

**United Nations Commission on the Status of Women
Fifty-eighth session
10 – 21 March 2014
New York**

INTERACTIVE EXPERT PANEL

**Challenges and achievements in the implementation of the
Millennium Development Goals for women and girls**

**Focus: Challenges and achievements
in the implementation of the MDGs for women and girls**

Wednesday, March 12, 2014, 10:00 am - 1:00 pm

**Realizing women's economic, social and cultural rights
in achieving the MDGs***

by

**Virginia Bras Gomes
Member and Rapporteur
United Nations Committee on Economic, Social and Cultural Rights**

*The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

Many thanks to UN Women for the invitation to contribute to this panel on the challenges and achievements in the implementation of the MDGs for women and girls, My task is to look at how this implementation has contributed to the fulfilment of women's economic, social and cultural rights and how a human rights based approach can contribute to the development of the post 2015 framework and sustainable development goals.

There is so much information out there, including the SGs reports, the MDG yearly reports and progress charts, academic publications and civil society assessments on progress made and remaining obstacles to the achievement of the present set of MDG goals; I have nothing new to add.

In addition, some of my co-panellists have already dealt with, or will be dealing with, specific issues related to a number of women's rights in the context of the MDGs.

So, I have decided to adopt a more general approach and deal with 3 issues from a human rights perspective.

The first is to signal the main gaps in the MDG framework in reflecting gender equality and women's rights; the second is to highlight the potential of the International Covenant on Economic, Social and Cultural Rights to better integrate human rights concerns into the post-MDG framework; and the third is to give you my personal perspective on how treaty bodies can contribute towards ensuring greater consistency between human rights and MDG goals.

Let me first signal some of the gaps.

The first main gap is that the MDGs are just not en-gendered.

En-gendering the MDGs would have implied mainstreaming a gender dimension that should result in equal rights and equal opportunities for women through the achievement of all the MDGs and not only MDG 3, on promoting gender equality and empowering women and MDG 5, on maternal health.

MDG 3 did serve the purpose of calling greater attention to gender disparities particularly in education but much less in employment and political participation. It has a narrow focus and is only a partial reflection of the broader discrimination and inequality picture and it does not address the underlying causes of gender inequality that impact negatively on the fulfilment of all the MDGs.

Let me give you an example of how this is true for MDG 1.

We know that more women than men fall below the poverty line and that the depth of poverty is greater for extremely poor women. We know that women face great difficulties in accessing land and other livelihood resources and that they carry a disproportionate burden in what concerns unpaid care work that is not recognized as a contribution to economic and social development. We also know that more women than men continue to be out of the labour market and that the great majority of so-called "working" women are in very vulnerable employment or are unpaid workers who contribute to a family business or are own account workers without any safety net that would protect them against income

loss. They are also not entitled to social security benefits such as an old-age pension or access to basic health care.

Yet, in MDG 1, there is no indication of the gender dimensions of poverty. There are no targets reflecting either women's poverty or social security that would also shed light on the lack of social security for women and all the problems that it gives rise to¹.

The second gap is that the MDG framework does not recognize the fact that discrimination and inequality are at the heart of non-enjoyment of an adequate standard of living by all. This has undermined equitable progress toward meeting the MDGs and it has led to many groups such as rural communities, the poorest households and ethnic minorities, having been left behind. In other words, there is no guarantee that any progress made in achieving MDG goals and targets has, in fact, resulted in the improvement of living conditions for the most disadvantaged and marginalised individuals, families and groups. That is why the criticism that the MDG targets have been achieved by picking the low hanging fruit, leaving the lives of those most in need practically untouched, is justified from the human rights perspective that every individual matters.

In order to comply with their immediate human rights obligation of non-discrimination and gender equality, States need to have a clear idea of who the discriminated groups are as well as of quantitative and qualitative data such as how many men and women families fall under the category, where they live, what are their age brackets, what level of discrimination are they subject to, and what is the impact of the measures undertaken to combat discrimination.

Furthermore, women have greater difficulties in accessing their rights than men and are very often subject to intersectional discrimination. There is, therefore, an absolute need for gender disaggregation within vulnerable and discriminated groups which is not present in the MDG framework.

The third gap in the framework that has been reiterated in all the reports on the fulfilment (and lack of fulfilment) of the MDGs is the absence of a consistent approach to the participation of rights holders, including the right to information, freedom of expression, assembly and association, and the accountability of duty-bearers. If these two principles that are as meaningful for human rights as they are for sound policy making, implementation and evaluation are relevant for men and women, they are even more relevant for women who face negative traditional cultural and behavioural stereotypes that often make their informed participation difficult, if not impossible.

Let me now turn to my second point and that is the potential of the International Covenant on Economic, Social and Cultural Rights for crafting goals and targets reflecting gender equality and women's rights in the post 2015 framework.

Article 3 of the Covenant is very clear. It requires States parties to ensure the equal rights of men and women to the enjoyment of all the economic, social and cultural rights enshrined

¹ The core obligation under the right to social security , requires the State party, among other things, “to ensure access to a social security scheme that provides a minimum essential level of benefits to **all** individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education” – General Comment 19 of the Committee on Economic, Social and Cultural Rights, on the Right to Social Security

in the Covenant. It is a general crosscutting principle that needs to be read in conjunction with the substantive rights in part III of the Covenant². I think it is this articulation between the mainstreaming of gender equality and women's empowerment throughout the Covenant and the fulfilment of the specific substantive rights for women through all necessary measures, including temporary special measures that should be reflected in the post MDG framework.

And why?

First of all, due to the persistent discrimination against women and the fact that they are very often exposed to multiple discrimination, resulting from the cumulative and intersection effects of discrimination on several prohibited grounds. In spite of a number of rehabilitation and empowerment programmes and temporary special measures, in practice, women continue to be subject to the denial of their rights to education, training, work, social security, health, land and other livelihood resources.

A second reason is the invisibility of women as individual rights holders in policy planning, implementation and evaluation; a third reason is linked to the negative cultural stereotypes that make them the last priority for their families and communities.

It is clear that, in addition to an explicit goal on gender equality and women's empowerment, there is need for a more comprehensive approach, broader and more inclusive targets that reflect the many dimensions of substantive equality between women and men underlying all the other goals.

Back to the Covenant!

Its ratification entails, for the 161 States parties that have done so, compliance with core obligations and obligations of progressive realisation.

Core obligations, as we know, imply satisfaction of, at the very least, minimum essential levels of protection particularly for the most disadvantaged and marginalised individuals, families and groups. If States do not comply with their core obligations, the Covenant is of very little or no effect. The concept of core obligation as an essential survival kit that enables everyone to live in dignity is of great relevance to the post MDG-framework if this framework is indeed going to be relevant to the most disadvantaged and marginalised groups. As we all know, within these groups, women are at the bottom of the ladder.

The correct identification of these individuals and groups that are the first addressees of the core obligation of States requires disaggregated data based on the prohibited grounds for discrimination. This information is not readily available in the statistical data typically drawn from official statistics provided by Governments, in part because statistical data normally represent mainstream trends that allow for a general assessment of progress or lack of progress by a State. They may illustrate changes in the general situation during a certain time period, but they do not disaggregate such data nor do they pay sufficient attention to policies and practices of public authorities in guaranteeing access to justice for poor and discriminated groups.

² Rights to work and at work; to social security; to the protection of the family and its members; to an adequate standard of living; to health; and to take part in cultural life

There is a lot of on-going work on human rights indicators, including by the OHCHR that has drawn up lists of appropriate illustrative indicators for civil and political rights, as well as economic, social and cultural rights, taking also on board MDG targets³. I think the use of these indicators to assess the efforts of States in respecting human rights standards and principles in the achievement of the MDGs would be a great step forward in reinforcing the accountability of duty bearers.

Among the core obligations identified by the Committee on Economic, Social and Cultural Rights for the implementation of Covenant rights, is the adoption of a national strategy or plan of action for each right with the participation of the rights holders. Its implementation is to be monitored using human rights indicators. Again, this is also relevant for the MDG efforts, in order to make sure that the goals and targets effectively correspond to individual and collective aspirations of increased well-being and that progress, or lack of it, can be effectively monitored, that duty bearers can be brought to task and that corrective measures can be taken as early as possible.

Progressive realisation obligations are also very important in the post-2015 framework, in order to caution states against using the various crises, in particular the financial crisis, as a blanket excuse to cut social budgets and social spending. Whether one is concerned with the immediate impact of the crisis on the billion people worst affected by it, or the medium term quality of economic recovery, or the longer term consequences of global governance on poorer nations and people, the relevance of the obligation of progressive realisation towards the full enjoyment of rights is obvious. States should set and implement national targets to realise economic, social and cultural rights, surpassing the MDGs where possible.

Allocation of maximum available resources for progressive realisation, including through international cooperation and assistance, as stipulated in Article 2.1. of the Covenant⁴, is particularly important for women, because in times of crisis, women are often in a disadvantaged position in comparison to men, whether in relation to poverty in general or in relation to participation in the labour markets, due to their unequal access to resources, goods and services⁵.

The concepts of accessibility, affordability, acceptability and quality of goods and services that are key to the enjoyment of economic, social and cultural rights in a non-discriminatory manner are also key to ensure that MDG achievements are sustainable and not just short-term successes to justify targets that may no longer hold true a few months later.

Finally, let me give you my my individual perspective on how treaty bodies can be more effective in ensuring greater consistency between human rights and MDG efforts, linked to the three gaps I mentioned before.

³ See *Human Rights Indicators: A Guide to Measurement and Implementation*, published by the OHCHR

⁴ Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

⁵ CEDAW has called attention to the fact that women and girls in both developed and developing countries will be particularly affected by the potential social and economic consequences of the crisis, such as unemployment, increase of responsibilities both at work and at home, decrease of income and potential increase in societal and domestic violence.

In general terms, the dialogue with States at the time of the consideration of the reports on the implementation of the human rights Covenants and Conventions is a privileged opportunity for treaty bodies to engage with national delegations.

What frequently comes out of the dialogue of treaty bodies with State party delegations is that the insufficient fulfilment of economic, social and cultural rights is not only due to the lack of resources, but also, and above all, to the development of domestic priorities that do not attribute sufficient relevance to these rights and, very often, to the fact that material and financial resources, in themselves scarce, are not targeted and used to the fullest extent possible for their implementation. This is also true for the MDGs.

The dialogue is an unique opportunity for treaty bodies to reiterate the importance of the interdependence and inter-relatedness of all rights in the context of the achievement of present and future goals and to call the attention of States to the efforts needed to combat the structural drivers of gender inequality. It is also the opportunity to raise issues of a broader nature such as macroeconomic policies, generation of national and international resources, the consequences of austerity and of the privatisation of essential services on the enjoyment of rights and the fulfilment of development goals.

In relation to the disaggregation gap, treaty bodies should send a consistent message to States that they cannot comply with their obligations to respect, protect and fulfil human rights, neither can they, within the MDG framework, target areas and population groups without the use of human rights indicators disaggregated according to the prohibited grounds of discrimination. Whereas disaggregation on some these grounds maybe more difficult, there is no reason for sex-disaggregated data not to be available in every State on a yearly comparative basis.

In relation to the participation and accountability gap, treaty bodies should continue to apply a consistent gender lens during the dialogue with States and issue concluding observations that highlight the need to address the underlying causes of gender inequality in particular the long term efforts needed to combat negative stereotypes that hinder women's meaningful participation at all levels of decision making.

Finally, a particular reference to the Committee on Economic, Social and Cultural Rights. CESC can contribute to, and take advantage of, all the initiatives to make the core obligations of States operational also for the MDG framework. This is important because, like other treaty bodies, CESC is part of a broader system and should make use of the expertise of specialised agencies to strengthen the human-rights based approach of which the core obligation of States is an essential component.

To give you an example, the core obligation under the right to social security is well materialised in the ILO Social Protection Floor.⁶ It is a practical tool, also for the achievement of a poverty eradication goal in the future MDG framework. Therefore, whenever CESC, in its Concluding Observations, at the end of the reporting cycle, recommends that a State adopt the Social Protection Floor, it is also reinforcing the importance of this Floor in the context of the MDGs⁷. What is important is for CESC to pay

⁶ ILO Social Protection Floors Recommendation no. 202, June 2012.

⁷ The SPF seeks to ensure the availability, continuity and access to public services (such as water, sanitation, health, education and family focused social work support) and to ensure a basic set of essential social transfers

particular attention to the non-discrimination and gender equality principles in order to bring the social protection floor completely in line with the core obligation of States under the right to social security.

In times of mutually responsive national and international environments, like the ones we live in today, more than ever, the fulfilment of conditions that enable people to live in dignity, has to be grounded in the interdependence of economic and social policies, in full compliance with the obligations of States to respect, protect and fulfil economic and social rights. It is decidedly the fact that we have not applied a consistent human rights lens to poverty eradication in our own countries as well as abroad that has led to the failure of anti-poverty policies and strategies and to the ineffectiveness of programmes to prevent and combat poverty that, contrary to their initial objectives, have been far from sustainable and inclusive.

The time that remains till the formulation of the new goals is the window of opportunity for all of us to contribute to a set of the post-2015 goals and targets in compliance with the human rights standards and principles of non-discrimination and equality, gender equality, participation of rights holders and clear responsibilities of duty bearers, including Non-state actors, for the implementation of human rights within borders and extraterritorially. After all, we have all recognized that development of any kind is only sustainable if it fully integrates human rights principles and standards. Let us also recognize that where human rights principles and obligations are prioritized, MDG progress is achievable.

in cash and in kind for those living in poverty, to provide universal access to essential health services and a minimum income security.