predominant involvement in activities in the **informal sector**. Thus, in Africa South of the Sahara almost all women, working outside agriculture, are employed in the informal sector, in Benin, Chad and Mali the respective figure is 95%.⁷ The status of women in these working relations is low and characterized by disadvantages in comparison to men, by lack of recognition and social security. The “Gender Pay-Gap” is particularly high in this field.⁸

Women are especially “vulnerable” because of **multiple discrimination**, as representatives of minorities, as disabled persons, by consequence of their sexual orientation or the colour of

⁴ UN Women: Women, Poverty and Economics,
http://www.unifem.org/gender_issues/women_poverty_economics

⁵ ibid

⁶ See: United Nations: Report of the Special Rapporteur on extreme poverty and human rights, A/68/293, 9.8.2013, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/422/71/PDF/N1342271.pdf?OpenElement>

⁷ Chen, Martha, Alter: Women in the Informal Sector: A Global picture. The Global Movement, in SAIS Review, Vol. 21, Nr. 1, Harvard 2001,
<http://www.cpahq.org/cpahq/cpadocs/module6mc.pdf>;

OECD : Policy Brief: Is Informal Normal? Messages, figures and data, Paris 2009
<http://www.oecd.org/dev/poverty/isinformalnormalmessagesfiguresanddata.htm#messages>

⁸ OECD:, Closing the Gender Gap: Act Now, Paris 2012, <http://www.oecd.org/inclusive-growth/Closing%20the%20Gender%20Gaps.pdf> ,

their skin. Due to an intricate interaction of role ascriptions, marginalisation and discrimination poverty is aggravated and ways out of it are barred.⁹

1.2. The contribution of development cooperation and development policy

In the 1950ies and 1960ies development cooperation was called “**development assistance**”, within its framework men were addressed as agents of reform, while women were considered from the “**welfare perspective**” and exclusively seen as house-wives and mothers.¹⁰

At present the advancement of women, women’s empowerment and gender mainstreaming are an explicit part of the **development agenda**. But often the financial endowment is insufficient and the actual effectiveness of measures is not always evident, the target of gender-mainstreaming of all projects and programmes being the hardest to implement.¹¹ Moreover in many OECD States independent ministries for development or comparable development agencies which could emphasize women’s rights and gender justice within bilateral and multilateral development have not been founded. The EU Gender Action Plan within the framework of EU development cooperation activities has not been financed up to now and is not monitored by a broader public.¹²

In the so called “developing countries” strategies to establish gender equality, supported to some extent by gender-sensitive development cooperation measures, are often counteracted by **international economic and trade agreements and policies**, which can lead to massive ecological problems and to the violation of the economic, social and cultural human rights of women, above all in regions of the global South.

1.3. Difficult framework conditions

With the beginning of the 1980ies **Structural Adjustment Programmes** of the World Bank and the International Monetary Fund considerably contributed to the impoverishment and marginalization of women, as well by endangering their job- and income security as by dismantling public infrastructure and services which are particularly important for women – like health care, education and training, housing and access to water and affordable energy.

Subsequently the consequences of globalisation and the **liberalisation of world trade and financial markets** have aggravated these trends. Small-scale production and market structures have been destroyed by ecologically incompatible and exploitative industrial and agricultural projects and women have been pushed into the export - oriented sector as badly paid work-force without any legal security. A particularly misguided trend in this context consists in “**land grabbing**”¹³, the lease of fertile land at ridiculously low prices to foreign

⁹ 2012 Khan, Irene: The Unheard Truth about Poverty and Human Rights. New York 2009, W.W. Norton & Company Incorporated

¹⁰ Moser, Caroline: Gender Planning in the Third World. Meeting Practical and Strategic Gender Needs. In: World Development, Vol. 17, Nr. 11; Neuhold, Brita: Wir wollen mitentscheiden! Empowerment von Frauen in der Österreichischen Entwicklungszusammenarbeit. Wien 1994, Wiener Institut für Entwicklungsfragen und Zusammenarbeit. Österreichische Entwicklungszusammenarbeit – Bundeskanzleramt, p. 9 f.

¹¹ Austrian Development Agency (ADA): Evaluation of the Austrian Development Cooperation (ADC) Gender Policy between 2004–2011 (2012), <http://www.oecd.org/derec/austria/Final%20Evaluation%20Report%20GENDER.pdf>

¹² O’Connell, Helen: Implementing the European Union gender action plan 2010-2015: Challenges and Opportunities, London 2013, ODI, [http// w.w.w.odi.org.uk/publications/7354-implementing-eu-pla-action-gender-equality-womens-empowerment-development](http://w.w.w.odi.org.uk/publications/7354-implementing-eu-pla-action-gender-equality-womens-empowerment-development)

¹³ WIDE: Krise trifft Frau. Geschlechtsspezifische Aspekte der multiplen Krisen in Äthiopien. Vienna 2012, p. 24f.

investors, which is predominantly strong in Africa, South of the Sahara. The reckless commercialisation of agriculture in the global South leads to the endangerment of ecological sustainability of these regions and of the curtailment of food security and health care of the population. The agro-industrial ways of production can lead to the reduction of biodiversity and often to impairments of women's standing in society.¹⁴

The **World Bank** does not take women's social and economic rights into sufficient consideration, despite improvements since the 4th Women's Conference 1995 in Beijing.¹⁵ The Work of the **International Monetary Fund** still hardly shows traces of a gender-oriented perspective.¹⁶

The European Union's **Global Europe Strategy**, adopted in 2006¹⁷, primarily aims at the promotion of the export - oriented economy, instead of strengthening international cooperation, economic, social and cultural human rights, sustainability and regionalism. In its framework bilateral and multilateral free trade agreements are concluded by the EU exceeding by far the scope of WTO agreements (e.g. free trade for public services *was heißt das?*).

Thus international policies often **undermine** efforts to ensure women's human rights in the economic, social and cultural sphere. For this reason the international **accountability** of a multitude of „players” must be claimed in this context. .

2. Political coherence for human rights in the context of international development

Measures to combat poverty and to strengthen the social and economic human rights of women in the global South must not be limited **to development cooperation** and development policy in the strict sense of the word, but must also be performed in policies concerning **international finance, economy, trade, environment and migration**.

Positive steps in the field of development cooperation in order to promote women's human rights must **not be counteracted** by international economic policies.

The **“leitmotif”** of these efforts must be the comprehensive and profound transformation of political strategies in the fields mentioned above and not only the involvement of women into economic and environmental matters.

This orientation must be considered as an **obligation** and its implementation must be permanently monitored.

¹⁴ Wichterich, Christa: gleich, gleich, ungleich: Paradoxien und Perspektiven von Frauenrechten in der Globalisierung . Sulzbach, Taunus 2009, Ulrike Helmer

¹⁵ Neuhold, Brita: „Keep on Moving Forward!“Hintergründe, Verlauf und Perspektiven der 4. Weltfrauenkonferenz in Beijing. September 1995. UN-Konferenz und NGO Forum. Vienna 19986, ÖFSE: Neuhold, Brita, Gugenberger (jetzt Eigelsreiter-Jashari), Gertrude: Bekämpfung der Feminisierung der Armut. Leitfaden zur Umsetzung der 4. UN Weltfrauenkonferenz in Peking. Folgerungen für die österreichische Entwicklungszusammenarbeit und Entwicklungspolitik. Vienna 1997, VIDC

¹⁶ WIDE: Krise trifft Frau. 2012, ibid, p. 18ff.

¹⁷ Global Europe. Competing in the World. A Contribution to the EU's Growth and Jobs Strategy. Brussels 2006. European Commission. External Trade, http://trade.ec.europa.eu/doclib/docs/2006/october/tradoc_130376.pdf

Against this background we address the following **requests** to all CEDAW member states, which should form the basis of a CEDAW General Recommendation on the issue “Women’s Rights and Development Policy”.

2.1. Development policy

An important task of development policy consists in the promotion of efforts of partner countries to respect, protect and fulfil human rights. In particular the most marginalised and most disadvantaged groups of the population must be addressed and above all **women’s rights** must be strengthened. This includes also the participation of women in the elaboration of **development plans** at the local, regional and international level.

Donor countries and multilateral institutions should use the **concluding comments** or **concluding observations** of UN treaty bodies - e.g. the CEDAW-Committee - on the reports of their member states as a basis for their concrete policies and their priorities concerning development issues,¹⁸

Efforts of donor countries to fulfil the **0,7% target** for official development assistance (ODA) must be invigorated. Even in times of economic and financial crises these flows must not be reduced. Additionally financial means are necessary to combat the climate change and to adjust to subsequent changes and to support women in this respect.

Principally Development Assistance must be limited to strategies and measures in support of **disadvantaged persons** in the global South and must not be used e.g. for the promotion of export credits , for re-scheduling or for the support of refugees seeking for asylum in Northern countries.

Efficient and well donated **high level bodies**, ministries for instance, responsible for development cooperation and development policy, must be enabled to ensure and to coordinate - in cooperation with NGOs - the implementation of a gender perspective in all phases of its work.

Tendencies to perform development assistance to an increasing extent in cooperation with **profit-oriented enterprises** - they have become apparent e.g. in the OECD Conference on Aid Effectiveness in Busan in 2011¹⁹ - must be counteracted, because of often **conflicting interests** between those trends and the safeguarding and promotion of women’s rights.

Experiences and impressions concerning these issues should be **regularly exchanged** between governments of partner- and donor - countries, with active involvement of the civil society.

In this context not only **practical needs** of women in the area of daily survival but also **strategic interests** concerning their participation in political, social and economic decisions must be taken into consideration.²⁰

¹⁸ See Schöpp-Schilling Beate: CEDAW nach 25 Jahren. In: Veröffentlichungen des Walther-Schücking-Instituts für Internationales Recht an der Universität Kiel, Vol.. 166, Gender und Internationales Recht, Berlin 2007

¹⁹ WIDE report from the Fourth High Level Forum in Busan, Brussels 2011

<http://www.gadnetwork.org/uk/storage/WIDE%20report%20from%20HLF-4%20December%2011.pdf>

²⁰ See Molyneux, Maxine; Mobilisation without Emancipation, in: Feminist Studies, 1985, Nr. 2; Moser, Caroline: Gender Planning in the Third World. Meeting Practical and Gender Needs, in: World Development,

The aspiration after the **realization of all human rights, of gender equality and the empowerment of women** must be the central goal of development efforts. Emphasis must be put on the promotion of disadvantaged women, their multiple discrimination must be considered; they must be addressed as bearers of rights and not as recipients of aid; their active participation in society must be supported, in order to enable them to defend their interests and to claim governmental accountability. In this context the strengthening of the position of **women's groups and women's networks** is of crucial importance.

Development cooperation must comprise the **advancement of women** in the strict sense – the support of women-oriented projects and programmes - as the **gender-mainstreaming** of all its efforts and measures, within each phase and at all levels.²¹

During all phases of the project - and programme - cycle **gender-disaggregated data** must be collected and **evaluations** must be performed.

In order to ensure capacity building and the transfer of knowledge, **gender-trainings** must be performed in partner- as well as in donor-countries.

The **OECD-DAC-Policy Marker** on “Gender Equality” should be used as a tool to examine the gender-sensitivity of projects and programmes. It should also be applied in the context of the activities of multilateral donor institutions.

An on-going process of **information** and **consciousness-raising** is an important precondition for the success of development efforts, as well in partner- as in donor-countries. In this context multipliers must be trained, information must be supplied and comprehensive research activities must be performed.

Financial support for treaty bodies like the **CEDAW-Committee** is necessary to enable them to examine member states' reports quickly and comprehensively. examine member states' reports²²

2.2 Financial market and budgetary policy

Responsible international financial market policies as well as well balanced budgetary policies are crucial for the fulfilment of states' obligations in the area of economic, social and cultural human rights of women.

Financial markets are in need of a **regulative framework** in order to have the capacity to function in service of civilians and to take into particular consideration the needs and interests of disadvantaged women. The prevention of speculations on water and basic food, the struggle against tax evasion and corruption, the opening of the access of women with low income to financial credit are examples for important steps in this context.

Vol. 17, No. 11; Young, Kate (Hg.): Women and Economic Development: Local, Regional and National Planning Strategies. Oxford 1988, Berg Publishers Ltd.

²¹ See Women Watch: Information and Ressources on Gender Equality and Empowerment of Women (o.J.), http://www.un.org/womenwatch/directory/gender_training_90.htm

²² .See Schulz, Patricia: Challenges for treaty bodies - sustainability and fulfilment of their mandate, 30.8.2013, <http://www.ishr.ch/news/opinion-challenges-treaty-bodies-sustainability-and-fulfilment-their-mandate>

Budgetary policies respective to **revenues and expenditures** must be oriented towards the prevention of disadvantages for women and towards efforts to promote their equality with men. Considerable taxation of non-sustainable consumption products, on transport and large-scale industries are important to avoid environmental damage. Progressive systems of income- and property - taxation are necessary to relieve the financial burden on persons with a low income, which means to a large extent on women. As far as expenditures are concerned the effects of redistribution must be taken into consideration and emphasis must be put on support of those public services which are particularly important for the realisation of women's human rights and for their participation in all areas of public life. **Cuts** in these areas and **austerity programmes** are to be avoided, because of the additional strain on women and children.

In December 2008 UN Members have adopted “**Doha Declaration on financing of development**” and agreed to the target of **Gender Budgeting**.²³ This commitment must be implemented!

2.3. Economic and trade policy

In **all branches of the economy**, in the formal as well as in the informal sector, the acknowledgement of women's human rights must be guaranteed.

Women's **traditional income-producing** activities in textile processing, in fishery, in the production and sale of food and artisanal objects for small markets in their environment etc. must not be endangered by large-scale industries or by chain retailers.

Market-oriented **enterprises** must be surveyed, whether payment and working conditions, employment and dismissal procedures correspond with the requirements of social and gender-specific justice and with environmental sustainability. To fulfil this target, inspectorates must be established which are adequately financed and dispose of gender-specifically well trained staff.

Women's capacities to perceive and defend their rights must be supported, including the promotion of **women's trade unions and advocacy groups**.

Transnational corporations profiting from dumping standards for work and employment and tolerating the exploitation of women in the so-called “Free Zones of Production”, respectively in the framework of a global subcontracting-system, must be controlled.

As has been also underscored in the Vienna+20 CSO Declaration in June 2013²⁴, the conclusion of a **binding agreement** on obligations of transnational corporations in the field of human rights is of urgent importance.

Codices on the safeguarding of human rights by transnational corporations, in particular the “Guiding Principles on Business and Human Rights” (“Ruggie Principles”)²⁵ could form a basis for such undertakings.

²³United Nations (2008): Doha Declaration on Financing for Development, S.9, http://www.un.org/esa/ffd/doha/documents/Doha_Declaration_FFD.pdf

²⁴ The Vienna+20 CSO Declaration, a.a.O, p. 7f, www.viennaplus20.org

²⁵ UN Human Rights Council resolution 17/4; Business & Human Rights Ressource Center, <http://www.business-humanrights.org/UNGuidingPrinciplesPortal/Home>

In the area of **international trade policies** the targets of the eradication of poverty and of the establishment of gender-justice must also be emphatically insisted on.²⁶

In all bi- and multilateral **trade agreements** the consequences for the implementation of the social, economic and cultural rights of women must be envisaged and their possibilities to participate in the conclusion and the modification of treaties must be strengthened.

The **World Trade Organization** (WTO) must act **in accordance** with the principles of the **United Nations** and with the obligations and commitments expressed in relevant international agreements and conference documents. Its orientation must be embedded into the framework of human rights, the striving for gender equality and the safeguarding of ecological sustainability.

Gender impact assessments on the effects of WTO trade policies and of regional free trade agreements on women and gender relations should be performed regularly and followed by gender-oriented evaluations. The implementation of the “Doha-Development Round” of the WTO for the differential treatment of developing countries must be evaluated. In this context the situation and the role of women must be taken into particular consideration.

World Bank policies should be more consequently oriented towards the promotion of women’s position in the field of economy and trade, and the implementation of strategies like the “Operational Policy on Gender and Development” and the “Gender Action Plan” should be more effectively organised.

Scientific insights and findings in the context of the issue “gender relations and the neo-liberal economy” shall be supported and widely disseminated. Regular **Gender Trainings** should be held in all foreign trade representations and at the level of international trade and finance organisations. Examples of “Good Practice” can be helpful in this context.

2.4. Agricultural and environmental policy

The **empowerment of women** in agriculture, the securing of their land rights, the improvement of their position in heritage law, their rights of disposal over their income for agricultural activities, their education and training, their access to ecologically sustainable technologies as well as the **promotion of research** in the field of renewable energies figure among the most important strategies within this area.²⁷

The **environmental destruction** by mining and energy extraction, by non sustainable industries, and the industrialization of agriculture, by heavy transport and unadjusted tourism must be terminated!

Though developing countries have not caused **climate change**, they suffer most under its consequences. As **women** are on the average poorer than men, they are more intensively affected by the impairment of their livelihoods, for example by the application of new, unadjusted technologies.

²⁶ Center for International Development of Harvard University: Gender Issues and International Trade. Harvard 2003: www.cid.harvard.edu/cidtrade/sie/gender.htm; Atthill, Catherine; Williams, Mariama; Carr, Marilyn; Takur, Sarojini, Ganju: Gender and Trade Action Guide. A Training Resource. Commonwealth Secretariate 2010

²⁷ Baden Sally: Gender Issues in Agricultural Market Liberalisation. 2007, Bridge

The phenomenon of “**land-grabbing**” in countries of the global South, above all in Africa²⁸ has particularly negative effects on women’s living conditions, in particular on food security and the environment.²⁹

The consequences of WTO agreements, the Agreement on agriculture for instance, for women and regions of the global South must be scrutinized and counter-strategies, above all concerning food security and food sovereignty must be developed.³⁰

Likewise the effects of **TRIPS** (Trade Related Intellectual Property Rights) must be opposed, women’s resistance against the reckless appropriation of natural resources must be supported³¹ and the loss of women’s important role in safeguarding biodiversity be prevented.³²

Free trade agreements with countries of the Global South must not be implemented or should be suspended, as long as there are no gender-specific assessments and no evidence for the commitment to human rights.

The credit policy of the **World Bank** should be increasingly oriented towards the needs and the potential of women in the Global South.

2.5 Migration Policy

About 3% of the world’s population live permanently or temporarily outside of the borders of their countries of origin. **Women** constitute almost the half of international migrants – proportions differ however from country to country.³³

Though migrating women globally play a considerable role within the economy of their recipient country and moreover deliver substantial contributions to the survival of their families in their home countries, **migration policies** are not reviewed from the perspective of gender justice.

Restrictive policies of rich countries as those within the European Union³⁴ can lead to high **costs and risks** for migrant women, to violations of human rights and to women-specific discrimination.³⁵

²⁸ WIDE 2012, *ibid.* p.24f.

²⁹ Behrmann, Julia; Meinzen-Dick, Ruth; Quisumbing, Agnes: *The Gender Implications of Large-Scale Land Deals*. IFPRI Discussion Paper 01056. International Food Policy Research Institute. Washington, Addis Ababa, New Delhi, Accra 2011; WIDE, 2012 *ibid.* p. 24 f.

³⁰ Bernardino, Naly: *Ten Years of the WTO Agreement on Agriculture: Problems and Projects*. Geneva 2005. International Gender and Trade Network (IGTN)

³¹ Sahai, Suman: *TRIPS and Biodiversity: A gender perspective*, in: *Gender and Development* Vol. 12, No. 2, July 2004; Barwa, Sharmishta; Rai, Shirin M.: *The political economy of intellectual property rights: a gender perspective*, in: *Development and the Challenge of Globalization*, 2002,

http://www2.warwick.ac.uk/fac/soc/pais/people/rai/publications/knowledge_/gender_and_it_-_intellectual_property.pdf; Gibb, Heather: *Gender Dimensions of Intellectual Property and Traditional Medicinal Knowledge*. Gender and Trade – Action Guide: A Training Resource. UNDP Asia-Pacific 2007

³² Müller, Franziska: *Genderperspektiven in der Biodiversitätspolitik*. Dokumentation der Veranstaltungsreihe Biologische Vielfalt- Run Up 2010, Berlin 2008/2009

³³ Morrison, Andrew R.; Schiff, Maurice; Sjöblom, Mira: *The International Migration of Women*. Washington DC 2008, World Bank and Palgrave Macmillan, <http://www.rrojasdatabank/info/migrwomen07/front.pdf>

Instead of pushing migrants into illegality human rights oriented – migration policies must be implemented, which open possibilities for women to migrate legally. Migration policies must aim at the protection of the basic rights of women, as also defined in the **International Convention on the Protection of the Rights of All Migrant Workers and their Families**.³⁶ National migration laws and policies must be in accordance with **ILO conventions** for the protection of labour law, in particular with the ILO convention 189.³⁷ They also must be compatible with the **International Convention on the Elimination of All Forms of Racial Discrimination**³⁸ and must be oriented towards the overcoming of gender specific discrimination and (sexual) violence.

At the same time the **effects of globalisation** on the structures of societies in countries of the Global South must be critically analysed. Environmental disasters, unemployment, increasing poverty and inequality and violence in various forms force women, to search in foreign countries for survival possibilities for themselves and for their families. Migration is a phenomenon which is closely connected with economic globalisation.³⁹

3. Human Rights Instruments on Women's Rights and International Development

3.1. International legal aspects

In 2011 a group of experts in international law and human rights, gathered at the University of Maastricht, adopted the “**Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights**”⁴⁰ which defined these obligations as follows:

“„(...) extraterritorial obligations encompass:

- a) obligations relating to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory; and
- b) obligations of a global character that are set out in the Charter of the United Nations and human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally”⁴¹

The Maastricht Principles stress the “obligation to create **an international enabling environment.**” In this context it is explicitly stated that this concerns measures in areas

³⁴ AGEZ: Migration und Entwicklung, 2007, <http://www.globaleverantwortung.at/images/doku/migration-und-entwicklung.pdf>; WIDE: Migration in the Context of Globalisation: Women's Human Rights at Risk?, 2010, <http://wideplusnetwork.files.wordpress.com/2012/10/ac2010reportfinalthird.pdf>

³⁵ WIDE, Wien 2012, *ibid*; WIDE: Women's labour migration in the context of globalisation, Brussels 2010, <http://wideplusnetwork.files.wordpress.com/2012/10/wide-wom-migr-corr2010tenenglish.pdf>

³⁶ International Convention on the Protection of the Rights of All Migrant Workers and their Families, 1990, <http://www2.ohchr.org/english/bodies/cmw/cmw.htm>

³⁷ ILO: Convention 189 - Domestic Workers Convention, 2011,

³⁸ International Convention on the Elimination of All Forms of Racial Discrimination, 1965, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

³⁹ Franck, Anna K. and Andrea Spehar: Arbeitsmigration von Frauen im Kontext der Globalisierung. Berlin 2010

⁴⁰ Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, <http://www.lse.ke.ac.uk/humanRights/articlesAndTranscripts/2011/MaastrichtEco.Soc.pdf>

⁴¹ Document mentioned above, p. 3

beyond development cooperation in the strict sense, thus accentuating the importance of **“policy coherence for development”**.

„(...) States must take deliberate, concrete and targeted steps (...), including in matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection and development cooperation.”⁴²

These considerations should be the **starting point** for policies to advance women and create gender justice.

Though the Principles mentioned above put the emphasis on economic, social and cultural rights, they are applicable also to **human rights in general**, as was underscored in the **Vienna+20 CSO Declaration** in June 2013.⁴³

3.2. Messages in the framework of CEDAW

CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women⁴⁴, is considered to be the **“Magna Charta of Women’s Rights”**,⁴⁵ as it is the first Human Rights Convention which deals specifically with women’s rights and contains measures against the discrimination of women and for the establishment of gender equality.

As has been pointed out already, the commitment to gender justice within international development policy is not explicitly emphasized in this convention, nevertheless there are several references to this issue.⁴⁶

In the **preamble** it is stated that the States Parties are “concerned that in situations of poverty women have the least **access** to food, health, education, training and opportunities for the employment and other needs” and that they are “convinced that the establishment of the new international economic order based on equity and justice” and the **“mutual co-operation among all States**, irrespective of their social and economic systems (...) will contribute to the attainment of **full equality between men and women.**”

In article 3 the following aim is formulated:

“States Parties shall take **in all fields**, in particular in the political, social, economic and cultural fields, **all appropriate measures**, including legislation, to ensure the full development and advancement of women, for the purposes of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”

In article 14 it is stated:

*“The States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure on a basis of equality between men and women that they participate in and benefit from **rural development** and, in particular, shall ensure to such*

⁴² Document mentioned above, p. 7

⁴³ The Vienna+20 CSO Declaration, adopted in Vienna on June 26, 2013, Vienna, p. 5, <http://viennaplus20.files.wordpress.com/2013/07/vienna-20-cso-declaration-final-post2.pdf>

⁴⁴ <http://www.un.org/womenwatch/cedaw/text/convention.htm>

⁴⁵ Neuhold, Brita; Pirstner, Renate; Ulrich, Silvia: Menschenrechte – Frauenrechte, Internationale, europarechtliche und innerstaatliche Dimensionen. Innsbruck, Wien, München 2003, Studienverlag, S. 49 ff.; Neuhold, Brita: CEDAW+30, in: VIDC News 9/2009, <http://www.vidc.org/index.php?id=898> ; dies

⁴⁶ <http://www.un.org/womenwatch/daw/cedaw>

*women the right: a) To participate in the elaboration and implementation of **development planning** at all levels.”*

For WIDE this means to charge the so-called “developing countries” and the “donor states” with the mandate to involve women at all levels into the formulation of development plans as well as into concrete programming activities.

In the **CEDAW General Recommendation No. 28 on the core obligations of States Parties under article two of the Convention on the Elimination of All Forms of Discrimination against Women**⁴⁷ the responsibility of states concerning the protection of human rights is specifically pointed out. Thus it is affirmed under II, 12 that

“(…) States Parties are **responsible** for all their actions affecting human rights, regardless of whether the affected persons are in their territory”.

In the same recommendation it is explicitly requested under III, 36 to hold **transnational corporations** accountable for the violation of women’s rights:

„Paragraph 2e establishes an obligation of States parties to eliminate discrimination by any public or private actor. (...) The obligations incumbent upon States parties requiring them to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination and to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise, also extend to acts of **national corporations operating extraterritorially.**”

Concerning **implementation** of the recommendation a further goal is formulated under 38a:

„Promoting Equality of women through the formulation and implementation of **national plans of action** and other relevant policies and programmes in line with the Beijing Declaration and Platform for Action and allocating adequate human and financial resources”.

Furthermore the **CEDAW General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations**⁴⁸, edited in 2013, contains very valuable proposals which can also be applied in the context of development policy.

In this recommendation it is emphasized that in post conflict situations improvements of the situation of women must not be neglected and ranged behind stabilising mechanisms. Instead the situation of radical change should be used to **strengthen the participation of women** in political decision making and socio-economic development.

„The immediate aftermath of conflict can provide a strategic opportunity for States parties to adopt legislative and policy measures to eliminate discrimination against women in the

⁴⁷ United Nations/ Committee on the Elimination of Discrimination against Women (2010): General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>

⁴⁸ United Nations/ Committee on the Elimination of Discrimination against Women (2013): General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, <http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf>

political and public life of the country and to ensure that women have equal opportunities to participate in the new, post-conflict structures of governance.”

The responsibility of „donor states” concerning **humanitarian help and policies of reconstruction** is also referred to:

„The Convention applies to a wide range of situations, for example (...) to bilateral or multilateral donor assistance for conflict prevention and humanitarian aid, mitigation or post-conflict reconstruction; (...) and in the formation of trade agreements with conflict-affected countries.”

Thus the **accountability of development policy** for the strengthening of women’s rights in post-conflict-situations is highlighted.

In this recommendation the CEDAW Committee also supports the interpretation of the above mentioned General Recommendation No. 28 concerning the **extraterritorial obligations** and explains further:

“The Convention also requires States parties to regulate the activities of domestic non-State actors, within their effective control, who operate extraterritorially. The Committee reaffirmed in its general recommendation No. 28 (2010) the requirement in article 2 (e) of the Convention to **eliminate discrimination by any public or private actor**, which extends to acts of national **corporations operating extraterritorially**. That would include cases in which national corporations extend loans to projects in conflict-affected areas that lead to forced evictions and which call for the establishment of accountability and oversight mechanisms for private security and other contractors operating in conflict zones.”

With this General Recommendation the responsibility of states for **enterprises** which are located between their borders but are extraterritorially operating in other countries is – also in the context of post conflict situations - pointed out explicitly.

3.3. Statements in other conventions and declarations

In the context of international development and women’s rights several other human rights instruments refer to and deal with this issue. This group comprises as well legally binding conventions as declarations and conference documents, which are considered as “soft law”, but are, however, accorded importance to by the international community. In this context WIDE has selected and analysed eleven human rights documents, which are subsumed in the following text. An annex at the end of this publication contains more detailed information.

The **context** between the commitment to women’s rights and the dedication to international development policy is explored very diversely in the different instruments analysed.

The **Universal Declaration on Human Rights** (1948)⁴⁹, the basis for all Human Rights Instruments adopted in the following years, was of crucial importance by the prohibition of discrimination and by enacting the principle of equality, without any distinction (also) on the basis of sex.

⁴⁹ <http://www.un.org/en/documents/udhr/>

Also the two covenants based on the Universal Declaration on Human Rights, the **International Covenant on Civil and Political Rights** (1966)⁵⁰ and the **International Covenant on Economic, Social and Cultural Rights** (1966)⁵¹ affirm these principles explicitly. Moreover, in article 2 and 23, the ESCR–Covenant refers to international cooperation and to the obligations of states connected with it.

The **Declaration on the Right to Development** (1986)⁵² extensively deals in different articles with international development cooperation and the establishment of a just international economic order. Women’s rights are explicitly requested in article 8.

In the **preamble** to the **Convention on Biological Diversity** (1992)⁵³ the “vital role that women play in the conservation and sustainable use of biological diversity” is recognized and the “need for the full participation of women at all levels of policy-making and implementation” is affirmed.

The outcome document of the 2nd Human Rights Conference in Vienna, the **Vienna Declaration and Programme of Action** (1992)⁵⁴ has achieved historical importance by its statements on the human rights of women which underline:

“The human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights”.

The theoretical claim of the document is reflected in the practice of reality of many countries and has influenced in particular legislation and jurisdiction on violence against women.

The outcome document of the **Conference on Population and Development** (1994)⁵⁵ is also of particular relevance, as it contains the commitment to the notion of **reproductive rights of women** as the basis for the implementation of sustainable development.

The **Declaration and Programme of Action of Beijing** (1995)⁵⁶ 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 affirmation of their **sexual and reproductive rights**, explicit statements on **violence against women** and proposals for changes within **inheritance law**. Numerous reference-points for the **re-orientation of development cooperation and development policy** 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, also in the context of international economic and environmental policies, are offered.

The **Millennium Development Goals** (2000)⁵⁷ have often been criticized from a feminist perspective. Women’s issues are primarily dealt with in **Goal III** “Promote Gender Equality and Empower Women”, but crucial issues as violence against women and women’s

⁵⁰ <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁵¹ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

⁵² <http://www.un.org/documents/ga/res/41/a41r128.htm>

⁵³ <http://www.cbd.int/doc/legal/cbd-en.pdf>

⁵⁴ <http://www2.ohchr.org/english/law/vienna.htm>

⁵⁵ <http://www.unfpa.org/public/icpd>

⁵⁶ <http://www.un.org/womenwatch/daw/beijing/platform/>

⁵⁷ <http://www.un.org/millennium/declaration/ares552e.htm>

reproductive rights are omitted and far-reaching strategies are lacking. Furthermore gender inequality is only very superficially treated in **Goal V** “Improve maternal Health” and **Goal VI** “Combat HIV/AIDS and Other Diseases”, which see women first of all as mothers and victims. **Goal VIII** on “Global Partnership for Development” delivers recommendations in the field of development cooperation and international economic policy, but these proposals are completely “gender blind” and are embedded into a very strong neo-liberal orientation.

In the **Convention on the Rights of Persons with Disabilities** (2006)⁵⁸ women-oriented aspects and the issue of development cooperation are explicitly dealt with. In a specific article 6 on “**Women with disabilities**” the issue of multiple discrimination is treated, and in article 16 on “Freedom from exploitation, violence and abuse” appropriate measures are requested in order to prevent **gender-specific violence**. Article 32 on **development cooperation** underscores its importance, calls for the direct involvement of persons with disabilities in all stages of planning and implementation and pleads for the support of education, training, counselling and research in this field.

The **Doha-Declaration on Financing for Development** (2008)⁵⁹ contains committed paragraphs on “Gender Equality”, which is defined as a “**basic human right**” and as a precondition for “a vibrant economy”. These convictions 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, but it is also emphasized that official **development cooperation** must play a supportive role.

The outcome document of **Rio+20 - Conference of the United Nations on Sustainable Development (2012)**⁶⁰ 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. On the whole, the commitment to these issues is various, but also inconsistent and sometimes controversial.

4. Conclusions

The present analysis shows that the issue of **women’s rights in the context of international development** is dealt with in several human rights conventions and declarations, this emphasis differing very much from case to case, however.

Unfortunately, these commitments are not put into political practice. Moreover **transnational corporations** are capable - to an increasing degree - to exert their influence and to change accorded rules. In this way, development efforts, oriented towards the realisation of the human rights of women and towards safe-guarding ecological sustainability, can be counteracted by economic market-based interests. At the same time financial flows from “donor countries” for programmes of development cooperation decrease continuously.

⁵⁸ <http://www.un.org/disabilities/convention/conventionfull.shtml>

⁵⁹ http://www.un.org/esa/ffd/doha/documents/Doha_Declaration_FFD.pdf

⁶⁰ <http://www.uncsd2012.org/content/documents>

On the basis of existing obligations **national states** must, however, accept their responsibility for the **global consequences of their policies** on the situation and the rights of women beyond their borders.

On the basis of existing human rights obligations **women's rights in the context of international development** should therefore be specifically defined and formulated, in order to guarantee a consistent understanding and realization of the Women's Rights Convention in the area of development policy.

For all these reasons - last but not least, with regard to the global 2015 Global Development Agenda – the elaboration of a pertinent **CEDAW-General Recommendation** for the implementation of a gender sensitive international development cooperation and development policy which is based on the human rights of women and on the aspect of “Policy Coherence for Development” would be very important. This would clearly enhance the **role of the United Nations** with regard to the monitoring of international women- and gender- oriented obligations.

Abstract

This paper is to serve as a basis for the comprehensive improvement of the monitoring and reporting methods of CEDAW member states in the context of their women- and gender-oriented development cooperation programmes and development policies. In the following a short survey of the contents is given.

In chapter 1 **“On the situation of women in the ‘global South’”** it is described how women’s poverty is not only caused by local circumstances and social conditions, but also by orientations within international development and economic policies.

In chapter 2 **“Policy coherence for women’s rights in the context of international development”** steps and strategies are highlighted which ensure that the goal of gender justice and social equity are ranking higher in the field of development cooperation as well as in the field of financial, budgetary, economic, trade–related agricultural, environmental and migration policies.

The starting point for the reflection of the recommendations of selected **“Human rights instruments on women’s rights and international development”**, which are treated in chapter 3, consists in a reference to the “Maastricht Principles” which were presented in 2011 by experts in international law and human rights as the basis for the recognition and implementation of extraterritorial obligations of states in the field of development cooperation, trade, investment, taxation, finance and environment policies. Subsequently the messages of the “Convention on the Elimination of All Forms of Discrimination against Women” (CEDAW concerning the issue of international development and the commitment for the survival rights of women in rural regions are reflected. In this context a short survey of statements on these problems within other treaties and declarations of the United Nations is given.

In the **“Conclusions”** (chapter 4) it is pointed out that the commitment to gender equality in the context of international development policy can be articulated very positively and comprehensively, but that these messages can also be non-committal and inconsistent. The conclusion of the paper is that national states should be summoned to take over responsibility for the consequences of their policies for the situation and the rights of women beyond their borders. Consequently, the role of the United Nations concerning the monitoring of the implementation of international obligations in the context of women’s rights and gender justice should and would be strengthened.

The adoption of a pertinent **CEDAW General Recommendation** on women’s rights - in the context of international development policy and on the basis of international policy coherence - could be a valuable contribution to these processes.