

Missing the mark on gender equality: Governments don't do enough to ensure womxn's rights to social protection and public services

A Joint response from trade unions, and feminist, womxn's rights and social justice organisations to the CSW63 Agreed Conclusions

The 63rd session of the Commission on the Status of Women saw vibrant participation of civil society, people's movements, trade unions, collectives of informal sector workers, sex workers' movements, feminists and womxn's organisations, many demanding universal social protection, gender responsive public services and infrastructure that is publicly funded, delivered and managed.

We laud the Commission achieving significant gains during its 63rd session March 8-22, 2019. We believe, however, that governments failed once again to show leadership and make commitments to center gender equality and womxn's economic and social rights and pursue systemic changes required to deal with intersecting crises. Moreover, we are deeply disappointed that governments did not uphold the universality of human rights and specifically recognise multiple and intersecting discrimination based on sexual orientation, gender identity, expression and sex characteristics.

In particular,

- Governments grappled with the immensely important intersections of social protection, public services, and infrastructure as key to gender equality and the promotion of rights and empowerment of womxn and girls.
 - We are concerned about the multiple explicit references to the private sector and the superficial call for the evaluation of the costs and benefits of private sector participation in social protection, public services and infrastructure. This flies in the face of existing evidence showing the disastrous and disproportionate impact of privatised services on womxn, girls and young people, and how Public-Private Partnerships (PPPs) are proven to be inefficient, more costly on the public purse, and unaffordable¹.
 - Although the Agreed Conclusions (AC) have called upon international financial institutions to support Member States in their efforts to enhance social protection systems, public services and infrastructure, it does little to counter their harmful role of loan conditionalities and policy advice. These institutions have been deliberate and instrumental in rolling back social protection, disinvestment in public services as well as curtailing states' power in developing public policy and expanding fiscal space to fund redistributive policies.²

¹ Eurodad, FEMNET and Gender and Development Network, 2019, "Can public-private partnerships deliver on gender equality?" <https://eurodad.org/ppp-gender>

² At this CSW63, as in previous years, feminist and women's rights organizations have put forward demands for tax justice and demonstrated the destructive impact of regressive tax policies on womxn's

- Despite mounting evidence of adverse human rights and gendered impacts of austerity and fiscal consolidation policies³, it is unconscionable that most governments in the North and the South aren't committing to finding just and sustainable macroeconomic and fiscal policy alternatives, and that international financial institutions and creditors continue with the same tired policy advice. For the past several years, womxn's organizations have raised the issue of tax and fiscal justice and its implications for womxn as well as for increasing domestic resources to fund quality and gender-responsive public services and make them accessible and affordable to womxn. The CSW in its past session as well as in this year's 63rd session has recognized the need to combat illicit financial flows; however governments and the CSW have to show stronger political will to follow through with concrete actions, such as calling for speedier and more effective tax and fiscal reforms to ease tax burdens on womxn and expand the fiscal space for financing public services, as well as building support for a UN tax body and in general for more transparent and gender responsive international financial architecture. In failing to go beyond mere acknowledgement of gendered impacts of austerity measures on womxn's human rights, governments have failed in their obligation to uphold principles of progressive realisation and non-retrogression of human rights.
- While the AC mentions ILO conventions and the Decent Work agenda in the preambular paragraphs, this is undermined by inconsistent referencing throughout the text. We are even more troubled by the AC adapting, or more precisely co-opting, the language of 'decent work' while emptying it of state commitments to the four pillars of the Decent Work Agenda⁴, in which the concept of rights at work, include freedom of association and collective bargaining. The right to strike⁵ is an intrinsic corollary of the fundamental right of freedom of association and is enshrined in international law (CESCR CCPR, etc).
- We note the recognition of womxn's overrepresentation in informal and non-standard forms of employment. However, governments failed to commit to reverse labour deregulation policies that are at the root of labour market inequalities, gender segregation of labour, and the undervaluation of sectors where womxn are concentrated.

rights and gender equality. Progressive tax policies and a determination to end tax evasion, avoidance and illicit financial flows that drain public resources across the globe are essential to ensure that public funding is available for social protection and public services.

³ The Independent Expert on Foreign Debt Juan Pablo Bohoslavsky in his recent report noted that over two thirds of countries around the world – most of them upon the advice of international financial institutions – are contracting their public purses and limiting, rather than expanding, their fiscal space. This means womxn face the triple jeopardy of austerity - simultaneously as public-sector workers, service users and the main recipients of social protection benefits [Impact of Economic Reforms and Austerity Measures on Women's Human Rights](#),

⁴ The Decent Work Agenda includes: 1) full and productive employment 2) rights at work, 3) social protection and 4) the promotion of social dialogue, including collective bargaining, with gender equality cutting across these four pillars, which is also SDG 8.

⁵ Cf remarks of the UN Special Rapporteur on the rights to peaceful assembly and of association, Maina Kai, 9 March 2017 "Un rights expert: Fundamental right to strike must be preserved." www.ohchr.org

- While we applaud commitments governments have made to recognise, reduce and redistribute womxn's unpaid and domestic work through a range of policy measures (including the extension of social protection measures to unpaid caregivers of all ages), we are dismayed by the fact that they failed to commit to universal, public provisioning of social protection, services and infrastructure.
- We are disappointed that some states, by objecting to its direct reference in the document, attempted to undermine the limited progress on migration governance made by the Global Compact on Migration. Moreover, some states urged the AC to commit to only "basic" service provision for migrants, attempting to disregard their obligations under human rights law.
- On the other hand, we are encouraged by the inclusion of language recognizing the need to protect the human rights of migrant womxn and girls "regardless of migration status". We welcome the overdue recognition of migrant womxn workers, including in the informal economy and their access to social protection. However, while language on the portability of social security for migrants was included and is critical, it could have been made stronger with references to social protection floors and cooperation between countries of origin and destination.
- It is important to note that many of the broader wins in the AC are also wins for womxn migrants: the reference to a living wage for womxn working in the delivery of public services; and that womxn's access to social protection is often restricted when tied to formal employment. These are critical wins for many migrant womxn workers.
- We welcome governments' recognition that trafficking is a consequence of structural factors including poverty, unemployment, lack of socio-economic opportunities, lack of social protection, pervasive gender inequality and violence, discrimination and marginalisation. We regret, however, that not enough is done to address the root causes of diverse forms of trafficking and the systemic exploitation of womxn's labour in a most dangerous, unpaid, undervalued and slavery-like working conditions as experienced by majority of womxn in the global south. The increased focus on addressing the 'demand' side falls short of a human rights based approach that seeks to ensure decent work for all womxn protection of all womxn's labour rights and access to public services and justice, regardless of sector of work and including those in the informal economy. It is also critically important for member states to center their commitments and strategies to protect the freedom of movement and human rights of migrants, refugees and internally displaced persons, particularly womxn, to address the root causes of trafficking.

Finally, we are alarmed by the influence of right wing forces and religious fundamentalists not only at the CSW, but in other multilateral spaces and the international human rights system⁶. These anti-rights organisations are intent on eroding hard fought gains by womxn's rights, feminist and LGBTQIANB+ activists. They continue to attack sexual and reproductive health and rights (including abortion) comprehensive sexuality education, the rights of LGBTQIANB+ people, and impose regressive notions of the heteronormative family. The cyber threats and intimidation directed at Her Excellency Koki Muli from Kenya, the facilitator of the Agreed Conclusions for CSW63, were a reprehensible manifestation of this. Their growing influence in these global normative platforms may be indicative of how well funded these organizations are as compared to overwhelming number of grassroots womxn in the global south who have little

⁶ Observatory on the Universality of Rights Trends Report, 2017, Rights at Risk <https://www.oursplatform.org/resource/rights-risk-trends-report-2017/>

means to participate in such platforms. Secondly such alarming presence of right wing forces signals the need for governments as well as civil society and womxn's movements to defend and protect the hard earned progress in strengthening global commitments on human rights and gender equality. We also note with alarm the growing trend of the private sector gaining increasing influence in multilateral spaces, often at the open invitation of the UN itself. We believe this is an erosion of the UN's mandate. The UN and governments invite corporations as stakeholders discounting the very important distinction between them, civil society, social movements, governments and the UN. Unlike other actors, corporations have a primary duty is to serve the interests of their owners, creditors and shareholders.

While the Commission has done well in opening up spaces for civil society participation, its principal mandate is dedicated to the promotion of gender equality and the rights and empowerment of womxn and should therefore take a leading role in defending or protecting the gains and progress that have been achieved toward realizing gender equality and the empowerment of womxn even against the attacks of forces—whether religious or neoliberal -- which want to undermine or pose obstacles to such progress.

Signatories:

ActionAid

APWLD - Asia Pacific Forum on Women, Law and Development

APMDD - Asian Peoples` Movement on Debt and Development

GAATW - Global Alliance Against Traffic in Women

Public Services International

World March of Women - Kenya

