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My two cents on Beijing +20 plus response to Raewyn Connell and Rebecca Pearce

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The Beijing Women's Conference in 1995 achieved a great deal. The identification of 12 critical areas of concern set an ambitious agenda for States. Much has been achieved not least in the areas of violence against women and women in armed conflict. (Cornwall: 2014) Credit for that must be shared between civil society which held States to their pledges and human rights and development agencies, both within the UN and at the regional level. (References omitted)

This brief note identifies four areas that Beijing+20 might highlight. The first is the excellent analysis of gender stereotyping provided by Cook and Cusack in their seminal book *Gender Stereotyping* (2009). Taking an interdisciplinary approach, the authors highlight the importance of diagnosis, that is naming the stereotype, identifying the ways in which it creates or reinforces gendered inequalities and providing the analytical and practical solutions to challenging this prejudice.

The second area of focus is the development in jurisprudence and academic writing of the concept of transformative equality which is central to challenging gender stereotypes and accelerating the realization of women's equality which follows from Cook and Cusack's analysis. The recognition of transformative equality is an acknowledgement of the centrality of articles 2(f) and 5(a) of CEDAW to women's fight for equality. (Holtmaat: 2012). Since the first Beijing conference, we have moved further along the road on this issue.

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

The third issue is gender. The compromise reached at the 1995 conference (contained in the President's Statement with a separate note by the Holy See) cannot be allowed to stand. It has had a detrimental effect on the construction of gender, not least in the Rome Statute whose definition of gender is, like that in Beijing 1995 inadequate. (Rome Statute art.7(3)). Times have changed. Gender, defined as including gender identity *and* encompassing sexual orientation must be included. The intersectional analysis beloved of academics and human rights treaty bodies must be brought to bear. Indeed while the homophobic rhetoric of politicians in some States may have grown louder, the reality is that the tide is turning towards recognition of our collective humanity and our diversity. Human rights are not about protecting those who are most like us, but rather all, who, like us, are human and are .deserving of all that we would want for ourselves. Queen Victoria's alleged head in the sand approach to women's sexual diversity cannot be replicated in the 21st Century.

The final issue is that of reproductive rights. With hindsight, ICPD 1994 (Cairo) marked the apotheosis of achievement. The two decades that have followed have witnessed a backlash and a roll back of gains. Religion and the expediency of politicians are central to this negative development. Reproductive health and sexual rights are seen as part of a common problem. While there have been shafts of light, not least goal 5 of the MDGs (on reducing maternal mortality) and the inclusion of article 14 (recognizing a woman's right to abortion and protection from HIV as well as access to contraception) of the African Protocol on Women's Rights, 2003, the picture, globally, but especially in the Americas, should give us all pause for thought, and then action. Beijing +20 needs to reiterate Cairo plus engage with recent developments-including in reproductive technologies and all the complexities they bring. I am thinking here of who benefits from scientific progress and also who pays. (Surrogacy in the South as a fast growing service industry, to identify but one issue).

What I would like to see: To encourage progress and to show how far we have already come, it would be good to have:

An explicit acknowledgement of the many positive developments especially in case law on article 5(a) of CEDAW which requires States Parties to 'modify the social and cultural patterns of conduct of men and women" (*Vertido v. Phillipines* -CEDAW). It would also be good to flag up the greater understanding of the impact of gender stereotyping, both in society and by law enforcers and the effects on women, by judges. (*Cotton Fields* case Inter America and *Personal Rights Project v. Egypt* African Commission, *MC v. Bulgaria*-Europe, *Equal Opportunities Commission v. Director of Education* Hong-Kong).

These developments mark a sea change from an earlier assessment that article 5(a) of CEDAW as vague and non-justiciable. (Burrows: 1985)

Drafting Beijing +20-Please include

Reference to regional jurisprudence including:

Article 10(3) of the African Protocol-States should spend less on defence and more on social spending

Article 17 of the African Protocol on Women's Rights, 2003 -women should participate in the

construction of cultural policies. Article 19(f) -the negative impact of globalization should be minimized for women.

Bibliography

F. Banda, “Article 10” in M. Freeman, C. Chinkin and B. Rudolph (eds) *CEDAW: A Commentary* (OUP, 2012/3) (hard and paperback editions respectively).

N. Burrows “The 1979 Convention on the Elimination of all Forms of Discrimination against Women” *Netherlands International Law Review* / [Volume 32](#) / [Issue 03](#) / December 1985, pp 419 – 460.

R. Cook and S. Cusack *Gender Stereotyping: Transnational Legal Perspectives* (Pennsylvania Press, 2010). See also R. Cook, J. Erdman and B. Dickens (eds) *Abortion Law in Transnational Perspective: Cases and Controversies* (University of Pennsylvania Press, 2014)

A. Cornwall “Strategies and Pathways to make States More Accountable for Women’s Rights” UN Women, Beijing prep, EGM/B20/BP3, October 2014.

Giddens, A *Runaway World: How Globalisation is Reshaping our Lives* (Routledge, 2003)

Holtmaat, R. “Article 5” in M. Freeman *et al* (eds) (OUP, 2012/13).

Nyamu-Musembi “Breathing New Life into Dead Theories of Property Rights: de Soto and Land Relations in Rural Africa.” Institute of Development Studies (IDS, (2006).

Not cited but apparently very good on prejudice, is:

Laurie A. Rudman, “Rejection of Women? Beyond Prejudice as Antipathy,” in *On the Nature of Prejudice: Fifty Years after Allport*, ed. John F. Dovidio, Peter Glick, and Laurie A. Rudman, (Oxford: Wiley-Blackwell, 2005), 106- 120.

Response to the Paper Prepared by Raewyn Connell and Rebecca Pearce

Thank you for a wide ranging and very engaging paper. I found section five which explored how norms and stereotypes change particularly helpful. The sociological explanation of how stereotypes change lays a very helpful basis for exploring how to craft effective remedies to correct wrongful norms and gender stereotypes.

My recommendations are few and reflect one, very quick reading of the paper, so apologies for any misunderstanding on my part:

- 1) Include the Cook and Cusack analysis of gender stereotyping in framing the issues (Cook and Cusack 2009).
- 2) Use the work of Rikki Holtmaat on transformative equality which relies on her extensive work on article 5(a) of CEDAW. (Holtmaat 2012). Holtmaat has written extensively on this issue.
- 3) Media-While Hollywood is the subject of attention, the two major film centres are actually Bollywood in India and Nollywood in Nigeria. Perhaps some acknowledgement of this and an analysis of the films made there would be helpful. (See the work of Rachel Harrison -on Bollywood and generally Centre for Film Studies-SOAS, University of London).
- 4) Education-I do not share your analysis that single sex education is bad for girls. In my analysis of CEDAW article 10 (Banda 2012), I argue that the objective of the Convention is to ensure that single sex education does not lead to different curricula or lower standards in teaching for girls. The Committee on Economic Social and Cultural Rights, has in its general comment 13 noted that one of obligations of a State is to provide education that is acceptable which the Committee defines as: "...the form and substance of the education must be relevant, culturally appropriate and of good quality". An insistence on co-education may result in the girl child being denied an education altogether. Moreover, research indicates that at high school, girls in single sex schools are more likely to do science subjects than those in co-educational schools.
- 5) Land-pp21-2-Is it ownership or access that is key? Nyamu-Musembi has identified many pitfalls to focusing on land ownership. (Nyamu-Musembi: 2006)

General

On page 8-best use the word 'fair' and not equitable because there is the slight risk of raising, albeit unwittingly, the equity v. equality discussion.

Page 25-"Democratic political norms do not guarantee gender equality"-Giddens in the Amnesty Lectures that produced his book on Globalization suggests that in democratic societies, gender equality in family relations is more likely to be in evidence. (Giddens: 2003)

Page 34-South Africa-the ANC Constitution of 1955 guaranteed equality before the 1990 political settlement.

Page 34-People with higher education qualifications have more liberal attitudes to gender. Two alternative explanations:

- a) They can afford to be generous, until fairly recently there were few women there to threaten them, so the question was hypothetical
- b) They know to screen out answers that may reflect poorly on them.

Page 35- Culture comes in -perhaps a small section on “culture” and how fits in more generally with earlier analyses of gender stereotyping etc.

Page 36-plural gender-include hijras

Page 37--What constitutes critical mass? CEDAW General Recommendation 23 says a third. Is this what Beijing+20 should be aiming for. I say equal.

Perhaps something on how Temporary special measures can be used to accelerate participation and the realization of equality-already in Beijing Platform for Action and Declaration.

Methodology-

I have to confess that I did not always follow the criticisms made, especially of the World Bank picking their own focus group leaders. Why is this a problem? Don't other researchers, including academics do this?