

## **Women's Rights and International Development Policy**

**Proposal for the elaboration of General Recommendation  
for the Women's Convention (CEDAW)**

**[revised second DRAFT]**

**Vienna, November 2014**

**Ed.: WIDE – Network for Women's Rights and Feminist Perspectives in Development**

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*With financial support from:*

Austrian  
 Development Cooperation

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## *Introduction*

### **Point of departure**

The submitted text shall serve as an **argumentative guideline** for the elaboration of a “General Recommendation” for the “**Convention on the Elimination of All Forms of Discrimination against Women**” by the CEDAW Committee. The topic of this recommendation should serve as a basis for member states’ strategies to strengthen women’s human rights in the context of **international development cooperation and development policy**.

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 co-operation and development policy are to a large extent affirmed and supported in plans and declarations by states of the “Global North”, but are not sufficiently translated into **practical reality**.

WIDE has been criticizing Austrian development policies in that context throughout the years – this attitude is also reflected in two NGO-shadow reports on the implementation of CEDAW by Austria. Moreover information by other development networks and by periodical reports of various CEDAW member countries have clarified that within development co-operation and development policies of many Northern countries a **coherent gender perspective** is lacking.

Current **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 co-operation are not convincingly oriented towards the realization of women’s equal rights and overcoming their discrimination. Moreover states’ obligations and activities are often transferred to private enterprises. Though NGOs and many governments from the Global South have been struggling since years for human rights based control over activities of transnational corporations, up to now this concern has not been reflected by concrete policies.

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.

For WIDE all these trends urgently necessitate the elaboration of a “General Recommendation” for CEDAW which can serve as a **manual** for a women’s rights- oriented assessment of deficiencies and gaps within the field development policy and for subsequent efforts of 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 co-operation 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 world-wide struggle against women’s poverty and towards the fulfilment of their basic needs.

The CEDAW-Committee has been frequently - and to an increasing degree - confirming the objectives of a gender-just development orientation, above all 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.

Concluding these considerations, WIDE emphatically again **recommends** that **development co-operation and development policy** be examined thoroughly by the Committee 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 within **financial, economic, trade, agricultural/environmental and migration policies** which are often 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. In this context also the role of the **United Nations system** concerning the monitoring of the implementation of international obligations in the context of women's rights and gender justice would be further strengthened

## 1. The Committee's Growing Emphasis on Issues of International Development Cooperation

During the last years the CEDAW-Committee has been dedicating increasing attention to the integration of a comprehensive gender perspective within strategies and activities of international development co-operation and policy. This is reflected by clear statements, critical remarks and outspoken requests, predominantly in the context of **concluding observations or comments** on the periodic reports submitted by the member states.

These statements always include references to the **Beijing Declaration and Platform for Action** (PFA,1995), the outcome document of the 4<sup>th</sup> World Conference on Women, which signified a turning point by addressing the issue of **gender - mainstreaming** all policies in all sectors of life of women and men.<sup>1</sup> A direct connection can be drawn between the Platform for Action and the Women's Convention, CEDAW providing the legal framework and the Beijing Platform representing its concrete political reflection.<sup>2</sup> The Committee emphasizes exactly this factor and explicitly demands member states to orient their periodic reports along the current assessment of the situation of women within the 12 Critical Areas of Concern, constituting the strategic fields of the PFA.<sup>3</sup>

Another often included reference point consists in the **Millennium Development Goals** (MDGs, 2000)<sup>4</sup>, which despite their principal significance have been criticized by many development-oriented NGOs and gender experts around the world, but should, however, be reoriented within the "**Post-2015 Development Agenda**", being elaborated within the United Nations.

In the following text, some **examples** within the time-frame of 2007 to 2013 will be given, concerning statements by the CEDAW Committee in the context of gender and development, among them "donor" countries as well as countries receiving high proportions of official development aid (ODA) flows.<sup>5</sup>

### 2.1. Messages to governments of "Northern" countries

Taking as a starting point the recommendations of the CEDAW Committee to the Austrian government, on the occasion of delivering its concluding comments on the periodic report of Austria in February 2007<sup>6</sup>, the CEDAW-Committee underlined the importance of the outcome document of the **4<sup>th</sup> World Women's Conference** and also urged the integration of a comprehensive gender perspective into the **Millennium Development Goals**.

*"The Committee urges the State party, in implementing its obligations under the Convention, to utilize fully the **Beijing Declaration and Platform for Action**, which **reinforce the provisions of the Convention**, and requests the State party to include information thereon in its next periodic report."* (Paragraph 31)

<sup>1</sup> See annex

<sup>2</sup> Tertinegg, Karin: Die UN Frauenkonvention und ihre Umsetzung in Österreich. Graz 2000, University of Graz, p. 33

<sup>3</sup> Report of the Committee on the Elimination of Discrimination against Women (Fifteenth Session) A/51/38 (1996), para 335

<sup>4</sup> See annex

<sup>5</sup> Distinctions within quotes set off in bold script are not – unless explicitly indicated - contained within respective original sources

<sup>6</sup> CEDAW: Concluding observations: Austria (2.2.2007), <http://www.un.org/womenwatch/daw/cedaw/37sess.htm>

*“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.” (Paragraph 32)*

In March 2013 the CEDAW Committee’s observation<sup>7</sup> in this respect was shorter, if however, again containing an appeal to use the Beijing Declaration and Platform for Action as basis for the implementation of the Convention and to integrate a gender perspective into the realization of the Millennium Development Goals:

*“The Committee calls upon the State party to utilize the **Beijing Declaration and Platform for Action**, in its efforts to implement the provisions of the Convention” (Paragraph 54).*

*“The Committee calls for the integration of a gender perspective in accordance with the provisions of the Convention in all efforts aimed at the achievement of the **“Millennium Development Goals”** (Paragraph 55).*

Comparable requests are also included in the concluding observations formulated by the Committee in view of the reports submitted by **Canada**<sup>8</sup> and **Belgium**<sup>9</sup> and by the **United Kingdom of Great Britain and Northern Ireland** in 2008.<sup>10</sup>

Particular praise is dedicated by the Committee to **Germany** in its concluding observations in February 2009<sup>11</sup> on this state’s periodic report:

*„The Committee congratulates the State party for integrating a gender dimension into its **development cooperation programmes** and promoting **women’s human rights** within that framework.“ (Paragraph 10)*

This expression of contentment is supplemented by the requests to use the **Beijing Platform for Action** as guideline for implementing the Convention (Paragraph 63) and calls for the *„integration of a gender perspective and for the explicit reflection of the provisions of the Convention in all efforts aimed at achieving the **Millennium Development Goals**” (Paragraph 64).*

Very similar messages on the same issues were addressed to **Japan** in 2009<sup>12</sup> on the occasion of the presentation of the state’s 6<sup>th</sup> periodic report. (Paragraphs 12, 55 and 56)

<sup>7</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Austria (22.3.2013),

<http://www.bka.gv.at/DocView.axd?CobId=51417>

<sup>8</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada (7.11.2008),

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-CAN-CO-7.pdf>

<sup>9</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Belgium (7.11.2008), <http://www2.ohchr.org/english/bodies/cedaw/cedaws42.htm>

<sup>10</sup> CEDAW: Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland (10.7.2008),

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en)

<sup>11</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Germany (2. 2. 2009),

<http://www2.ohchr.org/english/bodies/cedaw/cedaws43.htm>

Another donor country which was noted in 2009 because of its support of gender equality and women's rights within international development activities is **Spain**.<sup>13</sup>

*“The Committee commends the State party for including the principles of gender equality and non-discrimination as priorities in its international assistance policies and development cooperation programmes.”* (Paragraph 8)

Subsequently the **Platform for Action** and the **Millennium Development Goals** and their inter-linkages with the Convention are urgently recalled. (Paragraphs 34 and 35)

**Denmark** was also applauded for its commitment to engender international development issues and activities in the course of the examination of its periodic report in 2009.<sup>14</sup>

*“The Committee congratulates the State party for mainstreaming gender equality and empowerment of women in its development cooperation activities and for allocating substantial financial resources for that purpose.”*

In 2010 the Committee urgently appealed to the government of **Australia** to “improve indigenous women's human rights in all sectors” and reiterated previous recommendations in this respect (paragraph 41).<sup>15</sup>

In paragraph 46 and 47 the need to implement the **Platform for Action** and to integrate a gender-perspective into all efforts to realize the **Millennium Development Goals** are underlined.

## 2.2. Messages to governments of “Southern” countries

As is evident, the CEDAW Committee is not only drawing conclusions from reports of donor countries in the North of the globe, but also from those of **countries of the Global South**. In this context it gives very precise recommendations for the engendering of their national development plans, concerning above all **awareness raising** on issues of gender-justice, improving living and working-conditions for women and girls in **rural regions** and the enactment of **gender-sensitive institutional structures**. Moreover the importance of **international assistance** and co-operation with the **United Nations system** is insisted on.

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<sup>12</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Japan (7.8.2009),

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.JPN.CO.6.pdf>

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.JPN.CO.6.pdf>

<sup>13</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Spain (7.08.2009),

<http://www2.ohchr.org/english/bodies/cedaw/docs/CO/CEDAW.C.ESP.CO.6.pdf>

<sup>14</sup> CEDAW: Concluding Observations of the Committee on the Elimination of Discrimination against Women:: Denmark (14. 08.2009),

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fDEN%2fCO%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fDEN%2fCO%2f7&Lang=en)

<sup>15</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia (10 7 2010),

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-AUS-CO-7.pdf>

In its concluding comments on the report presented by **Vietnam** in 2007<sup>16</sup> the Committee insists that the state considerably strengthen gender equality in the area of **education and training** on the grounds of the Beijing Platform for Action and the Millennium Development Goals:

*“The Committee urges the State party to take all appropriate measures to eliminate the disparity in school enrolment rates and to **achieve universal primary education for girls** in accordance with article 10 of the Convention, the strategic objectives and actions of the **Beijing Declaration and Platform for Action and Millennium Development Goals 2 and 3**. It urges the State party to address effectively the obstacles that prevent girls from continuing their education, such as family responsibilities and the cost of education. It also recommends that **teacher training programmes at all levels** integrate the principles of gender equality and non-discrimination on the grounds of sex.”*<sup>17</sup> (Paragraph 21)

In Paragraph 31 the **Beijing Declaration and Platform for Action** is again confirmed as the guideline for the implementation of the Convention; in paragraph 32 the Committee requests the integration of a strong gender perspective into the state’s efforts to achieve the **Millennium Development Goals**.

In 2009 the committee commented on the periodic report of **Tanzania** with the following introductory remarks:<sup>18</sup>

*“The Committee calls upon the State party to take the necessary measures to increase and strengthen the **participation of women** in designing and implementing **local development plans**, and pay special attention to the needs of rural women, particularly women heads of household (...).”* (Paragraph 4)

Further down the necessity to address development partners and NGOs as providers and supporters of projects and programmes for women and girls in the field of **education** is emphasized:

*“The Committee welcomes a number of efforts undertaken by the State party in the area of education, including the adoption of the **Education Sector Development Programme (2000-2015)** which incorporates the objective of providing education to all women and men by 2015 as well as a number of other special programmes to promote the education of girls, in collaboration with the **development partners and NGOs**.”* (Paragraph 8)

In the context of **access to bank credits and bank loans** the committee applauds the adoption of a gender-sensitive National Micro-Finance Policy in 2000, the existence of the Women’s Development Fund and the intention to establish a Women’s Bank, the committee is, however, *“concerned that loans are still given to women at high interest rates and that*

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<sup>16</sup> Concluding comments of the Committee on the Elimination of Discrimination against Women: Vietnam (20.02.2007):

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVNM%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVNM%2fCO%2f6&Lang=en)

<sup>17</sup> Concluding comments of the Committee on the Elimination of Discrimination against Women (20.02.2007):

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVNM%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVNM%2fCO%2f6&Lang=en)

<sup>18</sup> CONCLUDING OBSERVATIONS ON TANZANIA ( 11.05.2009):

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTZA%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTZA%2fCO%2f6&Lang=en)



*burdensome conditionalities, which undermine women's development, still prevail.*" (Paragraph 37)

In paragraph 55 the **Beijing Declaration and Platform for Action** is again conjured up as the basis for the implementation of the Convention and in paragraph 56 the integration of a gender perspective into the **Millennium Development Goals** is called for.

In 2011 the committee commented on the periodic report of **Kenya**.<sup>19</sup> In particular it urged the government to contribute to the **economic empowerment of women** by „*gender-sensitive poverty reduction and development programmes*” and to „*develop targeted policies and support services for women*“ particularly in rural areas. (Paragraph 36)

On **rural women** the committee formulated recommendations concerning measures to increase the participation of rural women in designing and implementing local development plans, to secure women's right to inheritance and to own land and to address negative customs and practices in this respect. (Paragraph 42 a, b, c)

Paragraphs 49 and 50 refer to the **Beijing Declaration and Platform for Action** and to the **Millennium Development Goals** and contain explicit demands to the state party to report on steps in the framework of these concepts.

In paragraph 54 the issue of international **development cooperation** and **technical assistance** is addressed, the committee encouraging the government to avail itself of sufficient support and underscoring the importance of cooperation with the United Nations in this respect.

In 2011 the committee dealt with the combined sixth and seventh periodic report of **Ethiopia**<sup>20</sup>, acknowledging with appreciation various strategies undertaken by the government to achieve women's empowerment:

*“The Committee notes with appreciation the various policies and strategies adopted by the State party to promote gender equality and protect women's rights, including the **National Plan for Gender Equality (2005-2010)**, the **Plan for Accelerated and Sustainable Development to Eradicate Poverty (2005-2010)**, which included “unleashing the potential of Ethiopian women” among its eight strategic elements, the **Development and Change Package for Ethiopian Women**, seeking to promote the economic and political participation of women and to eradicate harmful traditional practices, and the joint United Nations/Government of Ethiopia flagship programmes on **gender equality and maternal health**” (Paragraph 6).*

In paragraph 46 and 47 the importance of the **Beijing Declaration and Platform for Action** as starting point for the implementation of the Convention is highlighted and the „integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the **Millennium Development Goals**“ is called for.

In the context of **international development cooperation** the following is stated

<sup>19</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Kenya (19.01.2011), <http://www.refworld.org/docid/4eeb60b12.html>

<sup>20</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Ethiopia (27.07.2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>

*“The Committee recommends that the State party avail itself of **technical assistance** (...) The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the **United Nations system**”.* (Paragraph 51)

In August 2012 the Committee delivered its concluding observations on the periodic report of **Indonesia**<sup>21</sup>, in which it lauded substantial **progress** concerning the strengthening of gender equality and women’s human rights, but also was **critical** of various aspects like the ongoing practice of genital mutilation (paragraph 21), the general persistence of stereotypes and harmful practices (paragraph 23), the consequences of trafficking of women (paragraph 29), the barriers for girls in education and training- above all in the rural areas – (paragraph 35) and the high level and exhaustive nature of female migration (paragraph 44). In the context of all these issues the Committee gives substantial and comprehensive **recommendations**.

In paragraph 53 the Committee addresses the issue of **technical assistance** and appeals to the state to **cooperate with the UN system** in this respect.

In its concluding observations to the periodic report of **Congo** in 2012<sup>22</sup>, the Committee - while in principle appreciating the government’s efforts concerning national machinery for the advancement of women - deplored the extremely **low funding** and the **lack of concrete policies** to integrate women into overall development:

*“While welcoming the establishment in 2005 of the Ministry for the Advancement of Women and the **Integration for Women in Development and the development in 2008 of a National Gender Policy**, the Committee remains deeply concerned about the **extremely low percentage** of the national budget allocated to gender issues and the lack of involvement of other ministries in these issues. The Committee is also concerned about the **absence of a strategy to integrate women in development**.”* (Paragraph 19)

In this context the Committee delivers a set of recommendations reaching from **awareness-raising** to the collection of **sex-disaggregated data**.

The **Platform for Action** and the **Millennium Development Goals** are referred to in paragraph 48 and 49.

The issue of **development cooperation and technical assistance** is raised in paragraph 53, in this context underlining the specific role of the **United Nations**

Respective to **Pakistan**<sup>23</sup> the Committee also formulated several principal observations and recommendations in March 2013:

*“The Committee is concerned at the prevalence of customs and traditional practices that limit the degree of involvement of rural women in development programmes and prevent them from*

<sup>21</sup> CEDAW: Indonesia (11.7.2012),

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-c-IDN-CO-6-7.pdf>

<sup>22</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women;; CONGO (22.03.2012)

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fC OG%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fC OG%2fCO%2f6&Lang=en)

<sup>23</sup> CEDAW: Concluding observations of the Committee on the Elimination of Discrimination against Women: Pakistan (11.02.2013),

<http://www1.umn.edu/humanrights/cedaw-pakistan2013.html>

***inheriting or acquiring land and other property.*** It is concerned that rural women farmers are not recognized as such, because in the State party a farmer (*kisan*) is the person who owns land. The Committee is also concerned at the difficulties faced by rural women in gaining access to **health and social services** and in participating in **decision-making processes** at the community level (Paragraph 33).

As a consequence of this the Committee appeals to the state to **support federal institutions**, such as the *National Commission on the Status of Women*, in order to fully enable them to coordinate and implement **gender equality policies and programmes** and to assure the provision of adequate **financial resources** (Paragraph 41).

After having underscored the importance of the **Beijing Declaration and Platform for Action** (Paragraph 40), the **Millennium Development Goals** are quoted as a framework for measures to solve women's problems (Paragraph 41).

As far as **international development cooperation** is concerned, the Committee states the following:

*“The Committee recommends that the State party avail itself of **international assistance, including technical assistance**, to develop a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole”* (Paragraph 51).

*The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system (ibid.).*

In June 2013 the Committee concluded - after having studied the combined initial and second periodic reports of **Afghanistan**<sup>24</sup> - that the state should strengthen the Ministry of Women's Affairs and should underscore the importance of international assistance for the whole society:

*“Ensure the sustainability of the **Ministry of Women's Affairs** by providing it with adequate human, technical and financial resources to fulfil its **gender equality and women's rights mandate**, in line with the principles of the Tokyo Mutual Accountability Framework, such as the one stating **that international assistance**, through national budgets, can improve national institutional capacity, development performance and accountability of the State party to **all its citizens**”* (Paragraph 19a).

Furthermore the Committee recommends to elaborate a „*comprehensive development plan for rural areas with the **full involvement of rural women***“ (Paragraph 39 a) and to integrate „*a gender perspective into the programmes and activities of the Ministry of Rehabilitation and Rural Development*“ (Paragraph 39 b).

In paragraph 45 the **Beijing Declaration and Platform for Action** is underscored as the basis for the realization of the Convention, and in paragraph 46 the integration of a gender perspective into all efforts to achieve the **Millennium Development Goals** as well as into the Post - 2015 development framework is requested.

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<sup>24</sup> Concluding observations on the combined initial and second periodic reports of Afghanistan (30.7.2013), [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAFG%2fCO%2f1-2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAFG%2fCO%2f1-2&Lang=en)

In Paragraph 47 the government is encouraged to „avail itself of *international assistance*”, in order to implement these recommendations and to cooperate with the respective institutions within the United Nations system.

These messages addressed by the CEDAW Committee to so-called “developing countries”, which could only be presented in a very abridged way, could serve as a starting point for reflections of so-called “developed countries” on contents and fields of emphasis of their efforts concerning development co-operation and international development policies.

## 2. On the situation of women in countries of the global South

Within the last decades international economic development - in the sign of 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 up to 70% of the world’s poorest,<sup>25</sup> a fact that is as well a consequence of gender specific 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.”<sup>26</sup>*

### 2.1. Reasons for the feminisation of poverty

The roots of poverty and marginalisation of women worldwide are **manifold**. Predominant factors in this context are discrimination by heritage law, difficult access to productive resources as land and territory, to education and health care, 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 continuing ascription **of gender specific roles** derogatory to them and the unjust distribution of paid and unpaid work between the sexes, resulting there from.<sup>27</sup>

Particularly problematic for women in developing countries 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

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<sup>25</sup> UN Women: Women, Poverty and Economics,  
[http://www.unifem.org/gender\\_issues/women\\_poverty\\_economics](http://www.unifem.org/gender_issues/women_poverty_economics);  
<http://asiapacific.unwomen.org/en/focus-areas/women-poverty-economics>

<sup>26</sup> *ibid*

<sup>27</sup> See: United Nations: Report of the Special Rapporteur on extreme poverty and human rights, A/68/293, 9.8.2013

respective figure is 95%.<sup>28</sup> The status of women in 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.<sup>29</sup>

Women are particularly “vulnerable” because of **multiple discrimination**, e.g. as representatives of minorities, as disabled persons, by consequence of their sexual orientation or the colour of their skin. Due to an intricate interaction of role ascriptions, marginalisation and discrimination, poverty is induced, respectively ways out of it are barred.<sup>30</sup>

## 2.2. 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.<sup>31</sup>

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.<sup>32</sup> 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.<sup>33</sup>

In the so called “developing countries” strategies to establish gender equality, supported to some extent by gender-sensitive development cooperation measures, are often counteracted **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.

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<sup>28</sup> 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>

<sup>29</sup> OECD: Closing the Gender Gap: Act Now, Paris 2012,

[http://www.oecd-ilibrary.org/social-issues-migration-health/close-the-gender-gap-now\\_9789264179370-en](http://www.oecd-ilibrary.org/social-issues-migration-health/close-the-gender-gap-now_9789264179370-en)

<sup>30</sup> 2012 Khan, Irene: The Unheard Truth about Poverty and Human Rights.

<sup>31</sup> Moser, Caroline: Gender Plannin 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. 9f.

<sup>32</sup> 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>

<sup>33</sup> O’Connell, Helen: Implementing the European Union gender action plan 2010-2015: Challenges and Opportunities, London 2013, ODI,

<http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8305.pdf>



### 2.3. Difficult framework conditions

With the beginning of 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 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”**<sup>34</sup>, the lease of fertile land at ridiculously low prices to foreign 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 leads to the reduction of biodiversity and often to impairments of women’s standing in society<sup>35</sup>.

The **World Bank** does not take women’s social and economic rights into sufficient consideration, despite improvements since the 4<sup>th</sup> Women’s Conference 1995 in Beijing.

The Work of the **International Monetary Fund** still hardly shows traces of a gender-oriented perspective.<sup>36</sup>

The European Union’s **Global Europe Strategy**, adopted in 2006<sup>37</sup>, primarily aims at the promotion of the export-oriented European 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.

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.

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<sup>34</sup> WIDE: Krise trifft Frau. Geschlechtsspezifische Aspekte der multiplen Krisen in Äthiopien. Vienna 2012, <http://www.wide-netzwerk.at/images/publikationen/2012/wide-krise-trifft-frau-aethiopien.pdf> p.24f.

<sup>35</sup> Wichterich, Christa: Gleich, gleicher, ungleich: Paradoxien und Perspektiven von Frauenrechten in der Globalisierung. Sulzbach, Taunus 2009, Ulrike Helmer

<sup>36</sup> WIDE: Krise trifft Frau. 2012, *ibid*, p. 18ff.

<sup>37</sup> 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](http://trade.ec.europa.eu/doclib/docs/2006/october/tradoc_130376.pdf)

### 3. Policy coherence for women's human rights in the context of international development – strategies and measures

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.

Against this background WIDE addresses the following **requests** concerning necessary interventions to all CEDAW member states, which should form the basis of a CEDAW General Recommendation on the issue “Women's Rights and Development Policy”.

#### 3.1. Development co-operation and 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,<sup>38</sup>

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 not be used e.g. for the promotion of export credits, for re-scheduling and for the support of refugees within OECD countries.

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

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<sup>38</sup> 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

Tendencies having become apparent - e.g. in the OECD Conference on Aid Effectiveness in Busan in 2011<sup>39</sup> - to perform development assistance to an increasing extent in cooperation with **enterprises** must be counteracted, because of often **conflicting interests** concerning 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.<sup>40</sup>

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.<sup>41</sup>

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.<sup>42</sup>

<sup>39</sup> WIDE Report from the Fourth High Level Forum in Busan, Brussels 2011,

<http://www.gadnetwork.org/storage/WIDE%20report%20from%20HLF-4%20December%202011.pdf>

<sup>40</sup> 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, Vol. 17, No. 11; Young, Kate (Hg.): Women and Economic Development: Local, Regional and National Planning Strategies. Oxford 1988, Berg Publishers Ltd.

<sup>41</sup> See Women Watch: Information and Ressources on Gender Equality and Empowerment of Women (no date), [http://www.un.org/womenwatch/directory/gender\\_training\\_90.htm](http://www.un.org/womenwatch/directory/gender_training_90.htm)



### 3.2. 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.

**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**.<sup>43</sup> This commitment must be implemented!

### 3.3. Economic and trade policy

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

Women's **traditional income-producing** activities in textile processing, fishery, 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.

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<sup>42</sup> 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>

<sup>43</sup>United Nations (2008): Doha Declaration on Financing for Development, S.9, [http://www.un.org/esa/ffd/doha/documents/Doha\\_Declaration\\_FFD.pdf](http://www.un.org/esa/ffd/doha/documents/Doha_Declaration_FFD.pdf)

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

In the area of **international trade policies** the targets of the eradication of poverty and the establishment of gender-justice must also be emphatically insisted on.<sup>44</sup>

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 those treaties must be envisaged.

**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 2013<sup>45</sup>, 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")<sup>46</sup> could form a basis for such undertakings.

The adoption of a **resolution** by the UN Human Rights Council on the "Elaboration of an **internationally binding instrument** on transnational corporations and other business enterprises with respect to human rights" on the 30<sup>th</sup> of June in Geneva<sup>47</sup> might start a process in this direction – if the number of Northern countries abstaining or voting against had not been so high.

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 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

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<sup>44</sup> Center for International Development of Harvard University: Gender Issues and International Trade. Harvard 2003, <http://www.cid.harvard.edu/cidtrade/site/gender.html>

Atthill, Catherine; Williams, Mariama; Carr, Marilyn; Takur, Sarojini, Ganju: Gender and Trade Action Guide. A Training Resource. London 2009, Commonwealth Secretariat

<sup>45</sup> The Vienna+20 CSO Declaration, a.a.O, p. 7f, [www.viennaplus20.org](http://www.viennaplus20.org); <http://www.business-humanrights.org/UNGuidingPrinciplesPortal/Home>

<sup>46</sup> UN Human Rights Council Resolution 17/4; Business & Human Rights Resource Center, <http://www.business-humanrights.org/UNGuidingPrinciplesPortal/Home>

<sup>47</sup> UN Human Rights Council Resolution L.22/Rev.1, <http://staticspace.com/static/524f388ee4b0b1071ff250bd/t/53ab501be460e7d61404f35b/1403736091261/EC%20SA%2024.06.14.pdf>

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.

### 3.4. 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.<sup>48</sup>

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.

The phenomenon of “**land-grabbing**” in countries of the global South, above all in Africa<sup>49</sup> has particularly negative effects on women’s living conditions, in particular on food security and the environment.<sup>50</sup>

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.<sup>51</sup>

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 supported<sup>52</sup> and the loss of women’s important role in safeguarding biodiversity be prevented.<sup>53</sup>

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<sup>48</sup> Baden Sally: Gender Issues in Agricultural Market Liberalisation. 2007, Bridge

<sup>49</sup> WIDE 2012, *ibid.* p.24f.

<sup>50</sup> 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.

<sup>51</sup> Bernardino, Naly: Ten Years of the WTO Agreement on Agriculture: Problems and Projects. Geneva 2005. International Gender and Trade Network (IGTN)

<sup>52</sup> 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](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

<sup>53</sup> Müller, Franziska: Genderperspektiven in der Biodiversitätspolitik. Dokumentation der Veranstaltungsreihe Biologische Vielfalt- Run Up 2010, Berlin 2008/2009

**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.

### 3.5. 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.<sup>54</sup>

Though migrating women globally play a considerable role within the economy of their recipient country and on the other hand 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 Union<sup>55</sup> can lead to high **costs and risks** for migrant women, to violations of human rights and to women-specific discrimination.<sup>56</sup>

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**.<sup>57</sup> 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.<sup>58</sup> They also must be compatible with the International Convention on the Elimination of All Forms of Racial Discrimination<sup>59</sup> 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.

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<sup>54</sup> Morrison, Andrew R.; Schiff, Maurice; Sjöblom, Mira: The International Migration of Women. Washington DC 2008, World Bank and Palgrave Macmillan, <https://openknowledge.worldbank.org/handle/10986/6804>

<sup>55</sup> 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? Vienna 2010, <http://wideplusnetwork.files.wordpress.com/2012/10/ac2010reportfinalthird.pdf>

<sup>56</sup> WIDE, Vienna 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>

<sup>57</sup> 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>

<sup>58</sup> ILO: Convention 189- Domestic Workers Convention, 2011,

<sup>59</sup> International Convention on the Elimination of All Forms of Racial Discrimination, 1965, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

## 4. UN human rights instruments on women's rights and international development policy

### 4.1. International legal aspects – the Maastricht Principles

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**”<sup>60</sup> 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”*<sup>61</sup>

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 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.*”<sup>62</sup>

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 NGO Declaration on Vienna+20 in June 2013.<sup>63</sup>

### 4.2. Messages in the framework of CEDAW

CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women, is considered to be the “Magna Charta” of Women's Rights,<sup>64</sup> 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.

<sup>60</sup> Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, [http://www.fian.org/fileadmin/media/publications/2012.02.29 - Maastricht Principles on Extraterritorial Obligations.pdf](http://www.fian.org/fileadmin/media/publications/2012.02.29_-_Maastricht_Principles_on_Extraterritorial_Obligations.pdf)

<sup>61</sup> Document mentioned above, p. 3

<sup>62</sup> Document mentioned above, p. 7

<sup>63</sup> 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>

<sup>64</sup> Neuhold, Brita; Pirstner, Renate; Ulrich, Silvia: Menschenrechte – Frauenrechte, Internationale, europarechtliche und innerstaatliche Dimensionen. Innsbruck, Wien, München 2003, Studienverlag, p. 49 ff.; Neuhold, Brita: CEDAW+30, in: VIDC News 9/2009, <http://www.vidc.org/index.php?id=898&L=1&id=898>

As has been pointed out already, the commitment to gender justice within international development policy is not explicitly emphasized in this convention, never-the less there are several references to this issue.

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 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**<sup>65</sup> (On the core obligations of States Parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women) 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.**”

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<sup>65</sup> 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://www2.ohchr.org/english/bodies/cedaw/comments.htm>, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>



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 recently (2013) edited **CEDAW General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations**<sup>66</sup> 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 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“ for **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.”*

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<sup>66</sup> 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>

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.

### 4.3. 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 “soft law” declarations and conference documents, which are accorded importance to by the international community. In this context WIDE has selected and analysed twelve human rights documents, which are subsumed in the following text. An annex to this publication contains more detailed information.<sup>67</sup>

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)<sup>68</sup>, 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 (i. a.) on the basis of sex.

Also the two covenants based on the Universal Declaration on Human Rights, the **International Covenant on Civil and Political Rights** (1966)<sup>69</sup> and the **International Covenant on Economic, Social and Cultural Rights** (1966)<sup>70</sup> 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)<sup>71</sup> 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)<sup>72</sup> 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 2<sup>nd</sup> Human Rights Conference in Vienna, the **Vienna Declaration and Programme of Action** (1993)<sup>73</sup> 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”.*

<sup>67</sup> Annex: Selected United Nations Human Rights Instruments on Women's Rights and International Development Policy (2014): <http://www.wide-netzwerk.at/images/publikationen/2014/annex-wide-proposal-cedaw-2014.pdf>

<sup>68</sup> <http://www.un.org/en/documents/udhr/>

<sup>69</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

<sup>70</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

<sup>71</sup> <http://legal.un.org/avl/ha/drd/drd.html>

<sup>72</sup> <http://www.cbd.int/doc/legal/cbd-en.pdf>

<sup>73</sup> <http://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>



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

The outcome document of the **Conference on Population and Development** (1994)<sup>74</sup> 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)<sup>75</sup> 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, clear 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)<sup>76</sup> have often been criticized from a feminist perspective. Women's issues are dealt with in goal III "Promote Gender Equality and Empower Women", but crucial issues as violence against women and women's reproductive rights are omitted and far-reaching strategies are lacking. Furthermore gender inequality is only very superficially treated in the goals VI and VI which see women first of all as victims. Goal VIII on "Partnership for Development" delivers recommendations in the field of development cooperation and international economic policy, but these are very dubious because of their very strong neo-liberal orientation and because of their complete "gender blindness".

In the **Convention on the Rights of Persons with Disabilities** (2006)<sup>77</sup> 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 a subsequent article (16) on "Freedom from exploitation, violence and abuse" appropriate measures are requested 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)<sup>78</sup> contains a committed article 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 can play a supportive role.

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<sup>74</sup> <http://www.unfpa.org/public/icpd>

<sup>75</sup> <http://www.un.org/womenwatch/daw/beijing/platform/>

<sup>76</sup> [www.un.org/millenniumgoals](http://www.un.org/millenniumgoals)

<sup>77</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>78</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)

The outcome document of **Rio+20 - Conference of the United Nations on Sustainable Development (2012)**<sup>79</sup> includes quite a few supportive messages on the vital role of women in sustainable development, in particular in No. 45. 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. Moreover, the concept of a “Green Economy” which was proclaimed at this conference is never profoundly analysed.

## 5. 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.

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** in the context of the monitoring of international women and gender oriented obligations.

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<sup>79</sup> <http://sustainabledevelopment.un.org/index.php?menu=1298>

## Summary/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 development co-operation and international development seen from a gender perspective.

In the **introduction** of this publication WIDE explains the **background** and **reasons** for this proposal for the elaboration of a general Recommendation by the Committee on the Elimination of Discrimination against Women (CEDAW) on the issue of women's rights and gender justice in international development policies.

In chapter 1 "**The Committees growing emphasis on issues of international development**" reflected within the Committee's concluding comments and observations to member states' reports is highlighted and underscored by various examples in "Northern" and in "Southern" regions of the world.

Against this background a survey is sketched in chapter 2 on the "**Situation of women in countries of the global South**" and possible reasons for their persistent poverty, above all in the rural areas, are outlined. In this context the role of development-cooperation programmes and of economic policies of international organizations and institutions and their consequences for women are scrutinized.

In chapter 3 "**Policy coherence for women's human rights in the context of international development – strategies and actions**" follow reflections and concrete requests and proposals for the realization of women's rights and gender justice in the field of development co-operation as well as in the areas of financial, budgetary, economic, trade-related, agricultural, environmental and migration policies.

The starting point of chapter 4 on the analysis of the recommendations of selected "**Human rights instruments on women's rights and international development**" 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 co-operation, trade, investment, taxation, finance and environmental policies. Against this backdrop a condensed analysis of **messages** contained in the "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW) and in other United Nations human rights instruments on the issues of "gender equality and international development" follows. This section is based on the intention to make visible the often proclaimed international support of these issues and to unveil at the same time inconsistencies and gaps in this respect.

In the "**Conclusions**", chapter 5, it is pointed out that the commitment to gender equality in the context of international development policy can be articulated very positively and comprehensively in human rights instruments and by states' representatives at international meetings, but that these messages are often controversial in themselves and differ from case to case. Moreover the realization of these proclamations is often lacking and endangered by economic interests and enterprises. **Women's rights and gender justice** in the context of international development co-operation and development policy and the respective obligations of states should therefore be specifically defined and formulated and be reflected in a pertinent CEDAW General Recommendations on this issue.

## Annex

In a separate **annex**<sup>80</sup> a detailed **content analysis** of selected human rights instruments and their messages on women's rights in the context of international development is performed – with the exception of CEDAW, which has already been dealt with thoroughly within the publication itself.

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<sup>80</sup> Annex to this publication see <http://www.wide-netzwerk.at/images/publikationen/2014/annex-wide-proposal-cedaw-2014.pdf>