

Chapter 2

Commitments to the Progress of Women: Rights and Targets

The Peace Torch was first lit in Kwa Zulu Natal, South Africa, on Pan-African Women's Day 1995, and traveled to several war-torn African countries on the road to Beijing for the opening of the NGO Forum of the Fourth World Conference on Women. The torch continues to travel and burn as a symbol of women's quest for peace, equality and development.



Introduction

The differences in the experiences, expectations and priorities of different groups of women mean that there is always scope for debate about exactly what constitutes progress for women. Nevertheless, international human rights instruments, beginning with the Universal Declaration of Human Rights in 1948, provide a common framework for defining and assessing the progress of women. These are supplemented by International Labour Organization (ILO) Conventions and by the blueprints for action agreed upon by governments at a series of United Nations (UN) conferences in the 1990s on a broad range of issues, such as education, environment, human rights, population, social development, women's empowerment, human settlements and food security.

The human rights treaties provide a set of principles that describe the inalienable and inviolable rights of all members of the human family. These international treaties require governments to respect, protect and fulfill the rights contained in

“ By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.”

— Beijing Declaration, September 1995

them and they are legally binding on all states parties. While states are responsible for the realization of, as well as for violations of, the human rights guaranteed by the treaties, the enforcement of human rights law depends on political pressure, both nationally and internationally. In common with other social movements, women's movements worldwide have used the standards embodied in the treaties to hold their governments accountable for violations of women's human rights, and to press for progress in the realization of all human rights, including women's human rights.

During the 1990s, at a series of UN conferences (see Box 10, p. 45), governments reaffirmed these human rights principles and agreed to take action on a broad range of social and economic issues in order to enable women to realize them in practice. Though not legally binding, these agreements do provide a framework for national and international actions, monitoring and accountability. The UN conferences provided a dynamic arena for action by non-governmental organizations (NGOs), including women's groups, at several interconnected levels — national,

Box 1: Targets and Benchmarks: What Do They Do?

Patricia Flor, Chair of the UN Commission on the Status of Women, suggests that targets and benchmarks are useful in the following ways:

- They make progress visible and measurable. Since agreements such as the Platform for Action are expressed in general terms, they provide means to its goals.
- They allow monitoring of trends, to see if there is progress.
- They translate idealistic, ultimate goals into realistic stages or phases of sub-objectives.
- They provide incentives for sustained and strengthened efforts.
- They help determine responsibility for achieving targets.
- They allow progress to be rewarded by general recognition.

Source: NGOs for Women 2000, 1999.

regional and international. Such activism was central to both the process and the outcomes of each conference, but the agreements reached do not encompass all NGO priorities, and reflect compromises made during government negotiations.

Like the human rights treaties, the operational usefulness of the UN conference agreements is increased if they are linked to specific targets and indicators that can be used to define and monitor progress in compliance. This is particularly important in the case of economic and social rights, which are subject to different interpretations in different countries. The UN conference agreements of the 1990s do contain a number of relevant quantitative, time-bound targets. Many of these have been brought together in the vision for development cooperation in the 21st century issued by the Organisation for Economic Cooperation and Development (OECD) in 1996. These targets have been endorsed by the UN system and the World Bank and are widely used to inform development cooperation. (Some advantages of targets are summarized in Box 1.)

Targets should always be specified and interpreted in a human rights framework, in order to guard against the danger that they will be pursued in ways that violate human rights. Provided this is done, internationally agreed upon targets can provide useful ways to focus and crystallize commitments to the world's women and provide standards against which the progress of women may be assessed.

In keeping with the overall emphasis of this report, this chapter examines the ways in which the economic dimensions of women's progress have been specified in the norms set out in human rights treaties as well as in the goals and measures called for in UN conference agreements, paying particular attention to the scope of internationally agreed-upon time-bound targets.

Human Rights Instruments

The cornerstone of international human rights law, the Universal Declaration of Human Rights, adopted in 1948, expressed standards of human dignity for all nations to aspire to. A series of human rights instruments, based on the standards contained in the Declaration, have been created over the years by various UN bodies and have progressively been incorporated into national legal systems (see Box 2). Within the UN system, UNIFEM, in partnership with the Office of the High Commissioner for Human Rights, works to provide a gender perspective on human rights and conducts training and capacity-building activities on the gender dimensions of human rights.

The primary forum for political debate on human rights within the UN system is the Commission on Human Rights, a functional body of the UN Economic and Social Council. Special Rapporteurs of the Commission are appointed to conduct independent investigations on thematic or country-based violations as they arise. For example, there is a Special Rapporteur on Violence Against Women. Each of the core human rights instruments has a committee that monitors its implementation. The committees meet in special sessions on a regular basis to review reports submitted by states parties to the relevant convention. The committees also clarify the meaning of provisions contained in the conventions and make recommendations about their implementation.

Some human rights conventions are accompanied by so-called Optional Protocols, which set up complaint mechanisms to allow individuals in those countries that ratify both the convention and the related optional protocol to submit complaints about violations of the convention directly to the committee that oversees implementation of the convention. The committee then reviews these petitions and responds to them.

In most cases, individuals first look for redress of human rights violations at the national level, through local courts, commissions or judicial bodies. Some countries have established Human Rights Commissions to handle such complaints. In many countries, petitioners who cannot receive redress for human rights violations at the national level can turn to regional human rights mechanisms, notably

Box 2: Core UN Human Rights Instruments

Universal Declaration of Human Rights

Adopted in 1948

International Covenant on Economic, Social and Cultural Rights

Adopted in 1966/entered into force 1976
Monitored by the Committee on Economic, Social and Cultural Rights (CESCR)

International Covenant on Civil and Political Rights

Adopted in 1966/entered into force 1976
Monitored by the Human Rights Committee (HRC)

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted in 1965/entered into force 1969
Monitored by the Committee on the Elimination of Racial Discrimination (CERD)

Convention on the Elimination of All Forms of Discrimination Against Women

Adopted in 1979/entered into force 1981
Monitored by the Committee on the Elimination of Discrimination against Women (CEDAW)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted in 1984/entered into force 1987
Monitored by the Committee against Torture (CAT)

Convention on the Rights of the Child

Adopted in 1989/entered into force 1990
Monitored by the Committee on the Rights of the Child (CRC)





the European System and the Inter-American System. (Human rights advocates in Asia are pressing for a similar mechanism in that region.) These systems vary with regard to how and on what topics a complaint can be filed as well as the means by which complaints are examined and resolved. Finally, in states that have ratified both the treaty covering the alleged violation and its optional protocol, individuals seeking redress also use the UN-based international

human rights system.

Over the last two decades, women have effectively used the human rights framework to draw attention to violations of women's human rights, especially violence against women. In 1993, at the World Conference on Human Rights in Vienna, they succeeded in enshrining women's rights into the heart of the human rights framework, with the recognition that "women's rights are human rights." Since then, women have worked at different levels — national, regional and international — to integrate gender into all aspects of human rights.

International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights, which took effect in 1976, guarantees that all individuals shall enjoy civil and political rights, without distinction on the basis of sex or other grounds. Article 3 establishes states parties' obligation to ensure women's and men's equal rights to the enjoyment of all other rights in the Covenant, including:

- the right to life and liberty, freedom from arbitrary arrest and detention;
- freedom from torture or cruel, inhuman or degrading punishment;
- freedom from slavery or servitude;
- freedom of thought, conscience and religion;
- freedom of expression;
- freedom of assembly and association, including the right to join a union;
- equality of rights to both parties within a marriage and upon its dissolution;
- the right to equal protection of the law.

States that ratify the Covenant are required to submit a report to the Human Rights Committee, which monitors implementation, within one year, and thereafter at five-year intervals. Since 1995, ratifying states have been requested to include information on factors affecting equal enjoyment of rights by women under each of the articles, including practical matters affecting women's status and the human rights of women. While there is no formal provision

for NGO input on government reports, the Committee may accept information from NGOs or invite them to comment on the reports.

The Human Rights Committee publicly reviews the reports and submits its concluding observations and recommendations for improvement to the government. In reviewing reports, the Committee regularly raises issues of inequality and discrimination in employment, including equal remuneration, as well as access to public services and participation in public affairs. In a significant milestone for gender equality, the 56th Session of the Commission adopted, in April 2000, a strong resolution on "women's equal ownership of, access to, and control over land and the equal rights to own property and to adequate housing." Currently the Committee is updating its general comment on Article 3, giving it an opportunity to link women's equal rights to all other substantive provisions and to explain the gender dimensions of these provisions. Such linkages might include the relationship between freedom of religion and religious expression and women's right to equality. In addition, the Optional Protocol of the ICCPR, which entered into force in 1977, has been the most visible and effective of the complaint procedures administered by human rights treaty committees.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

More directly relevant to women's economic status is the International Covenant on Economic, Social and Cultural Rights. ICESCR's provisions deal with working conditions, social protection, standard of living, physical and mental health, education and the enjoyment of the benefits of cultural freedom and scientific progress.

States that ratify the Covenant are expected to submit an initial report on their implementation efforts to the Committee on Economic, Social and Cultural Rights within two years of ratification, and thereafter once every five years. The Committee reviews the report and makes recommendations for further action.

The ICESCR provides a legal framework in which to enforce three fundamental economic rights that apply equally to women and men:

- the right to work (Articles 6–10);
- the right to an adequate standard of living (Article 11);
- workers' rights, such as the right to freely chosen employment, to fair wages and equal remuneration, to form and join trade unions and to social security and other benefits.

In some places, the ICESCR uses outdated language that assumes a model of employment based on a male breadwinner and thus fails to

reflect the many forms of remunerated and unremunerated work that women perform. There is a potential contradiction between Article 3, which specifies that women and men are entitled to equal enjoyment of provisions contained in the ICESCR, and Article 11, which presumes a male head of household, stating that there is a right to an adequate standard of living for “himself and his family.” However, the Committee has clarified in its comment on the right to housing that this language, which reflects usage and assumptions at the time the Covenant was adopted, cannot be interpreted in a way that infringes on women’s right to equal treatment.

Article 2 (1) states that the rights contained in the Covenant are to be “progressively realized.” The process envisioned here is not clearly defined,

which makes it difficult to monitor progress in implementation. However, not all of the provisions in the ICESCR are subject to “progressive realization.” In several areas states parties can make legislative and/or judicial changes that could have immediate effect, such as passing laws to secure trade union rights (Article 8).

States parties are required to ensure the satisfaction of minimum essential levels of each of the rights contained in the Covenant and a state’s failure to meet this minimum would be considered a violation. However, what constitutes the minimum essential level in most cases is not specified, other than to cite examples of deprivation of essential food, essential primary health care, basic shelter and basic forms of education (General Comment 3, 1997).

Box 3: Poor People’s Economic Human Rights Campaign in the Americas

In 1999, to raise the issue of poverty as a human rights violation, the Poor People’s Economic Human Rights Campaign organized a March of the Americas that brought together families from Canada, the United States and several Latin American countries. The march was led by poor and homeless women, men and children of all races, many of whom travelled by foot for 30 days through 5 states, covering some 400 miles. At the closing Rally to Demand Economic Human Rights, marchers presented evidence of US failure to adhere to economic human rights standards and norms regarding the provision of basic human needs. Since 1997, the campaign has mobilized poor and homeless individuals and families to bring economic rights violations to the attention of the UN in New York. Prior to arriving in New York, advocates travel through poor urban and rural communities to hold public discussions and collect testimonies of economic human rights abuses.

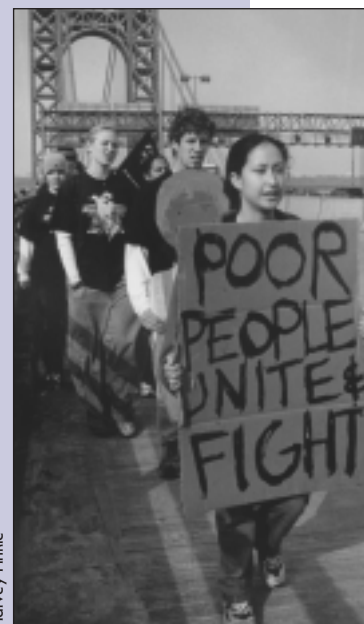
The Poor People’s Campaign, spearheaded by the Kensington Welfare Rights Union in North Philadelphia, includes over 40 organizations of poor people from across the country, including residents protesting the demolition of public housing in Chicago, welfare recipients facing cut-offs from public assistance in Philadelphia, farm workers working for subsistence wages in Immokalee, Florida and workfare workers organizing in San Francisco.

In an effort to get legal redress for these violations, in October 1999 the campaign filed a petition with the Inter-American Commission on Human Rights of the Organization of American States (OAS) on behalf of all US citizens, focusing on the changes in social welfare law and policy wrought by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. The petition asks the Inter-American Commission on Human Rights to rule that US policy is in violation of the OAS Charter, and by extension the ICESCR, with respect to several economic and social rights, including the right to an adequate standard of living, the right to health, the right to protection for familial relations, the right to work under just and reasonable conditions, the right to education, the right to food, the right to housing, the right to social security, and the right to be free from discrimination. The petition states:

“Despite a growing economy, increasing wealth and federal budget surplus, US law and policy has nonetheless steadily eroded the economic and social rights of its poor citizens and residents. The working poor, the unemployed and those who need assistance from the state face increasing economic insecurity and desperation, threatening the health and well-being of countless individuals and families across the country.”

Given that the United States has not ratified the ICESCR, an OAS ruling in favour of the petitioners would be the first time an international human rights body finds the United States to be in violation of its obligation to promote economic and social rights. This would open up doors for activists in the United States who have long been frustrated by the lack of a forum to raise concerns about economic human rights abuses.

Sources: Kensington Welfare Rights Union 1999; Cheri Honkala et al. v. The United States of America, 1999.



Harvey Finkle

Box 4: Budget Legislation and the ICESCR in Canada

In Canada, the National Action Committee on the Status of Women, together with the Charter Committee on Poverty Issues and the National Anti-Poverty Organisation, appealed to the ICESCR Committee to request the government of Canada to explain how the 1995 Budget Implementation Act (BIA) was consistent with the terms of the Covenant.

The Canadian budget act swept away a system of common standards that gave a basic entitlement to all persons in need, based on an income test for eligibility. Previously, claimants were entitled to appeal against decisions about the level of payments to be made to them. The system also provided critical social services to those in need and those who give care. Its elimination was presented in terms of the need to reduce the government budget deficit. But the result was to severely weaken women's economic and social rights.

In November 1996, the NGO coalition stated that the budget act represented "the most serious retrogressive measure ever taken in Canada with respect to the legislative protection of the right to an adequate standard of living." It had transformed Canada from a country in which the right to adequate financial assistance was "a legal requirement, enforceable in court," to one with "no federal legislation recognizing this right or providing any means of enforcing it."

The ICESCR Committee subsequently called upon the Canadian government to provide an account in its third periodic report in 1998. The Committee concluded that the Budget Implementation Act, by replacing the Canada Assistance Plan (CAP) with the Canada Health and Social Transfer, "entails a range of adverse consequences for the enjoyment of Covenant rights by disadvantaged groups in Canada" and noted with concern that "the replacement of the CAP and grave cuts to social assistance rates, social services and programmes have had a particularly harsh impact on women."

Sources: Elson and Gideon 1999; Day and Brodsky 1998.

In 1997, the UN Division for the Advancement of Women convened an expert group meeting to think through how women's economic and social rights could be better addressed. Some of the important recommendations for states included taking steps to:

- incorporate guarantees of economic and social rights in national constitutions and guarantee a gendered interpretation of these rights;
- reflect key gender policy objectives and priorities in national budgets;
- incorporate time-bound targets to promote women's enjoyment of economic and social rights in national plans of action for implementation of the Beijing Platform for Action.

In addition, the expert group meeting urged the ICESCR Committee to:

- define a gender-sensitive "minimum core content" in relation to each right protected by the Covenant;
- encourage the Commission on Human Rights to appoint a Special Rapporteur on women's economic and social rights;
- urge the international financial institutions and the World Trade Organization (WTO) to integrate human rights and gender impact assessments into their procedures and policies.

As international recognition of the importance of human rights grows, some of the state-level recommendations have begun to be addressed, at least by some states. The Human Rights Commission has appointed a Special Rapporteur on Education, including education for the girl child. And the ICESCR Committee is currently preparing a General Comment on ensuring gender equity in the implementation of economic, social and cultural rights.

With regard to international financial institutions and the WTO, the ICESCR Committee stated in May 1998 that the realms of trade, finance and investment are in no way exempt from human rights principles and called upon the WTO to find ways to systematically consider the impact of particular international trade and investment policies upon human rights, especially upon economic, social and cultural rights (UNHCR 1998).

A major constraint on improving the capacity of governments to uphold the ICESCR is the lack of an operational human rights-based approach to economic policy-making. Currently governments, courts and international financial institutions tend to think of economics strictly in terms of allocating resources efficiently, balancing budgets or reducing inflation, treating economic and social issues merely as optional policy objectives rather than matters of fundamental human rights (see Box 3 and Box 4 on NGO protests in the United States and Canada).

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW is the only human rights convention that is gender-specific. It provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in political and public life, as well as education and employment. It is a groundbreaking document in that it "recognizes the inextricability of subordination and the economic and social structures that perpetuate it" and requires states to take steps to modify culturally based gender bias, however deeply entrenched (UN 1993a).

"The existence of a positive legal framework for women's rights does not automatically confer rights on women. However, it does legitimize women's claims for rights and makes possible women's transformation from passive beneficiaries to active claimants. It creates the space for women's agency."

— Shanthi Dairiam, Director, International Women's Rights Action Watch, Asia Pacific (UNIFEM 1998a:9)

The CEDAW Convention's great strength is that it requires that governments take positive actions to promote and protect the rights of women, noting that the absence of overtly discriminatory laws and policies alone is not sufficient. The provisions that are most relevant to advancing women's economic equality relate to employment, including the right to work and receive equal pay for work of equal value (Article 11), equal access to credit (Article 13) and land (mentioned in Article 16 and clarified with respect to marital property and inheritance in General Recommendation 21). In order to clarify the intent of the Convention, the CEDAW Committee has issued General Recommendations, including several related to women's economic equality. These call on states to:

- ratify ILO Convention 100 concerning remuneration and undertake comparable worth studies (No. 13, 1989);
- report on the social and legal situation of unpaid women working in family enterprises (No. 16, 1991);
- include women's domestic work in the calculation of gross national product (No. 17, 1991);
- clarify women's rights to marital property and inheritance (No. 20, 1992);
- collect gender-specific data (No. 9, 1989).

Box 5: Activists Use CEDAW

Implementing CEDAW in Brazil: The 1992 Paulista Convention

In 1992, the São Paulo Council of Women passed the Paulista Convention on the Elimination of All Forms of Discrimination Against Women to push state and local governments to take legislative action to implement CEDAW. Following consultations between NGOs and government institutions to identify gaps between CEDAW requirements and the living conditions and legal discrimination faced by women, the Paulista Convention specified detailed obligations for state and local governments regarding the enhancement of women's human rights in the areas of public administration (including budgets), child care, education, health care, employment and the prevention of violence against women. Within one year of its passage, municipalities representing about 45 per cent of the population had become signatories.

Amending Inheritance Laws in Nepal

In Nepal, where CEDAW has the status of national law, women activists used the Convention to persuade the Supreme Court that a section of Nepal's National Code, banning unmarried women under age 35 from inheriting property and requiring that the property be returned when the woman did marry, was discriminatory. In response, the government enacted a less-than-ideal inheritance law, allowing daughters to inherit from birth but still requiring that property be returned after marriage. Women's NGOs in Nepal have called for this law to be amended, and in 1998 held a demonstration to demand that parliament discuss the inheritance law.

Demanding Land Rights in Tanzania

In Tanzania, women drew upon the government's ratification of CEDAW to buttress their claim that a law prohibiting women from selling clan land was unconstitutional, even though the constitution's Bill of Rights does not specifically refer to women. In 1990, ruling on a challenge brought by a woman who wanted to sell land inherited from her father, the Tanzanian High Court declared that the rules of inheritance outlined in the Declaration of Customary Law, which allowed women to inherit land but not to sell it, were unconstitutional and violated the international conventions that Tanzania had signed. Rights pertaining to the sale of clan land are thus the same for women and men.

Source: UNIFEM 1998a.



Box 6: "Global to Local" Training on CEDAW

Each January, at the time of the CEDAW session at UN headquarters in New York, UNIFEM and the International Women's Rights Action Watch Asia Pacific convene an annual training workshop on using the CEDAW Convention called "Global to Local." The workshop provides training to women advocates whose countries are reporting to the CEDAW Committee during its January or June sessions. Over 75 women's human rights advocates from more than 35 countries have received training to strengthen their understanding of the Convention, the Committee's working process and CEDAW's potential application to their national-level advocacy efforts. Participants have used the opportunity to provide valuable information to the Committee about the status and concerns of women in their countries. UNIFEM continues to support these annual training workshops, utilizing the experience to conduct national and regional-level trainings on CEDAW and facilitate the connection between global and local advocacy efforts.

Ratifying states are required to prepare an initial report within a year after signing the Convention and submit follow-up reports every four years. Reports are reviewed by the CEDAW Committee, which meets twice a year. Typically, some eight to ten country reports are reviewed during each Committee session, which makes concluding comments outlining priority areas for improvement and recommendations for action.

Government reports to the CEDAW Committee are prepared in various ways, and increasingly, women's NGOs are asked to participate in their preparation. NGOs are also invited to prepare their own "shadow reports," giving them an opportunity to put forward alternative perspectives on government policies and practices. The CEDAW Committee is open to input from NGOs and often uses this input to question governments during the review process. Women activists have also used CEDAW as the basis for drafting or modifying provisions in national constitutions, to persuade courts to interpret national legislation in the context of CEDAW, to make changes to legislation that discriminates against women and to improve government policy (see Boxes 5 and 6 on using CEDAW).

CEDAW came into effect in September 1981. However, for a long time it lacked an Optional Protocol, allowing individuals and groups in countries that ratify the protocol to bring complaints directly to the CEDAW Committee. In response to a concerted effort by NGOs as well as

UN agencies, an Optional Protocol was finalized in March 1999. Opened for ratification in October 1999, by May 2000 it had been signed by 35 countries. In addition, the CEDAW Committee is authorized to invite states parties to the Convention to report on widespread or systematic violations of women's rights and conduct investigations into these allegations. This was done, for example, following widespread allegations of the systematic rape of Bosnian women by Serbian forces during the civil war in former Yugoslavia.

A further problem with CEDAW concerns the issue of government reservations. CEDAW is the second-most widely ratified UN human rights treaty and, at the same time, the one to which countries have entered the greatest number of substantive reservations, which tend to undermine the essential objective of gender equality. Yet CEDAW contains no mechanism to reject reservations, even those that are inconsistent with its objects and purpose.

Another limitation of the convention is its silence with regard to gender-based violence, which can seriously impede the ability of women to fully enjoy human rights, including economic rights. For women, as human rights advocates point out, "a division between rights to economic security and rights to personal liberty is purely artificial. In the circumstances of women who have violent or psychologically abusive male partners, for example, the indivisibility of economic issues from violence issues is clear" (Day and Brodsky 1998). Responding to such comments, the CEDAW Committee agreed to examine the matter, and in 1992 issued General Recommendation 19, which specifically defines gender-based violence as a form of discrimination against women.

With regard to economic equality, CEDAW is limited in that, by focusing on discrimination between men and women, it does not directly address the impact of economic policies on women's standards of living. Although its preamble acknowledges that "in situations of poverty women have the least access to food, education, training and opportunities for employment and other needs," it does not directly address what states should do to improve women's living standards. CEDAW relies on evidence that compares the status of women with that of men, rather than demonstrating that women are able to achieve an adequate standard of living. For example, if the incomes of both men and women have declined, but men's incomes have fallen more than women's, the gender-based income gap may be narrowing, but this will be overshadowed by the fact that the standard of living for both women and men has decreased. The Convention's discrimination-based approach cannot adequately deal with this phenomenon of equalizing down.

International Labour Organization (ILO) Conventions

The ILO, founded in 1919, was established to improve living and working conditions by developing a comprehensive code of law and practice through the joint efforts of governments, employers and workers. Over 182 conventions and 190 recommendations have been adopted by the International Labour Conference, a world forum for the discussion of social and labour questions (see Box 7). Each national delegation to the conference is composed of two government delegates, one employers' delegate and one workers' delegate, accompanied by technical advisers. To date there are 174 member states of the ILO.

ILO Conventions are legal instruments that cover a wide field of social concerns, including basic human rights such as freedom of association, abolition of forced labour, and elimination of discrimination in employment, as well as minimum wages, labour administration, industrial relations, employment policy, working conditions, social security and occupational safety and health. A number of these deal specifically with women workers, some approved during the first half of this century, including:

- maternity protection, No. 3 (1919)
- underground work, No. 45 (1935)
- night work, No. 89 (1948)
- equal remuneration, No. 100 (1951)
- discrimination, No. 111 (1958)
- workers with family responsibilities, No. 156 (1981)
- part-time work, No. 175 (1994)
- home work, No. 177 (1996).

Conventions, once they have been ratified by a government, involve a dual obligation: both a formal commitment to apply the provisions and a willingness to accept a measure of international supervision. (See www.ilo.org for a list of ratifying states.) In June 1998 the ILO adopted a Declaration on Fundamental Principles and Rights at Work, which reiterated the protections in each of these Conventions.

Setting international standards of labour and employment practice is one of the principal functions of the ILO. Its constitution specifies that these standards be developed through negotiation among recognized workers' groups, employers' groups and government representatives from ILO member states in what is known as a Tripartite Consultation process. Conventions and recommendations can be proposed by any of the three groups and also evolve through ILO conferences and technical meetings. A recommendation differs from a convention in that it is not subject to ratification but provides specific guidelines for national legislation and practice.



A limitation of the ILO system is that the standard-setting, implementation oversight and complaint processes and procedures are not accessible to unrecognized unions or unorganized workers, especially in the informal sector. However, the recently passed Convention on Home Work (No. 177) has begun to change this. Article 2 of the Convention entitles home-based workers who work for remuneration to treatment on a par with wage earners, not only as regards wages and workplace conditions but also in relation to forming associations and collective bargaining (see Box 8 on the Home Work Convention).

Consistent with the language of most ILO standards, that used in the Home Work Convention is not gender specific and does not recognize that women comprise the majority of home-based workers. Greater representation of women is needed in the tripartite

Box 7: Core ILO Conventions

| Convention | Ratifications as of April 2000 |
|-------------------------------------------------------------------------------------|--------------------------------|
| Forced Labour Convention 29 (1930) | 153 |
| Freedom of Association and Protection of the Right to Organize Convention 87 (1948) | 128 |
| Right to Organize and Collective Bargaining Convention 98 (1949) | 146 |
| Equal Remuneration Convention 100 (1951) | 146 |
| Abolition of Forced Labour Convention 105 (1957) | 144 |
| Discrimination - Employment and Occupation, Convention 111 (1958) | 142 |
| Minimum Age Convention 138 (1973) | 89 |

Source: ILO Website: www.ilo.org.



Box 8: ILO Convention on Home Work

In June 1996, delegates to the ILO's 83rd Conference adopted the Home Work Convention (No. 177) setting minimum standards regarding pay and conditions, and Recommendation No. 183 outlining how these standards should be applied. Delegates included one employer and one worker representative along with two government representatives from each country. Arguing that the Convention would create obstacles to job creation, the employers' group endeavoured to prevent a quorum by collectively abstaining. However, governments were more concerned with the situation of home workers, who earn low piece-rates, work long hours, and have no job security or legal protections. Government delegates from both North and South spoke in favour of the Convention, with particularly strong support from the Indian and South African delegations as well as a majority of countries within the European Union. The Convention ultimately passed with 246 in favour, 14 against and 152 abstaining. As of April 2000 it had been ratified by Finland (1998) and Ireland (1999).

Adoption of the Home Work Convention was the result of a concerted organizing campaign by women's groups together with trade unions,

NGOs and independent advocates in both the North and the South. The campaign was led by HomeNet, an international network of home-based workers set up in 1994 to coordinate the efforts of organizations working to make the issues of home-based workers visible and to advocate for their rights. HomeNet in turn is the result of the organizing efforts of the Self Employed Women's Association (SEWA) of India, which has worked for over two decades to bring visibility and recognition to work done by women, especially poor women, in their homes. In 1988, SEWA won the support of the International Confederation of Free Trade Unions (ICFTU), which agreed to make protection for home workers an organizing issue and to take it before the ILO.

Critical to HomeNet's success in securing government support were regional organizing meetings. In May 1996, an Asian Regional Consultation on Home-based Work, convened by SEWA and supported by UNIFEM, brought together high-level policy-makers and NGOs from over ten countries in the region and focused on lobbying governments to support the Convention. Organizers credit this workshop, which was held in Bangkok, Thailand, with contributing to the strong support by the Government of India at the conference.

Since the adoption of the Convention, HomeNet has been working to make governments aware of the need to ratify this and all ILO Conventions. UNIFEM support is coordinated in the South Asia office, working with HomeNet, unions, and NGOs to collect and disseminate information, and to build and strengthen grassroots organizing networks to pressure governments throughout the world to ratify the ILO Convention and develop national policies to protect the rights of home-based workers.

In a complementary effort begun in July 1998, the Committee on Asian Women, a regional women workers' organization based in Hong Kong, initiated a campaign to generate public awareness of the ILO Convention on Part-time Work (No. 175) as well as the Home Work Convention. The aim is to encourage governments to ratify the conventions and revise national labour laws in conformity with the ILO Conventions in order to protect the rights of part-time and home-based workers. A total of 4,630 individual signatures and 110 organizational endorsements were collected from 24 countries and sent to the relevant government and intra-governmental representatives in February 1999.

Sources: Committee for Asian Women (CAW) 1998; HomeNet Newsletter, July 1996; Winter 1996/97; HomeNet Website: www.gn.apc.org/homenet/ilo.html.

decision-making structures of the ILO to ensure that policies better reflect women's concerns, including:

- the irregular and vulnerable employment opportunities created for women as a result of the globalization of the economy;
- the double burden for women who continue to perform unpaid domestic work;
- the increase in women's work in the informal sector, either through self-employment or through sub-contracting that is not protected by labour regulations.

Nevertheless, the ILO Conventions can be used in countries that have ratified them to challenge practices that discriminate against women. In countries where constitutional guarantees of equal rights do not specifically mention sex as a basis for outlawing workplace discrimination, for example, they can be used to change existing laws or pass new ones establishing equal rights and protections for women workers (see Box 9).

Commitments and Targets at UN Conferences

In the year 2000, the UN is coordinating reviews of the implementation of international and national level commitments made at the World Summit on Social Development (WSSD) in Copenhagen and the Fourth World Conference on Women (FWCW) in Beijing. At these conferences, previous commitments to the implementation of international human rights treaties and ILO Conventions were restated and a number of specific targets were agreed upon. The international women's movement was a major force not only in ensuring that the conference agreements were infused with a gender perspective, but also in reminding governments of the need to build on the agreements reached at earlier UN conferences in the 1990s (see Box 10).

The 1992 UN Conference on Environment and Development (UNCED) in Rio de Janeiro was the first milestone conference of the 1990s. NGOs formally participated for the first time, and national and international women's groups had a tremendous impact on the document that emerged from UNCED: Agenda 21. Initial drafts had only two references to women, but due to intensive advocacy efforts, the final draft had over 172 references to women and an entire chapter on women's role in the environment.

The 1993 UN Second World Conference on Human Rights in Vienna resulted in further gains for the international women's movement. Prior to Vienna, women's rights were often viewed as separate from human rights. Through the advocacy of women's groups, women's rights were fully recognized as human rights in the Vienna Declaration and Programme of Action (see Box 11, p. 49).

At the 1994 International Conference on Population and Development (ICPD) in Cairo, women's advocates from both North and South collaborated in successfully moving the overall objective of population policy away from one focused on reducing population growth to one focused on women's sexual and reproductive health and rights. Preparatory meetings for ICPD strengthened women's NGOs and often revealed links between reproductive health and economic opportunities and constraints.

In 1995, women's NGOs were pivotal at the World Summit on Social Development (WSSD) in Copenhagen, where they persuaded governments to recognize the gendered implications of macro-economic policies, especially the negative impacts of structural adjustment and the crippling effects of debt. Heads of state agreed upon ten concrete commitments, all of which addressed the important links between macro-economic and social development issues (UN 1995c).

Box 9: Women Workers' Rights in the Caribbean: UNIFEM/ILO Handbook

A joint publication by UNIFEM-Caribbean and the ILO aims to inform women workers about their workplace rights as outlined by CEDAW and ILO Conventions.

Caribbean laws for the most part fail to incorporate the rights of women workers laid down by CEDAW and ILO Conventions. Throughout the region, women are typically clustered in the lowest paid sectors and positions; they are often paid less for the same work and are usually the first to be laid off and last to be employed, particularly during periods of structural adjustment. Efforts to apply broad equal rights guarantees in constitutions to women's rights in the workplace have generally failed, owing to the fact that articles that deal with workplace rights do not specifically include sex as a category of discrimination. Courts have been reluctant to oblige states to implement principles that impose a cost obligation.

However, all countries in the Caribbean have ratified CEDAW as well as many of the ILO Conventions regarding workplace equality. Accordingly, their governments are supposed to implement these Conventions by passing new laws or reforming existing laws to guarantee workplace equality on the basis of sex. In line with CEDAW, case law in the region is increasingly treating these rights as enforceable.

The Handbook identifies innovative litigation strategies for the short and long terms. It can be used by NGOs, trade unions, employers concerned to adopt gender-sensitive employment policies, government officials and women workers.



WEDO



Box 10: Women Organizing at UN Conferences

The Women's Caucus, a democratic vehicle for consensus building, has enabled women's NGOs from around the world to develop an advocacy agenda and infuse a gender perspective into the process and outcomes of nine world conferences and their preparatory processes. The Caucus was organized primarily by the Women's Environment and Development Organization (WEDO), an international women's organization founded by a visionary feminist and former US Congresswoman, Bella Abzug. At daily meetings during each preparatory meeting leading up to the final conference, Women's Caucus members exchanged information, jointly prepared amendments to the official documents and developed advocacy strategies at every stage in the inter-governmental process. The Women's Caucus was successful in persuading many governments to adopt these amendments, resulting in the incorporation of hundreds of women's recommendations in the final agreements.

Members of the Women's Caucus addressed economic issues to varying degrees at each of the major UN conferences. The first caucus, organized in preparation for the Earth Summit in Rio, was based on a meeting in Miami of 1500 women from 83 countries, which outlined a holistic agenda emphasizing economic justice issues such as poverty, over-consumption, debt burdens, unfair trade, and over-reliance on the market. In Vienna, at the World Conference on Human Rights, the Global Campaign for Women's Human Rights succeeded in getting recognition of women's rights as human rights and of violence against women as a human rights violation.

At the Population and Development conference in Cairo, the caucus shifted its focus to sexual and reproductive rights, partly due to the large representation of NGOs working on women's

health issues. Some development NGOs felt that broader economic constraints affecting women's lives and health were not sufficiently addressed and were concerned that the 'D' was dropped from ICPD. At the Social Summit in Copenhagen, where the focus was on the links between economic and social issues, women's NGOs were able to better articulate an economic justice agenda with a gender perspective.

Prior to the Women's Conference in Beijing, UNIFEM also created a forum through which women could effectively articulate their agenda at the conference. In collaboration with the UN Non-Governmental Liaison Service (UN-NGLS), which also seeks to increase NGO participation at UN conferences, UNIFEM prepared a set of practical guidelines about how UN conferences work. This handbook, "Putting Gender on the Agenda: A Guide to Participating in UN World Conferences," was used with NGOs in a series of training workshops conducted at the regional preparatory meetings, which enabled women to familiarize themselves with the procedures and processes through which the UN conferences work.

As a result of these experiences, women's NGOs from all over the world worked together to advocate on economic issues at the Women's Conference in Beijing. This was continued by the women's caucus at Habitat II in Istanbul and the World Food Summit in Rome. The momentum generated at all of these conferences led to international organizing by women to increase awareness of the policies and practices of the World Bank and the World Trade Organization and to demand greater accountability by both organizations.

1990s UN Conferences

- 1990 World Conference on Education for All, Jomtien
- 1992 UN Conference on Environment and Development (UNCED), Rio de Janeiro
- 1993 World Conference on Human Rights (WCOHR), Vienna
- 1994 Global Conference on the Sustainable Development of Small Island Developing States (SIDS), Barbados
- 1994 International Conference on Population and Development (ICPD), Cairo
- 1995 World Summit on Social Development (WSSD), Copenhagen
- 1995 Fourth World Conference on Women, (FWCW), Beijing
- 1996 Second UN Conference on Human Settlements (Habitat II), Istanbul
- 1997 World Food Summit (WFS), Rome

Earth Times



Women's groups around the world mobilized for the Fourth World Conference on Women (FWCW) in Beijing (see Box 12). At the Conference, they stressed the importance of incorporating a gender perspective in all areas of policy and action. Governments agreed to a Platform for Action that consolidated and built on the gains made by women in each of the previous conferences. Under the three main themes of the Conference, equality, development and peace, the Platform outlined goals and recommendations that addressed twelve critical areas of concern and specified that the primary strategy for implementation should be by means of gender mainstreaming (UN 1995b).

NGOs at Beijing:

- 3000 NGOs were accredited to the UN Conference at Beijing and 30,000 people attended the parallel NGO Forum (UN 1996b);
- NGO representatives made one-third of the plenary speeches at the UN Conference at Beijing and the Platform for Action incorporated almost 90% of the NGO Caucus recommendations (Davis 1996).

At each of these conferences, in addition to commitments, governments agreed to a number of specific time-bound targets to serve as benchmarks for progress (see Box 13). In the Cairo, Copenhagen and Beijing agreements, however, the major focus of these targets is on education and health. The only reference to closing a "gender gap" is in relation to education. The Beijing Platform for Action reiterated a target regarding the representation of women in positions of power and decision-making endorsed by the UN Economic and Social Council. However, the Beijing Platform contains no targets related to two critical areas of concern – women's poverty and women's economic equality.

Box 11: Global Campaign for Women's Human Rights

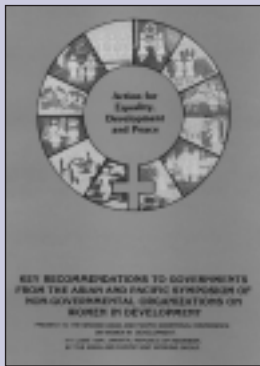
In preparation for the 1993 World Conference on Human Rights in Vienna, a coalition of hundreds of groups and individuals worldwide, including UNIFEM, mounted a Global Campaign for Women's Human Rights. Coordinated by the Center for Women's Global Leadership, the campaign launched a petition drive that called for the Vienna conference to "comprehensively address women's human rights at every level of the proceedings" and to recognize gender violence as "a universal phenomenon which takes many forms across culture, race, and class" and as "a violation of human rights requiring immediate action."

By the time of the Vienna conference, over 1,000 sponsoring groups had gathered nearly half a million signatures from 124 countries, and the slogan "women's rights are human rights" had become a rallying call all over the world. At the NGO Forum in Vienna, the campaign held a Global Tribunal on Violations of Women's Human Rights, bringing attention to violations of women's human rights in relation to political and economic rights and violence against women in the family and in situations of armed conflict. The Vienna Declaration for the first time recognizes violence against women as a human rights abuse (UN 1993b).

Following hearings at the UN conferences in Cairo and Copenhagen, the Global Campaign petition initiative had accumulated over 1 million signatures from 148 countries and was translated into 26 languages, calling for a UN report on implementation of the commitments in the Vienna Declaration and their incorporation into the Beijing Platform for Action.

The Beijing Platform for Action reiterated the universal and holistic nature of women's human rights and called on governments to promote and protect women's human rights, including freedom from violence, sexual and reproductive health free of discrimination and coercion, and equal rights to inheritance. The Global Campaign continues to advocate for the integration of women's human rights into international and regional human rights systems.





Box 12: Regional NGO Advocacy in Preparation for Beijing

NGO preparation for the Beijing Conference and parallel NGO Forum began in 1993. Under the leadership of Thanpyuying Sumnalle Chartikavanij and Noeleen Heyzer, a group of NGOs in Asia and the Pacific formed a coalition called the Asia and Pacific Non

Government Organisation Working Group. The primary objective of the group was to articulate a regional NGO position on issues confronting women in the region and ensure that these views were reflected in the final document, the Platform for Action. Over 500 women activists attended the first official regional NGO meeting in Manila.

The Working Group opened opportunities for greater NGO participation in the Beijing process and helped bring about a shift in the nature of NGO engagement in that process. Group members identified substantive critical issues, including the need to quantify women's work and reflect their contribution to the economy, both paid and unpaid, in national accounting systems. They articulated the rationale for an ILO Convention on the rights of home based workers and highlighted the issue of state responsibility for the elimination of gender-based violence. These and other major issues were summarized in the "Yellow Book," which informed preparatory activities in other regions.

The ideas and recommendations in the Yellow Book were disseminated throughout the region in a series of meetings in 1994. The next year, the Working Group played a leading role in NGO activities at Beijing, convening caucuses, lobbying governments and drafting alternative language for the Platform. Consequently, most of the issues and recommendations in the Yellow Book were included in the final document.

After Beijing, the Working Group was formalized as the Asian Pacific Watch and the South-East Asian Watch, both of which have taken the lead in the regional follow-up process, including the Beijing +5 Regional Preparatory Meeting in Thailand in September 1999. The recommendations from this meeting have been compiled in a publication titled "Asia-Pacific Women 2000: Gender Equality, Development and Peace for the Twenty-First Century," which will inform the Beijing +5 Session in June 2000.



In 1999, at the five-year review of the International Conference on Population and Development (known as "ICPD +5"), 177 Member States adopted "Key actions for the further implementation of ICPD." This reaffirmed the Programme of Action and called on governments to ensure that the human rights of women and girls, particularly their freedom from coercion, discrimination and violation, including harmful practices and sexual exploitation, be protected and promoted through the implementation and enforcement of gender-sensitive legislation and policies. It called for greater efforts in the areas of reproductive and sexual health, maternal mortality, prevention of HIV/AIDS and gender issues in education, and adopted several new benchmarks in each of these areas (UN1999c). In addition, recognizing the need for adequate resources to achieve the desired targets, the session urged developed countries to increase efforts to mobilize funds to agreed-upon levels and reiterated the need for the international community to provide financial and technical assistance to developing countries and those with economies in transition.

The ability of governments to achieve many of the agreed targets is greatly influenced by the macroeconomic environment, including the rate of growth of national economies, the extent to which they provide adequate livelihoods for the people of the country, the extent to which there is a system for redistributing income and the type of macroeconomic policies introduced by governments and promoted by international trade and finance institutions.

Gender and Macroeconomic Policies

Both the Copenhagen Programme of Action and the Beijing Platform for Action address macroeconomic issues to some extent. The Copenhagen document discusses policies necessary to achieve the three themes of the conference, the eradication of poverty, promotion of full employment and social integration, but does not discuss the differential impact of macroeconomic policies on men and women. The Beijing Platform includes such a discussion, noting that macroeconomic policy is not

Box 13: Targets agreed at Cairo, Copenhagen and Beijing

| Targets | Cairo (ICPD) | Copenhagen (WSSD) | Beijing (FWCW) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------|-----------------------|
| Governments reiterated the target for women in decision-making positions endorsed by ECOSOC: 30% of decision-making positions to be held by women by 1995 | | | PFA 182 |
| Eradicate absolute poverty by a date to be specified by each country | | POA 25 | |
| By the year 2000, governments committed themselves to meet basic needs: | | | |
| Universal access to basic education and completion of primary education by at least 80% of primary school-age children | POA 11.6 | POA 36a | PFA 80b |
| Gender equality for girls in primary education | | | PFA 81b |
| Life expectancy not less than 60 years in any country | | POA 36b | |
| Mortality rates of infants and children under 5 reduced by one-third of the 1990 level, or 50 to 70 per 1,000 live births, whichever is less | POA 8.16 | POA 36c | PFA 106l |
| Maternal mortality reduced by one half of the 1990 level | POA 8.21 | POA 36d | PFA 106i |
| Severe and moderate malnutrition among children under 5 by half of the 1990 level | | POA 36f | PFA 106w |
| Primary health care for all, reducing malaria mortality and morbidity by at least 20% from 1995 levels in at least 75% of affected countries | | POA 36g | |
| Eradication or control of major diseases constituting global health problems | | POA 36j | |
| Greater availability of affordable and adequate shelter for all | | POA 36m | |
| By the year 2005, governments promised to: | | | |
| Close the gender gap in primary and secondary education | POA 11.8 | POA 36a | PFA 80b |
| Remove all programme-related barriers to family-planning | POA 7.19 | | |
| Countries with intermediate mortality rates aim for infant rate below 50 deaths per 1,000 and under-5 rate below 60 deaths per 1,000 births | POA 8.16 | | |
| Countries with highest maternal mortality rates aim for a rate below 125 per 100,000 live births; those with intermediate rates aim for a rate below 100 | POA 8.21 | | |
| Countries with highest mortality rates to achieve life expectancy greater than 65; all countries, a life expectancy greater than 70 | POA 8.5 | | |
| By the year 2015, governments promised to: | | | |
| Provide universal primary education in all countries | POA 11.6 | POA 36a | PFA 80b |
| Achieve an infant mortality rate below 35 per 1,000 live births and under-5 mortality rate below 45 per 1,000 | POA 8.16 | POA 36d | PFA 106l |
| Make reproductive health care accessible to all individuals of appropriate ages through the primary health-care system | POA 7.6 | POA 36h | PFA 106i |
| Achieve equivalent levels of education for boys and girls | POA 11.6 | | |
| Reduce maternal mortality rates by a further one-half | POA 8.21 | | |
| Countries with highest maternal mortality rates aim for a rate below 75 per 100,000 live births; those with intermediate rates aim for a rate below 60 | POA 8.21 | | |
| Countries with highest mortality rates to achieve life expectancy greater than 70; all countries, a life expectancy greater than 75 | POA 8.5 | | |



United Nations

designed in ways that recognize such differences, but does not spell out the changes required, particularly at the international level, to ensure women's equality and equity. The Platform also emphasizes the importance of a gender analysis and the full and equal participation of women in rethinking, reformulating and monitoring macroeconomic policies and strategies for the eradication of poverty.

Commitment to Providing Secure and Sustainable Livelihoods

At Copenhagen, governments committed themselves to creating full employment and providing "secure and sustainable livelihoods" through freely chosen productive employment and work. The main difficulty with this agreement is that the concept of full employment does not recognize the unpaid work that women do in caring for families and communities and the double burden women carry as a result of their entry into paid employment. The problem for women is often one of too much work rather than too little work.

The means emphasized in the document to ensure full employment were the liberalization of trade and investment. However, there was some recognition that the impact of liberalization may not always be positive. Governments therefore committed themselves to:

- regulate markets and mitigate "negative impacts posed by market forces";
- monitor the impact of trade liberalization on progress in meeting basic needs in developing countries;
- disseminate information on the impact of trade and investment liberalization on the economy.

Recent UN agreements reveal contradictory notions about the role of market forces in development, with both an expectation that they will deliver prosperity and a growing concern with their adverse effects, as seen in references to international and regional trade agreements and the World Trade Organization. At Beijing, governments committed themselves to ensuring that trade agreements do not have an adverse impact on women. This was reiterated at the World Food Summit two years later in Rome.

Commitment to Minimize Negative Effects of Structural Adjustment Programmes

At both Copenhagen and Beijing, NGOs challenged the growing role of the international

financial institutions in development. Their critique was directed primarily at World Bank policies, particularly structural adjustment programmes (SAPs). Women's NGOs grounded their critique on feminist research on gender and structural adjustment that showed how male bias in orthodox macroeconomic analysis resulted in the potential costs of adjustment to women being overlooked, along with the barriers to women gaining benefits. They called for a thorough policy review and reformulation to mitigate the adverse effects on women. This led to the launching of an international campaign called "Women's Eyes on the World Bank," which raised women's concerns directly with the World Bank president at the Beijing conference and persuaded the Bank to set up an External Gender Consultative Group (see Chapter 6).

At both Cairo and Beijing, governments recognized that the burden of foreign debt, stabilization and structural adjustment programmes had led to a reduction in social expenditures, which had adversely affected women, particularly in Africa and the least developed countries. They committed themselves to include social development goals in SAPs; to protect basic social programmes and expenditures; and to review the impact of SAPs on development, using gender-sensitive social impact assessments to develop policies to reduce women's disproportionate burden.

The international financial institutions were called upon to ensure that:

- SAPs are designed to minimize their negative effects on vulnerable and disadvantaged groups;
- marginalized communities benefit from the positive effects of SAPs by taking actions to "reduce inequality and economic disparity."

Though governments committed themselves to minimizing the negative effects of structural adjustment policies, particularly on women, the link between these policies and the increased unpaid work of women that results was not made. Since women typically absorb the adjustment costs by working more both inside and outside the household to provide social services no longer delivered by the state, it is essential to measure work in the unpaid sector to assess the true impact of such policies.

Women and Poverty

Poverty was a key theme at both the Copenhagen and Beijing conferences. Women drew attention to the structural causes of poverty, particularly the macroeconomic framework, including policies of the international financial institutions, and the inherent problems of a market-based economy. Their analysis informed the intergovernmental

debates and was an important factor in governments linking the increased poverty of women to macro-economic policies in their diagnosis of the reasons for poverty. Governments agreed that poverty is a problem in both the North and the South and that its eradication requires democratic participation and changes in economic structures in order to ensure more equitable distribution of productive assets, wealth, opportunities, income and services.

Commitment to Eradicating Poverty

In Copenhagen, poverty was one of three core issues along with employment and social integration. The goal of eradicating poverty was highlighted as the second of ten commitments and governments agreed upon numerous actions under this broad goal “as an ethical, social, political and economic imperative of humankind.” Governments specifically committed themselves to:

- develop national policies to reduce overall poverty by the year 1996 and “eradicate absolute poverty by a target date to be specified by each country in its national context”;
- develop a precise definition and assessment of absolute poverty, preferably by 1996.

However, by 1998, only 39 out of 130 countries surveyed by the UNDP had set specific national targets for the eradication of poverty (UNDP 1998b). Although there are repeated references in the Copenhagen commitments to more women than men living in absolute poverty, no attention is paid to the need to measure poverty in a gender-specific way.

The feminization of poverty was noted in the Beijing Platform for Action. Governments agreed that over the past decade the number of women living in poverty had increased disproportionately to the number of men, particularly in the developing countries, and committed themselves to address the needs of women living in poverty under four broad strategic objectives:

- adopt and maintain macro-economic policies and development strategies that address the needs of women in poverty;
- revise laws and administrative practices to ensure women’s equal rights and access to economic resources;
- provide women with access to savings and credit mechanisms and institutions;
- develop gender-based methodologies and conduct research to address the feminization of poverty.

Both agreements include increasing credit access as a key strategy for the eradication of poverty. A range of actors are called upon to strengthen



UNICEF/Nicole Touroungji

women’s access to capital, with the assumption that secure livelihoods will follow:

- governments are to promote and strengthen microenterprises, new small businesses, cooperative enterprises, expanded markets and other employment opportunities and facilitate their transition from the informal to the formal sector;
- governments, central banks and private banking institutions are to encourage regulatory reforms that support financial institutions’ efforts to meet the financial needs of enterprises run by women;
- commercial banks and the private sector are to reduce transaction costs, redefine risk, open lending to women, simplify banking practices, and ensure the participation of women clients in the decision-making process of credit and finance institutions;
- international development organizations are to provide credit for women’ enterprises.

There is a basic disjuncture between what are identified as the causes of poverty and the solutions proposed. While governments accept that there is a need to restructure and reformulate macroeconomic policies for poverty eradication, the main solution put forward is microeconomic: enabling poor women to gain access to credit for entrepreneurial activities. There are 35 references to such strategies in the Beijing Platform compared with 17 references to employment creation and other strategies for poverty eradication (for a discussion of microenterprise, see Chapter 6).

A fundamental problem with the Copenhagen and Beijing commitments on poverty is the underlying assumption that sustained economic growth will indeed benefit the poor.

“Growth cannot be assumed to automatically ‘trickle down’ to the poor. It can in fact trickle up to create greater inequalities.”

— Noeleen Heyzer, Executive Director, UNIFEM (1994)



Women's Economic Equality

Women at both Copenhagen and Beijing pressed governments to address the inequalities that women face in their access to economic resources such as land or other natural resources, credit, technology and training and the discrimination they face in labour markets. Three important areas in which governments committed themselves to take actions are land and other property, employment rights and recognition of women's unpaid work.

Commitment to Women's Equal Access to Land and Other Property

Women's success in securing a commitment to their equal right to own, control and inherit land and other property, especially in rural areas, is particularly significant. This was a contentious issue, owing to the existence in some countries of laws and practices that assign land ownership and control to men. Nevertheless, governments agreed:

- to make legislative and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property;
- to "remove all obstacles...to their ability to buy, hold and sell property and land equally with men."

These rights to own and control land and other property are essential for women's economic security. The ability to lease, mortgage or sell the land can prove critical in an economic crisis, and is important even in non-crisis situations where land

"When my husband died, my neighbours wanted my land. They beat me on any pretext, they tried to chase me out. Then they started to say I was having an affair with my brother-in-law, that was why I wouldn't leave despite their harassment. My homestead is like a jungle. I cannot grow any crops on it because my neighbours let their goats graze on my land. When I go to the bazaar, they steal what few crops I have."

— Bangladeshi Widow (Agarwal 1994)

can be used as collateral for a loan. These rights can also give women some bargaining power in relation to relatives and potential heirs. However, the role of the state in enforcing laws related to these rights is often hampered by local customs, particularly concerning marriage and inheritance.

Commitment to Women's Employment Rights

In both Copenhagen and Beijing, governments confirmed their commitments to the core International Labour Organization (ILO) Conventions. Governments that had ratified these and other ILO Conventions agreed to fully implement them. Others were urged to take into account the principles embodied in the ILO Conventions and consider ratifying and fully implementing them.

In separate paragraphs, the final documents of both conferences emphasized ILO Convention No. 100 on Equal Remuneration for men and women for work of equal value as a basic right. This Convention requires that governments evaluate comparable jobs performed by women and men, to ensure that the jobs performed by women are not undervalued. Governments further agreed to:

- enact and enforce laws and measures to eliminate discrimination against women employees on grounds of sex, age, marital or family status, regarding access to and conditions of employment, training, promotion, maternity leave and social security, as well as legal protection against employers requiring proof of contraceptive use or sexual and racial harassment or dismissal due to pregnancy;
- extend labour standards and social protection and create social security systems for part-time, temporary, seasonal and home-based workers without destroying the ability of the informal sector to generate employment;
- change policies that reinforce the gender division of labour to promote equal sharing of family responsibility for unpaid domestic work.

The ratification and implementation of ILO standards is increasingly critical to counter the "race to the bottom" brought about as countries compete for advantage in the global economy on the basis of availability of cheap labour. Although some new employment opportunities have been created for women as a result of economic globalization, some of its consequences have exacerbated inequalities between women and men workers. More women have been recruited into the labour market, particularly in developing countries, but this often reflects the fact that women can be hired for low pay, poor working conditions and irregular and vulnerable employment in comparison with men (UN 1999b).

Moreover, women's entry into paid work results in their taking on a double burden, as they continue to perform unpaid work in caring for their families and communities. The agreement to extend labour standards to informal sector workers is crucial, given the increase in women's work in that sector, either through precarious forms of self-employment or employment in home-based, part-time, casual and seasonal work.

Compared with the Copenhagen commitments, the Beijing Platform for Action more directly addresses the gender disparities in economic power-sharing within families and the need for policies to enable women and men to reconcile work with family responsibilities. However, such policies will remain flawed if they are not linked to concerted national efforts to measure and value unremunerated work, performed largely by women.

Commitment to Measuring and Valuing Unpaid Work

In 1985, the Third World Conference on Women in Nairobi included a call to recognize and measure the unremunerated economic contributions of women and to reflect these contributions in national accounts, economic statistics and gross national products. Ten years later, at both Copenhagen and Beijing, governments affirmed the need to:

- devise statistical means to “recognize and make visible” women's unpaid work;
- develop methods to reflect the value of such work in quantitative terms for “possible reflection” in core national accounts;
- examine the “relationship of women's unremunerated work to the incidence of and their vulnerability to poverty.”

In Beijing, governments acknowledged that women's unremunerated work in market-oriented family farms or businesses remains undervalued and under-recorded even though it is included in principle

“Planning, development programmes, employment policies, training and educational programmes, and introduction of technological change at all levels (including the household) must be based on accurate information on women's work if they are to be fully relevant to about 50 percent of the world's population.”

—Lourdes Benería (1982)



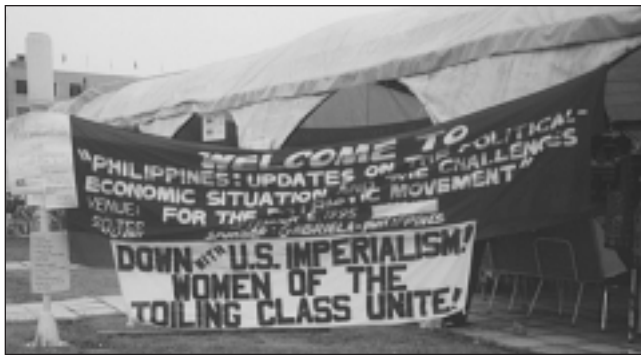
in the UN System of National Accounts. On the other hand, women's unremunerated domestic and community work is by definition excluded from the system of national accounts because it is not market-oriented. The Platform for Action commits governments to develop a methodology to measure unremunerated work but does not specify how to use such data in macroeconomic policy-making or how to redress the inequities uncovered by the data.

Role of the Private Sector

In a climate of diminishing development assistance, the private sector was viewed as a key player in the implementation of Beijing and Copenhagen conference commitments. Both documents emphasize developing partnerships with the private sector especially in the provision of social services, particularly health and education. The Beijing Platform calls upon the private sector to:

- cooperate with the government in the development of a comprehensive national strategy for improving health, particularly women's health, education and social services so that girls and women of all ages living in poverty have full access to such services;
- develop skills and create opportunities for women to access market opportunities;
- help provide credit for poor women;
- adopt policies and mechanisms to grant contracts on a non-discriminatory basis;
- recruit women for leadership and increase the participation of women in decision-making and management.

The emphasis on the role of the private sector in the delivery of basic social services runs the risk of weakening states' capability to do so. Further, neither of the final conference documents addresses the structural changes necessary to hold accountable the most influential actor in the economy, the private sector. Private-sector accountability is especially important in view of the increasing emphasis on creating an enabling environment for private savings and investment, including the reversal of capital flight and promoting the full participation of the private sector in the growth and development process.



Commitment to Corporate Responsibility

At both Copenhagen and Beijing, NGOs called for strong regulation of transnational corporations to ensure social responsibility. However, the final conference documents contain only a few references to such regulation. No regulatory mechanism was identified to ensure the accountability of transnational corporations, despite the acknowledgment of the importance of transparent and accountable governance and administration in all public and private national and international institutions. It was merely suggested that transnational corporations should be monitored by national and international NGOs and women's groups. At Copenhagen and Beijing, governments specifically agreed to encourage transnational and national corporations to:

- observe national labour, environment, consumer, health and safety laws, particularly those that affect women;
- comply with social security regulations, applicable international agreements, instruments and conventions and other relevant laws.

One year later, at the Second UN Conference on Human Settlements, members of the Women's Caucus succeeded in getting governments to agree to "promote socially responsible corporate investment and reinvestment in, and in partnership with, local communities." This commitment provides the basis for activists to hold corporations accountable to the communities in which they operate.

International Development Cooperation

NGOs at both Copenhagen and Beijing demanded that international development assistance and debt relief be given high priority, and governments committed themselves to:

- strive for the "fulfillment of the agreed target of 0.7 per cent of gross national product for overall official development assistance (ODA) as soon as possible, and increasing the share of funding for social development programmes," and "conduct a critical analysis of their assistance programmes so as to improve the quality and effectiveness of aid through the integration of a gender approach";

- encourage "interested developed and developing country partners" to allocate, on average, 20 per cent of ODA and 20 per cent of the national budget, respectively, to basic social programmes" (the so-called 20-20 initiative) and "take into account a gender perspective."



Earth Times

In Copenhagen, women activists staged a dramatic four-day hunger strike to demand debt cancellation and governments committed themselves to:

- "debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to social development programmes";

Box 14: Shaping the 21st Century: International Development Targets

Economic well-being:

- a reduction by one-half in the proportion of people living in extreme poverty by 2015.

Social development:

- universal primary education in all countries by 2015;
- demonstrated progress toward gender equality and the empowerment of women by eliminating gender disparity in primary and secondary education by 2005;
- a reduction by two-thirds in the mortality rates for infants and children under age 5 and a reduction by three-fourths in maternal mortality, by 2015;
- access through the primary health-care system to reproductive health services for all individuals of appropriate ages as soon as possible and no later than 2015.

Environmental sustainability and regeneration:

- the implementation of national strategies for sustainable development in all countries by the year 2005, so as to ensure that current trends in the loss of environmental resources are effectively reversed at both global and national levels by 2015.

Source: OECD 1996.

- “alleviate the debts of the poorest and heavily indebted low-income countries at an early date”;
- invite the international financial institutions to examine new approaches to multilateral debt, including debt swaps for social development;
- invite creditor countries, private banks and multilateral financial institutions to address the commercial debt problems of the least developed countries and of low and middle-income developing countries.

NGOs remained concerned about linking such debt-relief measures with International Monetary Fund and World Bank requirements that emphasize fiscal austerity and often adversely affect social sector spending. They also point out that the 20-20 initiative requires effective monitoring and data gathering of donor spending and national expenditures, in which they should be allowed to participate.

International Development Targets

One year after the Copenhagen and Beijing conferences, 21 donor governments, all members of the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD), adopted a framework for development cooperation in the 21st century based on seven international development targets (see Box 14). “It is time to select,” they said, “taking account of the many targets discussed and agreed at international fora, a limited number of indicators by which our efforts can be judged. We are proposing a global development partnership effort through which we can achieve together the following ambitious but realizable goals.” These targets include a firming up of the commitment for poverty eradication agreed upon at Copenhagen and the inclusion of an environmental target. They have been endorsed by the major global development institutions, including the World Bank and the UN system.

Box 15: Shaping the 21st Century: Targets Already Missed

Basic education for all children by 2000

- goal agreed at World Conference on Education for All, 1990;
- need for additional international funding agreed;
- in real terms total aid for education sector lower in mid 1990s than before goal was agreed;
- target date for achieving the goal put back to 2015.

Development Assistance as a share of donor GNP

- UN target: 0.7%;
- G7 countries (major OECD donor countries): 0.19% in 1997;
- average of other OECD donor countries: 0.45% in 1997.

Source: McGee, Robinson and van Diesen 1998.

Time-bound targets can be useful in two ways:

- as a tool to mobilize people and governments into action;
- as a benchmark to measure progress and hold governments accountable.

However, past experience with international development targets has been sobering. It is already clear that some previous targets have been missed (see Box 15). Moreover, it is not enough to hit a target once – success has to be sustained into the future. Sustained success tends to require wider systemic changes and not just a momentary inflow of resources directed towards a particular target. In addition, hitting a particular target can set back progress on dimensions of development that have not been targeted. For instance, school enrolments are easier to measure than quality of education (which is multidimensional) and therefore easier to target. But enrolments are merely a necessary condition, not a sufficient one, for ensuring that all children enjoy their right to education.

Further, it is important to interpret development targets in the context of ILO Conventions and human rights treaties. Targets can have a beneficial role in focusing efforts on SMART – Specific, Measurable, Achievable, Relevant and Time-bound – objectives and thus promote the progressive realization of human rights. But measures to achieve these targets must respect human rights. For example, it is important that strategies to halve the proportion of people living in extreme poverty do not simply focus on policies to increase the employment of the poor without regard for the conditions under which they earn their income. The right to an adequate standard of living entails the right to work in healthy and decent conditions. It also entails the right to freedom of association and collective bargaining, as is emphasized by the UN Secretary-General’s report on the Role of Employment and Work in Poverty Eradication (UN 1999d).

“We are determined to promote women’s economic independence, including employment, and to eradicate the persistent and increasing burden of poverty on women.”

“The involvement of women’s organizations in participatory mechanisms and the role of women within relevant organizations should be emphasized to ensure that women’s voices are heard in deciding policies on employment and work” (UN 1999e).

The OECD document, "Shaping the 21st Century," which sets out the international development targets, does little to relate the targets to specific human rights; and where it does mention the protection of human rights, it lists them as one of a number of "qualitative factors" which are "essential to the attainment of these measurable goals." This appears to see human rights as a way to achieve targets, rather than viewing targets as a way to achieve human rights.

In addition, the process of achieving targets should be participatory. In particular, there should be active social dialogue with poor people's and women's groups, and the effective organization of such groups should be promoted, as recommended by the UN Secretary-General's report on the Role of Employment and Work in Poverty Eradication. There is a danger that targets will be used in a top-down, mechanistic way without sufficient voice for the people that they are supposed to help. It is important to focus not just on the ends but on the means used to promote the ends. A rise in the contraceptive prevalence rate brought about by intimidation or force, or medical intervention undertaken without full consent, for example, may signal greater use of reproductive health services, but is hardly consistent with human rights.

International Development Targets and Women's Empowerment

There is only one target in the OECD document that specifically refers to progress towards gender equality, that regarding eliminating the gender disparity in primary and secondary education. This objective is to be operationalized in terms of the ratio of girls to boys in primary and secondary education and in the ratio of literate females to males in the 15-24 age group. Thus a complex and multidimensional objective is narrowed down to one target and two indicators. The OECD Website in January 2000 states that "All other indicators will be broken down by gender wherever possible, in order for a more in-depth analysis of gender inequality in the future." But no timetable is given. There is no recognition in "Shaping the 21st Century" of the continuing gender disparity in returns to education in those countries that have eliminated the gender gap. Indeed, as will be discussed further in Chapter 3, in a substantial number of countries, enrolment of girls in secondary education now outstrips enrolment of boys. But gender disparities persist in labour markets everywhere, in earnings and occupation of positions with greater decision-making responsibility.

It is also noteworthy that while all of the other targets are presented as important ends in themselves, the only target for progress towards gender equality is justified in instrumental terms: "Investment in education for girls has been shown

repeatedly to be one of the most important determinants of development, with positive implications for all other measures of progress. Achieving gender equality in education will be a measure of both fairness and efficiency."

Of course, women are likely to benefit from progress towards achieving these other targets. But it is unclear how far priority is attached to women being able to shape the process of trying to achieve them. It is inconsistent that the same governments that endorsed the Beijing Platform identified development targets that make no mention of the objective, endorsed at Beijing, that 30 per cent of decision-making positions should be occupied by women. It is also notable that these targets do not include any specific goals for reducing women's poverty and economic inequality, given the widespread concern that women are disproportionately among the poor. The economic, political and social empowerment of women is not currently emphasized as an objective by this set of targets.

Despite their shortcomings, the international development targets are now well entrenched in the planning of development cooperation. They would be more useful to women if action were taken to:

- include the objective of reducing women's poverty and economic inequality;
- widen the range of targets for progress towards gender equality to include progress in reducing the gender gap in decision-making;
- interpret the targets, and strategies to achieve them, in the light of human rights obligations;
- link the process of monitoring and evaluation of progress in reaching targets to the monitoring and evaluation of progress in implementing the Platform for Action;
- press for participatory monitoring and evaluation at the country level, making use of qualitative as well as quantitative indicators, to relay women's experiences from the village, or township or city neighbourhood to national and international policy arenas.



From Rio to Beijing to Rome

In Rio they told us

Women play an important role in
protecting the environment

In Vienna we applauded

That women's rights are human rights

In Cairo they told us

That reproductive rights and safe
motherhood was assured to women

In Copenhagen it was said

That women's contribution to national
development would be considered

In Beijing we highlighted the themes

Of equality, development and peace

And reminded all to see the world through
women's eyes

In Istanbul we were assured

Of the right to shelter

At the World Food Summit in Rome

Women's role in food security
was recognized

Rio, Vienna, Cairo, Copenhagen,

Beijing, Istanbul and Rome

To all we have been

And now what next?

Ruth Mubiru, Uganda Women Tree Planting Movement,
Online Working Group 3, 1999
www.un.org/womenwatch

Conclusion

Many of the intergovernmental commitments at the Beijing and Copenhagen conferences to women's progress in the economy came about as a result of NGO demands for attention to distressing economic conditions in both the North and the South. Women eloquently voiced the social and economic concerns resulting from privatization and economic restructuring programmes promoted by the policies of the International Monetary Fund, the World Bank and, more recently, by the World Trade Organization. The commitments, while valuable in their recognition of the need to address structural inequalities, are fundamentally contradictory. They reflect the expectation that governments are accountable for implementing policies designed to improve the equality and well-being of their people, while at the same time, they do little to challenge the international, regional and national market forces that undermine the ability of states to implement such policies. For example:

- There is a commitment to poverty eradication and an acceptance of the need to revise macro-economic policies to achieve this, but the actions and targets agreed by governments remain at the micro level, do not tackle the structural problems underlying the feminization of poverty, and over-emphasize poor women's access to credit for micro, small and medium-scale enterprises.
- There are commitments to ensure that international financial institutions' policies integrate social development and gender-equity principles, but there are no proposals for national and international mechanisms to monitor the practices of these key institutions, and ensure they are in compliance with human rights obligations.
- There are strong commitments to uphold women's economic and social rights, but no recognition of the erosion of state power to do so in the context of privatization.
- There is a recognition of the social problems associated with market forces, but also a continuing commitment to market-based solutions.
- There is an emphasis on promoting partnerships with the private sector, but there is hardly any reference to regulating the private sector, particularly corporations, and holding them accountable to social development goals and human rights standards. Indeed the only action specified is for national and international NGOs to establish monitoring mechanisms aimed at promoting accountability of the private sector.
- There is a commitment to people-centred sustainable development, but it is based on the assumption that economic growth will trickle down to the poor and will be sustainable.



- There is a commitment to the goal of full employment, but the means emphasized to achieve it are trade and investment liberalization. The role of governments in generating employment is limited to investment in human resources and entrepreneurial activity.
- There is a recognition of the importance of gender equality in development, but there is a tendency to simply add women on to inherently male-biased economic analyses and policies. For example, the concept of full employment is based on a male breadwinner model and does not address the role that women play in providing unpaid care for their families and communities and the double burden that women carry as a result of their entry into paid employment.
- There is a recognition of the links between women's unremunerated work and their increasing poverty, but the solution proposed is to develop a methodology to measure unremunerated work without specifying how to redress the inequities uncovered by the data and to use such data in macroeconomic policy-making.

Five years after the Copenhagen and Beijing agreements, there is a need to address these inconsistencies. An important step forward would be to identify further specific targets against which progress in implementing the Platform for Action can be judged. Even if all the data are not currently available, new targets will act as a stimulus for countries and international development agencies to produce them.

To promote discussion, and encourage agreement on further targets, here are some possible targets for consideration:

- end the disproportionate presence of women among the poor by 2015;
- close the gender gap in the enjoyment of leisure by 2015;
- introduce schemes of social protection for informal sector workers by 2015;
- raise women's share of administrative and managerial positions to at least 30 per cent by 2005 and to 50 per cent by 2015;
- raise women's share of seats in elected assemblies at the local level to at least 30 per cent by 2015;
- ensure that all women employees earn a living wage by 2015.

Box 16: Web-Based Sources of Information

Women's Human Rights

- Women's Human Rights Net: www.whrnet.org
- UN High Commission for Human Rights: www.unhchr.ch/
- UN CEDAW: www.un.org/womenwatch/daw/cedaw
- UN Division of the Advancement of Women: www.un.org/womenwatch/daw
- UNIFEM: www.undp.org/unifem/Beijing+5
- International Women's Rights Action Watch: www.igc.org/iwraw
- International Women's Rights Action Watch Asia Pacific: www.women-connect-asia.com/iwraw/index.htm

Monitoring Conference Commitments

- ILO: www.ilo.org/public/english/10ilc/ilc87/reports.htm
- OECD: www.oecd.org/dea/indicators
- Social Watch: www.socwatch.org.uy
- Women's Environment and Development Organization: www.wedo.org
- Women'sNet: www.womensnet.org.za
- Asian Women's Resource Network: jca.ax.apc.org/aworc or www.sequel.net/~isis
- Canadian Research Institute for the Advancement of Women: www.sympatico.ca