

SUBSTANTIVE EQUALITY FOR WOMEN

CONNECTING HUMAN RIGHTS AND PUBLIC POLICY



Paola Cagna

Report of a research-advocacy-policy workshop
organized by UNRISD, UN Women and OHCHR
15 June 2015, Geneva

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Acronyms

CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
ETO	Extraterritorial obligation
GDP	Gross domestic product
ICESCR	International Covenant of the Economic, Social and Cultural Rights
OHCHR	Office of the High Commissioner for Human Rights
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNRISD	United Nations Research Institute for Social Development
VAT	Value added tax

1. Introduction

At a time when significant improvement in gender equality has been achieved in some areas—almost equal access to education for girls and boys, increased numbers of women in the world of work, more female political leaders and increased public attention to violence against women—there are still glaring gaps between progress at the legal and normative level and the realities on the ground. The advancement of women's rights requires bridging these gaps to achieve substantive gender equality, that is, equal recognition, exercise and enjoyment of economic, social and cultural rights by women and men.

The research-advocacy-policy workshop *Substantive Equality for Women: Connecting Human Rights and Public Policy* was jointly organized by the United Nations Research Institute for Social Development (UNRISD), UN Women and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva on 15 June 2015. It aimed at establishing a dialogue between key individuals from human rights' bodies, UN agencies, civil society and academia about ways of making concrete and implementing the policy recommendations from the UN Women 2015 flagship report, *Progress of the World's Women: Transforming Economies, Realizing Rights*. Participants focused on how economic and social policy can contribute to advancing women's economic and social rights within the UN system and beyond. This report summarizes the rich discussions across the workshop sessions (see box 5 for the workshop agenda). When possible, ideas and recommendations are attributed to speakers and participants.

2. From Formal to Substantive Gender Equality

Formal gender equality refers to the adoption of laws and policies that guarantee equal treatment and opportunities for women and men, eliminating all instances of legal discrimination. Nonetheless, legal transformation is not enough. It is a crucial pre-condition for gender equality, but it does not change patriarchal values, institutions and structures on which the existing social and economic systems are funded and that relegate women to a disadvantaged position (C. Mokhiber). The international human rights framework in general, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the International Covenant of the Economic, Social and Cultural Rights (ICESCR) in particular, acknowledge these limitations and recognize that discrimination can be “indirect” or unintended—for example, public work schemes can indirectly discriminate against certain groups of women such as pregnant or disabled women, who cannot join these schemes because of the physically hard work.

CEDAW and ICESCR adopt a *substantive understanding of gender equality*, that is to say, the equality of results, the equal exercise and enjoyment of social and economic rights by women and men in practice, and the indivisibility of these rights. Substantive gender equality means moving beyond legal changes to ensure all groups of women and girls enjoy their rights on equal terms as men and boys. To achieve equal outcomes, power imbalances between women and men and among women have to be recognized and fundamentally changed. According to the international human rights framework, the state is obliged to create an enabling environment for achieving substantive gender equality, not only by respecting women's human rights but also by protecting these rights and guaranteeing that they are fulfilled (C. Mokhiber; C. Verschuur; F. Raday; S. Razavi).

The translation of formal into substantive gender equality can be hampered by structural constraints, including entrenched power inequalities as well as discriminatory social norms and stereotypes. Hence, substantive gender equality demands no less than the radical transformation of the patriarchal institutions and structures that prevent women from fully enjoying human rights by simultaneously:

- i. redressing women's socioeconomic disadvantage;
- ii. addressing stereotyping, stigma and violence; and
- iii. strengthening women's agency, voice and participation.

States must be proactive and take measures on all three fronts to address indirect discrimination and the underlying causes of gender inequality (S. Razavi).

3. Redressing Women's Socioeconomic Disadvantage by Transforming Economic and Social Policy

Social and economic policies can be conducive to achieving substantive gender equality (M. Molyneux; S. Razavi). However, if their design ignores women's and men's specific experiences and needs, they run the risk of playing against women's human rights, reinforcing existing gender inequalities. For instance, austerity has proved to impact women and men differently, exacerbating women's social and economic disadvantage and violating their human rights when social expenditure and services are cut (C. Mokhiber).

Because policies are built on deliberate choices, they are not carved in stone and can be radically rethought along human rights and social justice frameworks. When guided by human rights principles and standards, policy choices are able to address power imbalances, transforming the systems and institutions that produce and reproduce gender inequality. When anchored within a social justice framework—because women's human rights cannot be divorced from the broader question of social justice—policies do ensure that everybody enjoys their rights.

Labour, social and macroeconomic policies specifically contribute to achieving substantive gender equality. At the same time, all these policy domains are interconnected and influence each other in ensuring income security and an adequate standard of living for both women and men (S. Razavi; V. Esquivel; M. Molyneux).

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